

132nd General Assembly
Regular Session
2017-2018

. B. No.

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6111.033, and 6111.40 of the Revised Code; to 302
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sections 109.572, 121.22, 3701.83, 4713.10, 305
4713.56, 4731.07, 4731.224, and 4776.01 of the 306
Revised Code effective January 21, 2018; to repeal 307
section 5166.35 of the Revised Code effective 308
January 1, 2019; and to repeal section 5124.17 and 309
enact new section 5124.17 of the Revised Code 310
effective July 1, 2018; to amend for the purpose 311
of codifying and changing the number of Section 312
369.540 of Am. Sub. H.B. 64 of the 131st General 313
Assembly to section 3333.95 of the Revised Code; 314
to amend for the purpose of codifying and changing 315
the number of Section 529.10 of S.B. 310 of the 316
131st General Assembly to section 123.211 of the 317
Revised Code; to amend Section 203.10 of S.B. 310 318
of the 131st General Assembly, as subsequently 319
amended, Sections 125.10 and 125.11 of Am. Sub. 320
H.B. 59 of the 130th General Assembly, as 321
subsequently amended, and Section 2 of Am. Sub. 322

S.B. 1 of the 130th General Assembly, as 323
subsequently amended; and to repeal Section 7 of 324
Am. Sub. H.B. 52 of the 131st General Assembly to 325
make operating appropriations for the biennium 326
beginning July 1, 2017, and ending June 30, 2019, 327
and to provide authorization and conditions for 328
the operation of state programs. 329

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

Section 101.01. That sections 101.38, 102.02, 102.022, 330
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5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 519
5168.86, 5502.1321, 5703.0510, 5718.01, 5718.02, 5718.04, 520
5718.041, 5718.05, 5718.051, 5718.06, 5718.07, 5718.08, 5718.10, 521
5718.12, 5718.13, 5718.15, 5718.19, 5718.23, 5718.24, 5718.27, 522
5718.35, 5718.41, 5718.97, 5718.99, 5739.18, 5747.503, 5747.504, 523
5748.10, 5907.17, 6111.561, 6301.111, 6301.112, 6301.20, and 524
6301.21 of the Revised Code be enacted to read as follows: 525

Sec. 101.38. (A) As used in this section, "relative" means a 526
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 527
child-in-law, grandparent, aunt, or uncle. 528

(B) There is hereby created the Ohio cystic fibrosis 529
legislative task force to study and make recommendations on issues 530
pertaining to the care and treatment of individuals with cystic 531
fibrosis. The task force shall study and make recommendations on 532
the following issues: 533

(1) Use of prescription drug and innovative therapies under 534
the program for medically handicapped children established under 535
section 3701.023 of the Revised Code ~~and~~, the program for adults 536
with cystic fibrosis administered by the department of health 537
under division ~~(G)~~(H) of that section, and the program established 538
under section 5160.51 of the Revised Code; 539

(2) Screening of newborn children for the presence of genetic 540
disorders, as required under section 3701.501 of the Revised Code; 541

(3) Any other issues the task force considers appropriate. 542

(C) The task force shall consist of the following members, 543
each with the authority to vote on matters before the task force: 544

(1) Three members of the senate: two appointed by the 545
president of the senate from the majority party and one appointed 546
by the minority leader of the senate; 547

(2) Three members of the house of representatives: two 548
appointed by the speaker of the house of representatives from the 549
majority party and one appointed by the minority leader of the 550
house of representatives; 551

(3) Three members, at least two of whom have been diagnosed 552
with cystic fibrosis or are relatives of individuals who have been 553
diagnosed with cystic fibrosis, appointed by the president of the 554
senate; 555

(4) Three members, at least two of whom have been diagnosed 556
with cystic fibrosis or are relatives of individuals who have been 557
diagnosed with cystic fibrosis, appointed by the speaker of the 558
house of representatives. 559

Initial members shall be appointed not later than sixty days 560
after ~~the effective date of this section~~ May 18, 2005. 561

(D) Each member of the task force shall serve a one-year term 562
that ends on the same day of the same month as did the term that 563
it succeeds. Members may be reappointed. 564

(E) A vacancy shall be filled in the same manner as the 565
original appointment. Any member appointed to fill a vacancy 566
occurring prior to the expiration date of the term for which the 567
member's predecessor was appointed shall hold office as a member 568
for the remainder of that term. 569

A member shall continue in office subsequent to the 570
expiration date of the member's term until a successor takes 571
office or until a period of sixty days has elapsed, whichever 572

occurs first. 573

(F) Members of the task force shall elect a chair to serve a 574
term of one year. A vacancy of the chair position shall be filled 575
by election. 576

(G) Members of the task force shall receive no compensation, 577
except to the extent that serving as a member is part of the 578
individual's regular duties of employment and except for the 579
reimbursement of expenses that may be provided under division (H) 580
of this section. 581

(H) The task force may solicit and accept grants from public 582
and private sources. Grant funds may be used to reimburse members 583
for expenses incurred in the performance of official task force 584
duties and to pursue initiatives pertaining to the care and 585
treatment of individuals with cystic fibrosis. 586

(I) A majority of the members of the task force constitutes a 587
quorum for the conduct of task force meetings. 588

Sec. 102.02. (A)(1) Except as otherwise provided in division 589
(H) of this section, all of the following shall file with the 590
appropriate ethics commission the disclosure statement described 591
in this division on a form prescribed by the appropriate 592
commission: every person who is elected to or is a candidate for a 593
state, county, or city office and every person who is appointed to 594
fill a vacancy for an unexpired term in such an elective office; 595
all members of the state board of education; the director, 596
assistant directors, deputy directors, division chiefs, or persons 597
of equivalent rank of any administrative department of the state; 598
the president or other chief administrative officer of every state 599
institution of higher education as defined in section 3345.011 of 600
the Revised Code; the executive director and the members of the 601
capitol square review and advisory board appointed or employed 602
pursuant to section 105.41 of the Revised Code; all members of the 603

Ohio casino control commission, the executive director of the 604
commission, all professional employees of the commission, and all 605
technical employees of the commission who perform an internal 606
audit function; the individuals set forth in division (B)(2) of 607
section 187.03 of the Revised Code; the chief executive officer 608
and the members of the board of each state retirement system; each 609
employee of a state retirement board who is a state retirement 610
system investment officer licensed pursuant to section 1707.163 of 611
the Revised Code; the members of the Ohio retirement study council 612
appointed pursuant to division (C) of section 171.01 of the 613
Revised Code; employees of the Ohio retirement study council, 614
other than employees who perform purely administrative or clerical 615
functions; the administrator of workers' compensation and each 616
member of the bureau of workers' compensation board of directors; 617
the bureau of workers' compensation director of investments; the 618
chief investment officer of the bureau of workers' compensation; 619
all members of the board of commissioners on grievances and 620
discipline of the supreme court and the ethics commission created 621
under section 102.05 of the Revised Code; every business manager, 622
treasurer, or superintendent of a city, local, exempted village, 623
joint vocational, or cooperative education school district or an 624
educational service center; every person who is elected to or is a 625
candidate for the office of member of a board of education of a 626
city, local, exempted village, joint vocational, or cooperative 627
education school district or of a governing board of an 628
educational service center that has a total student count of 629
twelve thousand or more as most recently determined by the 630
department of education pursuant to section 3317.03 of the Revised 631
Code; every person who is appointed to the board of education of a 632
municipal school district pursuant to division (B) or (F) of 633
section 3311.71 of the Revised Code; all members of the board of 634
directors of a sanitary district that is established under Chapter 635
6115. of the Revised Code and organized wholly for the purpose of 636

providing a water supply for domestic, municipal, and public use, 637
and that includes two municipal corporations in two counties; 638
every public official or employee who is paid a salary or wage in 639
accordance with schedule C of section 124.15 or schedule E-2 of 640
section 124.152 of the Revised Code; members of the board of 641
trustees and the executive director of the southern Ohio 642
agricultural and community development foundation; all members 643
appointed to the Ohio livestock care standards board under section 644
904.02 of the Revised Code; all entrepreneurs in residence 645
assigned by the LeanOhio office in the department of 646
administrative services under section 125.65 of the Revised Code 647
and every other public official or employee who is designated by 648
the appropriate ethics commission pursuant to division (B) of this 649
section. 650

(2) The disclosure statement shall include all of the 651
following: 652

(a) The name of the person filing the statement and each 653
member of the person's immediate family and all names under which 654
the person or members of the person's immediate family do 655
business; 656

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 657
section and except as otherwise provided in section 102.022 of the 658
Revised Code, identification of every source of income, other than 659
income from a legislative agent identified in division 660
(A)(2)(b)(ii) of this section, received during the preceding 661
calendar year, in the person's own name or by any other person for 662
the person's use or benefit, by the person filing the statement, 663
and a brief description of the nature of the services for which 664
the income was received. If the person filing the statement is a 665
member of the general assembly, the statement shall identify the 666
amount of every source of income received in accordance with the 667
following ranges of amounts: zero or more, but less than one 668

thousand dollars; one thousand dollars or more, but less than ten 669
thousand dollars; ten thousand dollars or more, but less than 670
twenty-five thousand dollars; twenty-five thousand dollars or 671
more, but less than fifty thousand dollars; fifty thousand dollars 672
or more, but less than one hundred thousand dollars; and one 673
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 674
section shall not be construed to require a person filing the 675
statement who derives income from a business or profession to 676
disclose the individual items of income that constitute the gross 677
income of that business or profession, except for those individual 678
items of income that are attributable to the person's or, if the 679
income is shared with the person, the partner's, solicitation of 680
services or goods or performance, arrangement, or facilitation of 681
services or provision of goods on behalf of the business or 682
profession of clients, including corporate clients, who are 683
legislative agents. A person who files the statement under this 684
section shall disclose the identity of and the amount of income 685
received from a person who the public official or employee knows 686
or has reason to know is doing or seeking to do business of any 687
kind with the public official's or employee's agency. 688

(ii) If the person filing the statement is a member of the 689
general assembly, the statement shall identify every source of 690
income and the amount of that income that was received from a 691
legislative agent during the preceding calendar year, in the 692
person's own name or by any other person for the person's use or 693
benefit, by the person filing the statement, and a brief 694
description of the nature of the services for which the income was 695
received. Division (A)(2)(b)(ii) of this section requires the 696
disclosure of clients of attorneys or persons licensed under 697
section 4732.12 of the Revised Code, or patients of persons 698
~~certified~~ licensed under section 4731.14 of the Revised Code, if 699
those clients or patients are legislative agents. Division 700
(A)(2)(b)(ii) of this section requires a person filing the 701

statement who derives income from a business or profession to 702
disclose those individual items of income that constitute the 703
gross income of that business or profession that are received from 704
legislative agents. 705

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 706
of this section, division (A)(2)(b)(i) of this section applies to 707
attorneys, physicians, and other persons who engage in the 708
practice of a profession and who, pursuant to a section of the 709
Revised Code, the common law of this state, a code of ethics 710
applicable to the profession, or otherwise, generally are required 711
not to reveal, disclose, or use confidences of clients, patients, 712
or other recipients of professional services except under 713
specified circumstances or generally are required to maintain 714
those types of confidences as privileged communications except 715
under specified circumstances. Division (A)(2)(b)(i) of this 716
section does not require an attorney, physician, or other 717
professional subject to a confidentiality requirement as described 718
in division (A)(2)(b)(iii) of this section to disclose the name, 719
other identity, or address of a client, patient, or other 720
recipient of professional services if the disclosure would 721
threaten the client, patient, or other recipient of professional 722
services, would reveal details of the subject matter for which 723
legal, medical, or professional advice or other services were 724
sought, or would reveal an otherwise privileged communication 725
involving the client, patient, or other recipient of professional 726
services. Division (A)(2)(b)(i) of this section does not require 727
an attorney, physician, or other professional subject to a 728
confidentiality requirement as described in division 729
(A)(2)(b)(iii) of this section to disclose in the brief 730
description of the nature of services required by division 731
(A)(2)(b)(i) of this section any information pertaining to 732
specific professional services rendered for a client, patient, or 733
other recipient of professional services that would reveal details 734

of the subject matter for which legal, medical, or professional 735
advice was sought or would reveal an otherwise privileged 736
communication involving the client, patient, or other recipient of 737
professional services. 738

(c) The name of every corporation on file with the secretary 739
of state that is incorporated in this state or holds a certificate 740
of compliance authorizing it to do business in this state, trust, 741
business trust, partnership, or association that transacts 742
business in this state in which the person filing the statement or 743
any other person for the person's use and benefit had during the 744
preceding calendar year an investment of over one thousand dollars 745
at fair market value as of the thirty-first day of December of the 746
preceding calendar year, or the date of disposition, whichever is 747
earlier, or in which the person holds any office or has a 748
fiduciary relationship, and a description of the nature of the 749
investment, office, or relationship. Division (A)(2)(c) of this 750
section does not require disclosure of the name of any bank, 751
savings and loan association, credit union, or building and loan 752
association with which the person filing the statement has a 753
deposit or a withdrawable share account. 754

(d) All fee simple and leasehold interests to which the 755
person filing the statement holds legal title to or a beneficial 756
interest in real property located within the state, excluding the 757
person's residence and property used primarily for personal 758
recreation; 759

(e) The names of all persons residing or transacting business 760
in the state to whom the person filing the statement owes, in the 761
person's own name or in the name of any other person, more than 762
one thousand dollars. Division (A)(2)(e) of this section shall not 763
be construed to require the disclosure of debts owed by the person 764
resulting from the ordinary conduct of a business or profession or 765
debts on the person's residence or real property used primarily 766

for personal recreation, except that the superintendent of 767
financial institutions shall disclose the names of all 768
state-chartered savings and loan associations and of all service 769
corporations subject to regulation under division (E)(2) of 770
section 1151.34 of the Revised Code to whom the superintendent in 771
the superintendent's own name or in the name of any other person 772
owes any money, and that the superintendent and any deputy 773
superintendent of banks shall disclose the names of all 774
state-chartered banks and all bank subsidiary corporations subject 775
to regulation under section 1109.44 of the Revised Code to whom 776
the superintendent or deputy superintendent owes any money. 777

(f) The names of all persons residing or transacting business 778
in the state, other than a depository excluded under division 779
(A)(2)(c) of this section, who owe more than one thousand dollars 780
to the person filing the statement, either in the person's own 781
name or to any person for the person's use or benefit. Division 782
(A)(2)(f) of this section shall not be construed to require the 783
disclosure of clients of attorneys or persons licensed under 784
section 4732.12 of the Revised Code, or patients of persons 785
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 786
the disclosure of debts owed to the person resulting from the 787
ordinary conduct of a business or profession. 788

(g) Except as otherwise provided in section 102.022 of the 789
Revised Code, the source of each gift of over seventy-five 790
dollars, or of each gift of over twenty-five dollars received by a 791
member of the general assembly from a legislative agent, received 792
by the person in the person's own name or by any other person for 793
the person's use or benefit during the preceding calendar year, 794
except gifts received by will or by virtue of section 2105.06 of 795
the Revised Code, or received from spouses, parents, grandparents, 796
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 797
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 798

fathers-in-law, mothers-in-law, or any person to whom the person 799
filing the statement stands in loco parentis, or received by way 800
of distribution from any inter vivos or testamentary trust 801
established by a spouse or by an ancestor; 802

(h) Except as otherwise provided in section 102.022 of the 803
Revised Code, identification of the source and amount of every 804
payment of expenses incurred for travel to destinations inside or 805
outside this state that is received by the person in the person's 806
own name or by any other person for the person's use or benefit 807
and that is incurred in connection with the person's official 808
duties, except for expenses for travel to meetings or conventions 809
of a national or state organization to which any state agency, 810
including, but not limited to, any legislative agency or state 811
institution of higher education as defined in section 3345.011 of 812
the Revised Code, pays membership dues, or any political 813
subdivision or any office or agency of a political subdivision 814
pays membership dues; 815

(i) Except as otherwise provided in section 102.022 of the 816
Revised Code, identification of the source of payment of expenses 817
for meals and other food and beverages, other than for meals and 818
other food and beverages provided at a meeting at which the person 819
participated in a panel, seminar, or speaking engagement or at a 820
meeting or convention of a national or state organization to which 821
any state agency, including, but not limited to, any legislative 822
agency or state institution of higher education as defined in 823
section 3345.011 of the Revised Code, pays membership dues, or any 824
political subdivision or any office or agency of a political 825
subdivision pays membership dues, that are incurred in connection 826
with the person's official duties and that exceed one hundred 827
dollars aggregated per calendar year; 828

(j) If the disclosure statement is filed by a public official 829
or employee described in division (B)(2) of section 101.73 of the 830

Revised Code or division (B)(2) of section 121.63 of the Revised 831
Code who receives a statement from a legislative agent, executive 832
agency lobbyist, or employer that contains the information 833
described in division (F)(2) of section 101.73 of the Revised Code 834
or division (G)(2) of section 121.63 of the Revised Code, all of 835
the nondisputed information contained in the statement delivered 836
to that public official or employee by the legislative agent, 837
executive agency lobbyist, or employer under division (F)(2) of 838
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 839

(3) A person may file a statement required by this section in 840
person, by mail, or by electronic means. 841

(4) A person who is required to file a statement under this 842
section shall file that statement according to the following 843
deadlines, as applicable: 844

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 845
and (d) of this section, the person shall file the statement not 846
later than the fifteenth day of May of each year. 847

(b) A person who is a candidate for elective office shall 848
file the statement no later than the thirtieth day before the 849
primary, special, or general election at which the candidacy is to 850
be voted on, whichever election occurs soonest, except that a 851
person who is a write-in candidate shall file the statement no 852
later than the twentieth day before the earliest election at which 853
the person's candidacy is to be voted on. 854

(c) A person who is appointed to fill a vacancy for an 855
unexpired term in an elective office shall file the statement 856
within fifteen days after the person qualifies for office. 857

(d) A person who is appointed or employed after the fifteenth 858
day of May, other than a person described in division (A)(4)(c) of 859
this section, shall file an annual statement within ninety days 860
after appointment or employment. 861

(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and

superintendents of city, local, exempted village, joint 894
vocational, or cooperative education school districts or 895
educational service centers shall be kept confidential, except 896
that any person conducting an audit of any such school district or 897
educational service center pursuant to section 115.56 or Chapter 898
117. of the Revised Code may examine the disclosure statement of 899
any business manager, treasurer, or superintendent of that school 900
district or educational service center. Disclosure statements 901
filed with the Ohio ethics commission under division (A) of this 902
section by the individuals set forth in division (B)(2) of section 903
187.03 of the Revised Code shall be kept confidential. The Ohio 904
ethics commission shall examine each disclosure statement required 905
to be kept confidential to determine whether a potential conflict 906
of interest exists for the person who filed the disclosure 907
statement. A potential conflict of interest exists if the private 908
interests of the person, as indicated by the person's disclosure 909
statement, might interfere with the public interests the person is 910
required to serve in the exercise of the person's authority and 911
duties in the person's office or position of employment. If the 912
commission determines that a potential conflict of interest 913
exists, it shall notify the person who filed the disclosure 914
statement and shall make the portions of the disclosure statement 915
that indicate a potential conflict of interest subject to public 916
inspection in the same manner as is provided for other disclosure 917
statements. Any portion of the disclosure statement that the 918
commission determines does not indicate a potential conflict of 919
interest shall be kept confidential by the commission and shall 920
not be made subject to public inspection, except as is necessary 921
for the enforcement of Chapters 102. and 2921. of the Revised Code 922
and except as otherwise provided in this division. 923

(C) No person shall knowingly fail to file, on or before the 924
applicable filing deadline established under this section, a 925
statement that is required by this section. 926

(D) No person shall knowingly file a false statement that is 927
required to be filed under this section. 928

(E)(1) Except as provided in divisions (E)(2) and (3) of this 929
section, the statement required by division (A) or (B) of this 930
section shall be accompanied by a filing fee of sixty dollars. 931

(2) The statement required by division (A) of this section 932
shall be accompanied by the following filing fee to be paid by the 933
person who is elected or appointed to, or is a candidate for, any 934
of the following offices: 935

For state office, except member of the		936
state board of education	\$95	937
For office of member of general assembly	\$40	938
For county office	\$60	939
For city office	\$35	940
For office of member of the state board		941
of education	\$35	942
For office of member of a city, local,		943
exempted village, or cooperative		944
education board of		945
education or educational service		946
center governing board	\$30	947
For position of business manager,		948
treasurer, or superintendent of a		949
city, local, exempted village, joint		950
vocational, or cooperative education		951
school district or		952
educational service center	\$30	953

(3) No judge of a court of record or candidate for judge of a 954
court of record, and no referee or magistrate serving a court of 955
record, shall be required to pay the fee required under division 956
(E)(1) or (2) or (F) of this section. 957

(4) For any public official who is appointed to a nonelective 958

office of the state and for any employee who holds a nonelective 959
position in a public agency of the state, the state agency that is 960
the primary employer of the state official or employee shall pay 961
the fee required under division (E)(1) or (F) of this section. 962

(F) If a statement required to be filed under this section is 963
not filed by the date on which it is required to be filed, the 964
appropriate ethics commission shall assess the person required to 965
file the statement a late filing fee of ten dollars for each day 966
the statement is not filed, except that the total amount of the 967
late filing fee shall not exceed two hundred fifty dollars. 968

(G)(1) The appropriate ethics commission other than the Ohio 969
ethics commission and the joint legislative ethics committee shall 970
deposit all fees it receives under divisions (E) and (F) of this 971
section into the general revenue fund of the state. 972

(2) The Ohio ethics commission shall deposit all receipts, 973
including, but not limited to, fees it receives under divisions 974
(E) and (F) of this section, investigative or other fees, costs, 975
or other funds it receives as a result of court orders, and all 976
moneys it receives from settlements under division (G) of section 977
102.06 of the Revised Code, into the Ohio ethics commission fund, 978
which is hereby created in the state treasury. All moneys credited 979
to the fund shall be used solely for expenses related to the 980
operation and statutory functions of the commission. 981

(3) The joint legislative ethics committee shall deposit all 982
receipts it receives from the payment of financial disclosure 983
statement filing fees under divisions (E) and (F) of this section 984
into the joint legislative ethics committee investigative fund. 985

(H) Division (A) of this section does not apply to a person 986
elected or appointed to the office of precinct, ward, or district 987
committee member under Chapter 3517. of the Revised Code; a 988
presidential elector; a delegate to a national convention; village 989

or township officials and employees; any physician or psychiatrist 990
who is paid a salary or wage in accordance with schedule C of 991
section 124.15 or schedule E-2 of section 124.152 of the Revised 992
Code and whose primary duties do not require the exercise of 993
administrative discretion; or any member of a board, commission, 994
or bureau of any county or city who receives less than one 995
thousand dollars per year for serving in that position. 996

Sec. 102.022. Each person who is an officer or employee of a 997
political subdivision, who receives compensation of less than 998
sixteen thousand dollars a year for holding an office or position 999
of employment with that political subdivision, and who is required 1000
to file a statement under section 102.02 of the Revised Code; each 1001
member of the board of trustees of a state institution of higher 1002
education as defined in section 3345.011 of the Revised Code who 1003
is required to file a statement under section 102.02 of the 1004
Revised Code; and each individual set forth in division (B)(2) of 1005
section 187.03 of the Revised Code who is required to file a 1006
statement under section 102.02 of the Revised Code, shall include 1007
in that statement, in place of the information required by 1008
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1009
following information: 1010

(A) Exclusive of reasonable expenses, identification of every 1011
source of income over five hundred dollars received during the 1012
preceding calendar year, in the officer's or employee's own name 1013
or by any other person for the officer's or employee's use or 1014
benefit, by the person filing the statement, and a brief 1015
description of the nature of the services for which the income was 1016
received. This division shall not be construed to require the 1017
disclosure of clients of attorneys or persons licensed under 1018
section 4732.12 of the Revised Code or patients of persons 1019
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1020
division shall not be construed to require a person filing the 1021

statement who derives income from a business or profession to 1022
disclose the individual items of income that constitute the gross 1023
income of the business or profession. 1024

(B) The source of each gift of over five hundred dollars 1025
received by the person in the officer's or employee's own name or 1026
by any other person for the officer's or employee's use or benefit 1027
during the preceding calendar year, except gifts received by will 1028
or by virtue of section 2105.06 of the Revised Code, received from 1029
parents, grandparents, children, grandchildren, siblings, nephews, 1030
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1031
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1032
any person to whom the person filing the statement stands in loco 1033
parentis, or received by way of distribution from any inter vivos 1034
or testamentary trust established by a spouse or by an ancestor. 1035

Sec. 102.03. (A)(1) No present or former public official or 1036
employee shall, during public employment or service or for twelve 1037
months thereafter, represent a client or act in a representative 1038
capacity for any person on any matter in which the public official 1039
or employee personally participated as a public official or 1040
employee through decision, approval, disapproval, recommendation, 1041
the rendering of advice, investigation, or other substantial 1042
exercise of administrative discretion. 1043

(2) For twenty-four months after the conclusion of service, 1044
no former commissioner or attorney examiner of the public 1045
utilities commission shall represent a public utility, as defined 1046
in section 4905.02 of the Revised Code, or act in a representative 1047
capacity on behalf of such a utility before any state board, 1048
commission, or agency. 1049

(3) For twenty-four months after the conclusion of employment 1050
or service, no former public official or employee who personally 1051
participated as a public official or employee through decision, 1052

approval, disapproval, recommendation, the rendering of advice, 1053
the development or adoption of solid waste management plans, 1054
investigation, inspection, or other substantial exercise of 1055
administrative discretion under Chapter 343. or 3734. of the 1056
Revised Code shall represent a person who is the owner or operator 1057
of a facility, as defined in section 3734.01 of the Revised Code, 1058
or who is an applicant for a permit or license for a facility 1059
under that chapter, on any matter in which the public official or 1060
employee personally participated as a public official or employee. 1061

(4) For a period of one year after the conclusion of 1062
employment or service as a member or employee of the general 1063
assembly, no former member or employee of the general assembly 1064
shall represent, or act in a representative capacity for, any 1065
person on any matter before the general assembly, any committee of 1066
the general assembly, or the controlling board. Division (A)(4) of 1067
this section does not apply to or affect a person who separates 1068
from service with the general assembly on or before December 31, 1069
1995. As used in division (A)(4) of this section "person" does not 1070
include any state agency or political subdivision of the state. 1071

(5) As used in divisions (A)(1), (2), and (3) of this 1072
section, "matter" includes any case, proceeding, application, 1073
determination, issue, or question, but does not include the 1074
proposal, consideration, or enactment of statutes, rules, 1075
ordinances, resolutions, or charter or constitutional amendments. 1076
As used in division (A)(4) of this section, "matter" includes the 1077
proposal, consideration, or enactment of statutes, resolutions, or 1078
constitutional amendments. As used in division (A) of this 1079
section, "represent" includes any formal or informal appearance 1080
before, or any written or oral communication with, any public 1081
agency on behalf of any person. 1082

(6) Nothing contained in division (A) of this section shall 1083
prohibit, during such period, a former public official or employee 1084

from being retained or employed to represent, assist, or act in a
representative capacity for the public agency by which the public
official or employee was employed or on which the public official
or employee served.

(7) Division (A) of this section shall not be construed to
prohibit the performance of ministerial functions, including, but
not limited to, the filing or amendment of tax returns,
applications for permits and licenses, incorporation papers, and
other similar documents.

(8) Division (A) of this section does not prohibit a
nonelected public official or employee of a state agency, as
defined in section 1.60 of the Revised Code, from becoming a
public official or employee of another state agency. Division (A)
of this section does not prohibit such an official or employee
from representing or acting in a representative capacity for the
official's or employee's new state agency on any matter in which
the public official or employee personally participated as a
public official or employee at the official's or employee's former
state agency. However, no public official or employee of a state
agency shall, during public employment or for twelve months
thereafter, represent or act in a representative capacity for the
official's or employee's new state agency on any audit or
investigation pertaining to the official's or employee's new state
agency in which the public official or employee personally
participated at the official's or employee's former state agency
through decision, approval, disapproval, recommendation, the
rendering of advice, investigation, or other substantial exercise
of administrative discretion.

(9) Division (A) of this section does not prohibit a
nonelected public official or employee of a political subdivision
from becoming a public official or employee of a different
department, division, agency, office, or unit of the same

political subdivision. Division (A) of this section does not 1117
prohibit such an official or employee from representing or acting 1118
in a representative capacity for the official's or employee's new 1119
department, division, agency, office, or unit on any matter in 1120
which the public official or employee personally participated as a 1121
public official or employee at the official's or employee's former 1122
department, division, agency, office, or unit of the same 1123
political subdivision. As used in this division, "political 1124
subdivision" means a county, township, municipal corporation, or 1125
any other body corporate and politic that is responsible for 1126
government activities in a geographic area smaller than that of 1127
the state. 1128

(10) No present or former Ohio casino control commission 1129
official shall, during public service or for two years thereafter, 1130
represent a client, be employed or compensated by a person 1131
regulated by the commission, or act in a representative capacity 1132
for any person on any matter before or concerning the commission. 1133

No present or former commission employee shall, during public 1134
employment or for two years thereafter, represent a client or act 1135
in a representative capacity on any matter in which the employee 1136
personally participated as a commission employee through decision, 1137
approval, disapproval, recommendation, the rendering of advice, 1138
investigation, or other substantial exercise of administrative 1139
discretion. 1140

(B) No present or former public official or employee shall 1141
disclose or use, without appropriate authorization, any 1142
information acquired by the public official or employee in the 1143
course of the public official's or employee's official duties that 1144
is confidential because of statutory provisions, or that has been 1145
clearly designated to the public official or employee as 1146
confidential when that confidential designation is warranted 1147
because of the status of the proceedings or the circumstances 1148

under which the information was received and preserving its 1149
confidentiality is necessary to the proper conduct of government 1150
business. 1151

(C) No public official or employee shall participate within 1152
the scope of duties as a public official or employee, except 1153
through ministerial functions as defined in division (A) of this 1154
section, in any license or rate-making proceeding that directly 1155
affects the license or rates of any person, partnership, trust, 1156
business trust, corporation, or association in which the public 1157
official or employee or immediate family owns or controls more 1158
than five per cent. No public official or employee shall 1159
participate within the scope of duties as a public official or 1160
employee, except through ministerial functions as defined in 1161
division (A) of this section, in any license or rate-making 1162
proceeding that directly affects the license or rates of any 1163
person to whom the public official or employee or immediate 1164
family, or a partnership, trust, business trust, corporation, or 1165
association of which the public official or employee or the public 1166
official's or employee's immediate family owns or controls more 1167
than five per cent, has sold goods or services totaling more than 1168
one thousand dollars during the preceding year, unless the public 1169
official or employee has filed a written statement acknowledging 1170
that sale with the clerk or secretary of the public agency and the 1171
statement is entered in any public record of the agency's 1172
proceedings. This division shall not be construed to require the 1173
disclosure of clients of attorneys or persons licensed under 1174
section 4732.12 of the Revised Code, or patients of persons 1175
~~certified~~ licensed under section 4731.14 of the Revised Code. 1176

(D) No public official or employee shall use or authorize the 1177
use of the authority or influence of office or employment to 1178
secure anything of value or the promise or offer of anything of 1179
value that is of such a character as to manifest a substantial and 1180

improper influence upon the public official or employee with 1181
respect to that person's duties. 1182

(E) No public official or employee shall solicit or accept 1183
anything of value that is of such a character as to manifest a 1184
substantial and improper influence upon the public official or 1185
employee with respect to that person's duties. 1186

(F) No person shall promise or give to a public official or 1187
employee anything of value that is of such a character as to 1188
manifest a substantial and improper influence upon the public 1189
official or employee with respect to that person's duties. 1190

(G) In the absence of bribery or another offense under the 1191
Revised Code or a purpose to defraud, contributions made to a 1192
campaign committee, political party, legislative campaign fund, 1193
political action committee, or political contributing entity on 1194
behalf of an elected public officer or other public official or 1195
employee who seeks elective office shall be considered to accrue 1196
ordinarily to the public official or employee for the purposes of 1197
divisions (D), (E), and (F) of this section. 1198

As used in this division, "contributions," "campaign 1199
committee," "political party," "legislative campaign fund," 1200
"political action committee," and "political contributing entity" 1201
have the same meanings as in section 3517.01 of the Revised Code. 1202

(H)(1) No public official or employee, except for the 1203
president or other chief administrative officer of or a member of 1204
a board of trustees of a state institution of higher education as 1205
defined in section 3345.011 of the Revised Code, who is required 1206
to file a financial disclosure statement under section 102.02 of 1207
the Revised Code shall solicit or accept, and no person shall give 1208
to that public official or employee, an honorarium. Except as 1209
provided in division (H)(2) of this section, this division and 1210
divisions (D), (E), and (F) of this section do not prohibit a 1211

public official or employee who is required to file a financial 1212
disclosure statement under section 102.02 of the Revised Code from 1213
accepting and do not prohibit a person from giving to that public 1214
official or employee the payment of actual travel expenses, 1215
including any expenses incurred in connection with the travel for 1216
lodging, and meals, food, and beverages provided to the public 1217
official or employee at a meeting at which the public official or 1218
employee participates in a panel, seminar, or speaking engagement 1219
or provided to the public official or employee at a meeting or 1220
convention of a national organization to which any state agency, 1221
including, but not limited to, any state legislative agency or 1222
state institution of higher education as defined in section 1223
3345.011 of the Revised Code, pays membership dues. Except as 1224
provided in division (H)(2) of this section, this division and 1225
divisions (D), (E), and (F) of this section do not prohibit a 1226
public official or employee who is not required to file a 1227
financial disclosure statement under section 102.02 of the Revised 1228
Code from accepting and do not prohibit a person from promising or 1229
giving to that public official or employee an honorarium or the 1230
payment of travel, meal, and lodging expenses if the honorarium, 1231
expenses, or both were paid in recognition of demonstrable 1232
business, professional, or esthetic interests of the public 1233
official or employee that exist apart from public office or 1234
employment, including, but not limited to, such a demonstrable 1235
interest in public speaking and were not paid by any person or 1236
other entity, or by any representative or association of those 1237
persons or entities, that is regulated by, doing business with, or 1238
seeking to do business with the department, division, institution, 1239
board, commission, authority, bureau, or other instrumentality of 1240
the governmental entity with which the public official or employee 1241
serves. 1242

(2) No person who is a member of the board of a state 1243
retirement system, a state retirement system investment officer, 1244

or an employee of a state retirement system whose position 1245
involves substantial and material exercise of discretion in the 1246
investment of retirement system funds shall solicit or accept, and 1247
no person shall give to that board member, officer, or employee, 1248
payment of actual travel expenses, including expenses incurred 1249
with the travel for lodging, meals, food, and beverages. 1250

(I) A public official or employee may accept travel, meals, 1251
and lodging or expenses or reimbursement of expenses for travel, 1252
meals, and lodging in connection with conferences, seminars, and 1253
similar events related to official duties if the travel, meals, 1254
and lodging, expenses, or reimbursement is not of such a character 1255
as to manifest a substantial and improper influence upon the 1256
public official or employee with respect to that person's duties. 1257
The house of representatives and senate, in their code of ethics, 1258
and the Ohio ethics commission, under section 111.15 of the 1259
Revised Code, may adopt rules setting standards and conditions for 1260
the furnishing and acceptance of such travel, meals, and lodging, 1261
expenses, or reimbursement. 1262

A person who acts in compliance with this division and any 1263
applicable rules adopted under it, or any applicable, similar 1264
rules adopted by the supreme court governing judicial officers and 1265
employees, does not violate division (D), (E), or (F) of this 1266
section. This division does not preclude any person from seeking 1267
an advisory opinion from the appropriate ethics commission under 1268
section 102.08 of the Revised Code. 1269

(J) For purposes of divisions (D), (E), and (F) of this 1270
section, the membership of a public official or employee in an 1271
organization shall not be considered, in and of itself, to be of 1272
such a character as to manifest a substantial and improper 1273
influence on the public official or employee with respect to that 1274
person's duties. As used in this division, "organization" means a 1275
church or a religious, benevolent, fraternal, or professional 1276

organization that is tax exempt under subsection 501(a) and 1277
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1278
"Internal Revenue Code of 1986." This division does not apply to a 1279
public official or employee who is an employee of an organization, 1280
serves as a trustee, director, or officer of an organization, or 1281
otherwise holds a fiduciary relationship with an organization. 1282
This division does not allow a public official or employee who is 1283
a member of an organization to participate, formally or 1284
informally, in deliberations, discussions, or voting on a matter 1285
or to use the public official's or employee's official position 1286
with regard to the interests of the organization on the matter if 1287
the public official or employee has assumed a particular 1288
responsibility in the organization with respect to the matter or 1289
if the matter would affect that person's personal, pecuniary 1290
interests. 1291

(K) It is not a violation of this section for a prosecuting 1292
attorney to appoint assistants and employees in accordance with 1293
division (B) of section 309.06 and section 2921.421 of the Revised 1294
Code, for a chief legal officer of a municipal corporation or an 1295
official designated as prosecutor in a municipal corporation to 1296
appoint assistants and employees in accordance with sections 1297
733.621 and 2921.421 of the Revised Code, for a township law 1298
director appointed under section 504.15 of the Revised Code to 1299
appoint assistants and employees in accordance with sections 1300
504.151 and 2921.421 of the Revised Code, or for a coroner to 1301
appoint assistants and employees in accordance with division (B) 1302
of section 313.05 of the Revised Code. 1303

As used in this division, "chief legal officer" has the same 1304
meaning as in section 733.621 of the Revised Code. 1305

(L) No present public official or employee with a casino 1306
gaming regulatory function shall indirectly invest, by way of an 1307
entity the public official or employee has an ownership interest 1308

or control in, or directly invest in a casino operator, management 1309
company, holding company, casino facility, or gaming-related 1310
vendor. No present public official or employee with a casino 1311
gaming regulatory function shall directly or indirectly have a 1312
financial interest in, have an ownership interest in, be the 1313
creditor or hold a debt instrument issued by, or have an interest 1314
in a contractual or service relationship with a casino operator, 1315
management company, holding company, casino facility, or 1316
gaming-related vendor. This section does not prohibit or limit 1317
permitted passive investing by the public official or employee. 1318

As used in this division, "passive investing" means 1319
investment by the public official or employee by means of a mutual 1320
fund in which the public official or employee has no control of 1321
the investments or investment decisions. "Casino operator," 1322
"holding company," "management company," "casino facility," and 1323
"gaming-related vendor" have the same meanings as in section 1324
3772.01 of the Revised Code. 1325

(M) A member of the Ohio casino control commission, the 1326
executive director of the commission, or an employee of the 1327
commission shall not: 1328

(1) Accept anything of value, including but not limited to a 1329
gift, gratuity, emolument, or employment from a casino operator, 1330
management company, or other person subject to the jurisdiction of 1331
the commission, or from an officer, attorney, agent, or employee 1332
of a casino operator, management company, or other person subject 1333
to the jurisdiction of the commission; 1334

(2) Solicit, suggest, request, or recommend, directly or 1335
indirectly, to a casino operator, management company, or other 1336
person subject to the jurisdiction of the commission, or to an 1337
officer, attorney, agent, or employee of a casino operator, 1338
management company, or other person subject to the jurisdiction of 1339
the commission, the appointment of a person to an office, place, 1340

position, or employment; 1341

(3) Participate in casino gaming or any other amusement or 1342
activity at a casino facility in this state or at an affiliate 1343
gaming facility of a licensed casino operator, wherever located. 1344

In addition to the penalty provided in section 102.99 of the 1345
Revised Code, whoever violates division (M)(1), (2), or (3) of 1346
this section forfeits the individual's office or employment. 1347

Sec. 105.41. (A) There is hereby created in the legislative 1348
branch of government the capitol square review and advisory board, 1349
consisting of twelve members as follows: 1350

(1) Two members of the senate, appointed by the president of 1351
the senate, both of whom shall not be members of the same 1352
political party; 1353

(2) Two members of the house of representatives, appointed by 1354
the speaker of the house of representatives, both of whom shall 1355
not be members of the same political party; 1356

(3) Four members appointed by the governor, with the advice 1357
and consent of the senate, not more than three of whom shall be 1358
members of the same political party, one of whom shall be the 1359
chief of staff of the governor's office, one of whom shall 1360
represent the Ohio arts council, one of whom shall represent the 1361
Ohio history connection, and one of whom shall represent the 1362
public at large; 1363

(4) One member, who shall be a former president of the 1364
senate, appointed by the current president of the senate. If the 1365
current president of the senate, in the current president's 1366
discretion, decides for any reason not to make the appointment or 1367
if no person is eligible or available to serve, the seat shall 1368
remain vacant. 1369

(5) One member, who shall be a former speaker of the house of 1370

representatives, appointed by the current speaker of the house of 1371
representatives. If the current speaker of the house of 1372
representatives, in the current speaker's discretion, decides for 1373
any reason not to make the appointment or if no person is eligible 1374
or available to serve, the seat shall remain vacant. 1375

(6) The clerk of the senate and the clerk of the house of 1376
representatives. 1377

(B) Terms of office of each appointed member of the board 1378
shall be for three years, except that members of the general 1379
assembly appointed to the board shall be members of the board only 1380
so long as they are members of the general assembly and the chief 1381
of staff of the governor's office shall be a member of the board 1382
only so long as the appointing governor remains in office. Each 1383
member shall hold office from the date of the member's appointment 1384
until the end of the term for which the member was appointed. In 1385
case of a vacancy occurring on the board, the president of the 1386
senate, the speaker of the house of representatives, or the 1387
governor, as the case may be, shall in the same manner prescribed 1388
for the regular appointment to the commission, fill the vacancy by 1389
appointing a member. Any member appointed to fill a vacancy 1390
occurring prior to the expiration of the term for which the 1391
member's predecessor was appointed shall hold office for the 1392
remainder of the term. Any appointed member shall continue in 1393
office subsequent to the expiration date of the member's term 1394
until the member's successor takes office, or until a period of 1395
sixty days has elapsed, whichever occurs first. 1396

(C) The board shall hold meetings in a manner and at times 1397
prescribed by the rules adopted by the board. A majority of the 1398
board constitutes a quorum, and no action shall be taken by the 1399
board unless approved by at least six members or by at least seven 1400
members if a person is appointed under division (A)(4) or (5) of 1401
this section. At its first meeting, the board shall adopt rules 1402

for the conduct of its business and the election of its officers, 1403
and shall organize by selecting officers other than a chairperson 1404
as it considers necessary. In odd-numbered years, the majority 1405
member from the senate shall serve as chairperson; in 1406
even-numbered years, the majority member from the house of 1407
representatives shall serve as chairperson. Board members shall 1408
serve without compensation but shall be reimbursed for actual and 1409
necessary expenses incurred in the performance of their duties. 1410

(D) The board may do any of the following: 1411

(1) Employ or hire on a consulting basis professional, 1412
technical, and clerical employees as are necessary for the 1413
performance of its duties. All employees of the board are in the 1414
unclassified service and serve at the pleasure of the board. For 1415
purposes of section 4117.01 of the Revised Code, employees of the 1416
board shall be considered employees of the general assembly, 1417
except that employees who are covered by a collective bargaining 1418
agreement on September 29, 2011, shall remain subject to the 1419
agreement until the agreement expires on its terms, and the 1420
agreement shall not be extended or renewed. Upon expiration of the 1421
agreement, the employees are considered employees of the general 1422
assembly for purposes of section 4117.01 of the Revised Code and 1423
are in the unclassified service and serve at the pleasure of the 1424
board. 1425

(2) Hold public hearings at times and places as determined by 1426
the board; 1427

(3) Adopt, amend, or rescind rules necessary to accomplish 1428
the duties of the board as set forth in this section; 1429

(4) Sponsor, conduct, and support such social events as the 1430
board may authorize and consider appropriate for the employees of 1431
the board, employees and members of the general assembly, 1432
employees of persons under contract with the board or otherwise 1433

engaged to perform services on the premises of capitol square, or 1434
other persons as the board may consider appropriate. Subject to 1435
the requirements of Chapter 4303. of the Revised Code, the board 1436
may provide beer, wine, and intoxicating liquor, with or without 1437
charge, for those events and may use funds only from the sale of 1438
goods and services fund to purchase the beer, wine, and 1439
intoxicating liquor the board provides; 1440

(5) Purchase a warehouse in which to store items of the 1441
capitol collection trust and, whenever necessary, equipment or 1442
other property of the board. 1443

(E) The board shall do all of the following: 1444

(1) Have sole authority to coordinate and approve any 1445
improvements, additions, and renovations that are made to the 1446
capitol square. The improvements shall include, but not be limited 1447
to, the placement of monuments and sculpture on the capitol 1448
grounds. 1449

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 1450
Operate the capitol square, and have sole authority to regulate 1451
all uses of the capitol square. The uses shall include, but not be 1452
limited to, the casual and recreational use of the capitol square. 1453

(3) Employ, fix the compensation of, and prescribe the duties 1454
of the executive director of the board and other employees the 1455
board considers necessary for the performance of its powers and 1456
duties; 1457

(4) Establish and maintain the capitol collection trust. The 1458
capitol collection trust shall consist of furniture, antiques, and 1459
other items of personal property that the board shall store in 1460
suitable facilities until they are ready to be displayed in the 1461
capitol square. 1462

(5) Perform repair, construction, contracting, purchasing, 1463
maintenance, supervisory, and operating activities the board 1464

determines are necessary for the operation and maintenance of the 1465
capitol square; 1466

(6) Maintain and preserve the capitol square, in accordance 1467
with guidelines issued by the United States secretary of the 1468
interior for application of the secretary's standards for 1469
rehabilitation adopted in 36 C.F.R. part 67; 1470

(7) Plan and develop a center at the capitol building for the 1471
purpose of educating visitors about the history of Ohio, including 1472
its political, economic, and social development and the design and 1473
erection of the capitol building and its grounds. 1474

(F)(1) The board shall lease capital facilities improved by 1475
the department of administrative services or financed by the 1476
treasurer of state pursuant to Chapter 154. of the Revised Code 1477
for the use of the board, and may enter into any other agreements 1478
with the department, the Ohio public facilities commission, or any 1479
other authorized governmental agency ancillary to improvement, 1480
financing, or leasing of those capital facilities, including, but 1481
not limited to, any agreement required by the applicable bond 1482
proceedings authorized by Chapter 154. of the Revised Code. Any 1483
lease of capital facilities authorized by this section shall be 1484
governed by Chapter 154. of the Revised Code. 1485

(2) Fees, receipts, and revenues received by the board from 1486
the state underground parking garage constitute available receipts 1487
as defined in section 154.24 of the Revised Code, and may be 1488
pledged to the payment of bond service charges on obligations 1489
issued by the treasurer of state pursuant to Chapter 154. of the 1490
Revised Code to improve, finance, or purchase capital facilities 1491
useful to the board. The treasurer of state may, with the consent 1492
of the board, provide in the bond proceedings for a pledge of all 1493
or a portion of those fees, receipts, and revenues as the 1494
treasurer of state determines. The treasurer of state may provide 1495
in the bond proceedings or by separate agreement with the board 1496

for the transfer of those fees, receipts, and revenues to the 1497
appropriate bond service fund or bond service reserve fund as 1498
required to pay the bond service charges when due, and any such 1499
provision for the transfer of those fees, receipts, and revenues 1500
shall be controlling notwithstanding any other provision of law 1501
pertaining to those fees, receipts, and revenues. 1502

(3) All moneys received by the treasurer of state on account 1503
of the board and required by the applicable bond proceedings or by 1504
separate agreement with the board to be deposited, transferred, or 1505
credited to the bond service fund or bond service reserve fund 1506
established by the bond proceedings shall be transferred by the 1507
treasurer of state to such fund, whether or not it is in the 1508
custody of the treasurer of state, without necessity for further 1509
appropriation. 1510

(G)(1) Except as otherwise provided in division (G)(2) of 1511
this section, all fees, receipts, and revenues received by the 1512
board from the state underground parking garage shall be deposited 1513
into the state treasury to the credit of the underground parking 1514
garage operating fund, which is hereby created, to be used for the 1515
purposes specified in division (F) of this section and for the 1516
operation and maintenance of the garage. All investment earnings 1517
of the fund shall be credited to the fund. 1518

(2) There is hereby created the parking garage automated 1519
equipment fund, which shall be in the custody of the treasurer of 1520
state but shall not be part of the state treasury. Money in the 1521
fund shall be used to purchase the automated teller machine 1522
quality dollar bills needed for operation of the parking garage 1523
automated equipment. The fund shall consist of fees, receipts, or 1524
revenues received by the board from the state underground parking 1525
garage; provided, however, that the total amount deposited into 1526
the fund at any one time shall not exceed ten thousand dollars. 1527
All investment earnings of the fund shall be credited to the fund. 1528

(H) All donations received by the board shall be deposited 1529
into the state treasury to the credit of the capitol square 1530
renovation gift fund, which is hereby created. The fund shall be 1531
used by the board as follows: 1532

(1) To provide part or all of the funding related to 1533
construction, goods, or services for the renovation of the capitol 1534
square; 1535

(2) To purchase art, antiques, and artifacts for display at 1536
the capitol square; 1537

(3) To award contracts or make grants to organizations for 1538
educating the public regarding the historical background and 1539
governmental functions of the capitol square. Chapters 125., 127., 1540
and 153. and section 3517.13 of the Revised Code do not apply to 1541
purchases made exclusively from the fund, notwithstanding anything 1542
to the contrary in those chapters or that section. All investment 1543
earnings of the fund shall be credited to the fund. 1544

(I) Except as provided in divisions (G), (H), and (J) of this 1545
section, all fees, receipts, and revenues received by the board 1546
shall be deposited into the state treasury to the credit of the 1547
sale of goods and services fund, which is hereby created. Money 1548
credited to the fund shall be used solely to pay costs of the 1549
board other than those specified in divisions (F) and (G) of this 1550
section. All investment earnings of the fund shall be credited to 1551
the fund. 1552

(J) There is hereby created in the state treasury the capitol 1553
square improvement fund, to be used by the board to pay 1554
construction, renovation, and other costs related to the capitol 1555
square for which money is not otherwise available to the board. 1556
Whenever the board determines that there is a need to incur those 1557
costs and that the unencumbered, unobligated balance to the credit 1558
of the underground parking garage operating fund exceeds the 1559

amount needed for the purposes specified in division (F) of this 1560
section and for the operation and maintenance of the garage, the 1561
board may request the director of budget and management to 1562
transfer from the underground parking garage operating fund to the 1563
capitol square improvement fund the amount needed to pay such 1564
construction, renovation, or other costs. The director then shall 1565
transfer the amount needed from the excess balance of the 1566
underground parking garage operating fund. 1567

(K) As the operation and maintenance of the capitol square 1568
constitute essential government functions of a public purpose, the 1569
board shall not be required to pay taxes or assessments upon the 1570
square, upon any property acquired or used by the board under this 1571
section, or upon any income generated by the operation of the 1572
square. 1573

(L) As used in this section, "capitol square" means the 1574
capitol building, senate building, capitol atrium, capitol 1575
grounds, the state underground parking garage, and the warehouse 1576
owned by the board. 1577

(M) The capitol annex shall be known as the senate building. 1578

(N) Any person may possess a firearm in a motor vehicle in 1579
the state underground parking garage at the state capitol 1580
building, if the person's possession of the firearm in the motor 1581
vehicle is not in violation of section 2923.16 of the Revised Code 1582
or any other provision of the Revised Code. Any person may store 1583
or leave a firearm in a locked motor vehicle that is parked in the 1584
state underground parking garage at the state capitol building, if 1585
the person's transportation and possession of the firearm in the 1586
motor vehicle while traveling to the garage was not in violation 1587
of section 2923.16 of the Revised Code or any other provision of 1588
the Revised Code. 1589

Sec. 107.031. ~~Until the first committee appointed under~~ 1590

~~division (C) of section 3317.012 of the Revised Code to reexamine~~ 1591
~~the cost of an adequate education makes its report to the office~~ 1592
~~of budget and management and the general assembly, the~~ 1593
The 1594
governor shall ensure that among the various budget 1595
recommendations made by the governor and the director of budget 1596
and management to the general assembly each biennium there are 1597
recommendations for appropriations to the Ohio ~~school~~ facilities 1598
construction commission, aggregating not less than three hundred 1599
million dollars per fiscal year, ~~excluding recommendations for~~ 1600
~~appropriations from the education facilities trust fund, created~~ 1601
~~in section 183.26 of the Revised Code,~~ for constructing, 1602
acquiring, replacing, reconstructing, or adding to classroom 1603
facilities, as such term is defined in section 3318.01 of the 1604
Revised Code.

Sec. 107.036. (A) For each business incentive tax credit, the 1605
main operating appropriations act shall contain a detailed 1606
estimate of the total amount of credits that may be authorized in 1607
each year, an estimate of the amount of credits expected to be 1608
claimed in each year, and an estimate of the amount of credits 1609
expected to remain outstanding at the end of the biennium. The 1610
governor shall include such estimates in the state budget 1611
submitted to the general assembly pursuant to section 107.03 of 1612
the Revised Code. 1613

(B) As used in this section, "business incentive tax credit" 1614
means all of the following: 1615

(1) The job creation tax credit under section 122.17 of the 1616
Revised Code; 1617

(2) The job retention tax credit under section 122.171 of the 1618
Revised Code; 1619

(3) The historic preservation tax credit under section 1620
149.311 of the Revised Code; 1621

(4) The motion picture tax credit under section 122.85 of the 1622
Revised Code; 1623

(5) The new markets tax credit under section 5725.33 of the 1624
Revised Code; 1625

(6) The research and development credit under section 166.21 1626
of the Revised Code; 1627

(7) The small business investment credit under section 122.86 1628
of the Revised Code. 1629

Sec. 107.35. ~~Not later than December 31, 2014, the~~ The 1630
governor's office of workforce transformation, with staff support 1631
and assistance from the departments of job and family services 1632
~~and, education and the Ohio board of regents, higher education,~~ 1633
~~and the opportunities for Ohioans with disabilities agency,~~ 1634
shall establish criteria to use for evaluating the performance of state 1635
and local workforce programs using basic, aligned workforce 1636
measures related to system efficiency and effectiveness. The 1637
office shall develop and make available on the internet through a 1638
web site a public dashboard to display metrics regarding the 1639
state's administration of primary workforce programs, including 1640
the following programs: 1641

(A) The adult basic and literacy education program; 1642

(B) Programs administered under the federal "Carl D. Perkins 1643
Career and Technical Education Act of 2006," 120 Stat. 683, 20 1644
U.S.C. 2301 et seq., as amended; 1645

(C) State aid and scholarships ~~within the Ohio board of~~ 1646
~~regents~~ administered by the department of higher education; 1647

(D) Programs administered under title I of the federal 1648
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 1649
~~et seq., as amended~~ "Workforce Innovation and Opportunity Act," 29 1650
U.S.C. 3101 et seq.; 1651

(E) The state vocational rehabilitation program administered 1652
under title I of the federal "Rehabilitation Act of 1973," 29 1653
U.S.C. 701, et seq. 1654

Sec. 107.71. (A) The Ohio institute of technology is 1655
established in the office of the governor. The office shall do at 1656
least all of the following: 1657

(1) Formulate and implement a state strategy to identify 1658
methods for using technology, research, and development to create 1659
positive results for citizens and businesses of this state and to 1660
improve the operations of state government; 1661

(2) Prioritize, coordinate, and focus all state-funded 1662
research including research funded by the department of higher 1663
education, department of administrative services, department of 1664
transportation, department of medicaid, department of job and 1665
family services, and opportunities for Ohioans with disabilities 1666
agency; 1667

(3) Identify emerging technologies and advocate for the 1668
research and application of technologies that may have a 1669
significant positive impact on the economy or workforce of this 1670
state; 1671

(4) Advocate for and coordinate research sponsored by state 1672
institutions of higher education regarding technologies that may 1673
have a significant positive impact on the economy or workforce of 1674
this state; 1675

(5) Identify methods to increase collaboration between state 1676
institutions of higher education; private, not-for-profit 1677
entities; and other private entities to accelerate product or 1678
patent incubation and commercialization of new and leading 1679
technologies in the state; 1680

(6) Manage the continued implementation of the Ohio 1681

innovation exchange and the Ohio federal research network; 1682

(7) Advise the governor on technology and issues relevant to 1683
the duties of the office; and 1684

(8) Perform such other duties as may be prescribed by the 1685
governor. 1686

The office shall issue a report to the governor and the 1687
members of the general assembly annually not later than the last 1688
day of December detailing the office's state strategy and the 1689
office's progress toward initial and updated goals established 1690
under the state strategy. 1691

(B) The governor shall appoint a chief innovation officer to 1692
serve as executive director of the office, and such other staff as 1693
may be necessary to manage the office and perform or oversee the 1694
performance of the duties of the office. To qualify for 1695
appointment as chief innovation officer, an individual shall have 1696
significant expertise in as many of the following fields as 1697
possible: biotechnology, information technology, medicine, 1698
logistics and supply chain management, advanced manufacturing, 1699
advanced materials, chemistry, robotics and sensors, aerospace, 1700
cyber security, and transportation technologies. 1701

(C) As used in this section, "state institution of higher 1702
education" has the meaning defined in section 3345.011 of the 1703
Revised Code. 1704

Sec. 109.112. If the state of Ohio or any agency or officer 1705
of the state is named in a court order to be the recipient of any 1706
money collected or received by the attorney general under section 1707
109.111 of the Revised Code, the attorney general shall notify the 1708
director of budget and management of the amount of money to be 1709
collected or received under, and the terms of, the court order. 1710
The director, in consultation with the attorney general, shall 1711

determine the appropriate distribution of the money. Upon its 1712
collection or receipt, the attorney general shall transfer the 1713
money from the attorney general court order fund to the 1714
appropriate fund or funds as determined by the director. 1715

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1716
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1717
a completed form prescribed pursuant to division (C)(1) of this 1718
section, and a set of fingerprint impressions obtained in the 1719
manner described in division (C)(2) of this section, the 1720
superintendent of the bureau of criminal identification and 1721
investigation shall conduct a criminal records check in the manner 1722
described in division (B) of this section to determine whether any 1723
information exists that indicates that the person who is the 1724
subject of the request previously has been convicted of or pleaded 1725
guilty to any of the following: 1726

(a) A violation of section 2903.01, 2903.02, 2903.03, 1727
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1728
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1729
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1730
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1731
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1732
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1733
2925.06, or 3716.11 of the Revised Code, felonious sexual 1734
penetration in violation of former section 2907.12 of the Revised 1735
Code, a violation of section 2905.04 of the Revised Code as it 1736
existed prior to July 1, 1996, a violation of section 2919.23 of 1737
the Revised Code that would have been a violation of section 1738
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1739
had the violation been committed prior to that date, or a 1740
violation of section 2925.11 of the Revised Code that is not a 1741
minor drug possession offense; 1742

(b) A violation of an existing or former law of this state, 1743
any other state, or the United States that is substantially 1744
equivalent to any of the offenses listed in division (A)(1)(a) of 1745
this section; 1746

(c) If the request is made pursuant to section 3319.39 of the 1747
Revised Code for an applicant who is a teacher, any offense 1748
specified in section 3319.31 of the Revised Code. 1749

(2) On receipt of a request pursuant to section 3712.09 or 1750
3721.121 of the Revised Code, a completed form prescribed pursuant 1751
to division (C)(1) of this section, and a set of fingerprint 1752
impressions obtained in the manner described in division (C)(2) of 1753
this section, the superintendent of the bureau of criminal 1754
identification and investigation shall conduct a criminal records 1755
check with respect to any person who has applied for employment in 1756
a position for which a criminal records check is required by those 1757
sections. The superintendent shall conduct the criminal records 1758
check in the manner described in division (B) of this section to 1759
determine whether any information exists that indicates that the 1760
person who is the subject of the request previously has been 1761
convicted of or pleaded guilty to any of the following: 1762

(a) A violation of section 2903.01, 2903.02, 2903.03, 1763
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1764
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1765
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1766
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1767
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1768
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1769
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1770
2925.22, 2925.23, or 3716.11 of the Revised Code; 1771

(b) An existing or former law of this state, any other state, 1772
or the United States that is substantially equivalent to any of 1773
the offenses listed in division (A)(2)(a) of this section. 1774

(3) On receipt of a request pursuant to section 173.27, 1775
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 1776
or 5123.169 of the Revised Code, a completed form prescribed 1777
pursuant to division (C)(1) of this section, and a set of 1778
fingerprint impressions obtained in the manner described in 1779
division (C)(2) of this section, the superintendent of the bureau 1780
of criminal identification and investigation shall conduct a 1781
criminal records check of the person for whom the request is made. 1782
The superintendent shall conduct the criminal records check in the 1783
manner described in division (B) of this section to determine 1784
whether any information exists that indicates that the person who 1785
is the subject of the request previously has been convicted of, 1786
has pleaded guilty to, or (except in the case of a request 1787
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1788
Code) has been found eligible for intervention in lieu of 1789
conviction for any of the following, regardless of the date of the 1790
conviction, the date of entry of the guilty plea, or (except in 1791
the case of a request pursuant to section 5164.34, 5164.341, or 1792
5164.342 of the Revised Code) the date the person was found 1793
eligible for intervention in lieu of conviction: 1794

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1795
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1796
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1797
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1798
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1799
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1800
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1801
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1802
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1803
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1804
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1805
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1806
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1807

2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1808
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1809
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1810
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1811
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1812
2927.12, or 3716.11 of the Revised Code; 1813

(b) Felonious sexual penetration in violation of former 1814
section 2907.12 of the Revised Code; 1815

(c) A violation of section 2905.04 of the Revised Code as it 1816
existed prior to July 1, 1996; 1817

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1818
the Revised Code when the underlying offense that is the object of 1819
the conspiracy, attempt, or complicity is one of the offenses 1820
listed in divisions (A)(3)(a) to (c) of this section; 1821

(e) A violation of an existing or former municipal ordinance 1822
or law of this state, any other state, or the United States that 1823
is substantially equivalent to any of the offenses listed in 1824
divisions (A)(3)(a) to (d) of this section. 1825

(4) On receipt of a request pursuant to section 2151.86 of 1826
the Revised Code, a completed form prescribed pursuant to division 1827
(C)(1) of this section, and a set of fingerprint impressions 1828
obtained in the manner described in division (C)(2) of this 1829
section, the superintendent of the bureau of criminal 1830
identification and investigation shall conduct a criminal records 1831
check in the manner described in division (B) of this section to 1832
determine whether any information exists that indicates that the 1833
person who is the subject of the request previously has been 1834
convicted of or pleaded guilty to any of the following: 1835

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1836
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1837
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1838

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1839
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1840
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1841
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1842
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1843
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1844
of the Revised Code, a violation of section 2905.04 of the Revised 1845
Code as it existed prior to July 1, 1996, a violation of section 1846
2919.23 of the Revised Code that would have been a violation of 1847
section 2905.04 of the Revised Code as it existed prior to July 1, 1848
1996, had the violation been committed prior to that date, a 1849
violation of section 2925.11 of the Revised Code that is not a 1850
minor drug possession offense, two or more OVI or OVUAC violations 1851
committed within the three years immediately preceding the 1852
submission of the application or petition that is the basis of the 1853
request, or felonious sexual penetration in violation of former 1854
section 2907.12 of the Revised Code; 1855

(b) A violation of an existing or former law of this state, 1856
any other state, or the United States that is substantially 1857
equivalent to any of the offenses listed in division (A)(4)(a) of 1858
this section. 1859

(5) Upon receipt of a request pursuant to section 5104.013 of 1860
the Revised Code, a completed form prescribed pursuant to division 1861
(C)(1) of this section, and a set of fingerprint impressions 1862
obtained in the manner described in division (C)(2) of this 1863
section, the superintendent of the bureau of criminal 1864
identification and investigation shall conduct a criminal records 1865
check in the manner described in division (B) of this section to 1866
determine whether any information exists that indicates that the 1867
person who is the subject of the request has been convicted of or 1868
pleaded guilty to any of the following: 1869

(a) A violation of section 2151.421, 2903.01, 2903.02, 1870

2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1871
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1872
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1873
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1874
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1875
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1876
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1877
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1878
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1879
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1880
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1881
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1882
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1883
Revised Code, felonious sexual penetration in violation of former 1884
section 2907.12 of the Revised Code, a violation of section 1885
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1886
violation of section 2919.23 of the Revised Code that would have 1887
been a violation of section 2905.04 of the Revised Code as it 1888
existed prior to July 1, 1996, had the violation been committed 1889
prior to that date, a violation of section 2925.11 of the Revised 1890
Code that is not a minor drug possession offense, a violation of 1891
section 2923.02 or 2923.03 of the Revised Code that relates to a 1892
crime specified in this division, or a second violation of section 1893
4511.19 of the Revised Code within five years of the date of 1894
application for licensure or certification. 1895

(b) A violation of an existing or former law of this state, 1896
any other state, or the United States that is substantially 1897
equivalent to any of the offenses or violations described in 1898
division (A)(5)(a) of this section. 1899

(6) Upon receipt of a request pursuant to section 5153.111 of 1900
the Revised Code, a completed form prescribed pursuant to division 1901
(C)(1) of this section, and a set of fingerprint impressions 1902

obtained in the manner described in division (C)(2) of this 1903
section, the superintendent of the bureau of criminal 1904
identification and investigation shall conduct a criminal records 1905
check in the manner described in division (B) of this section to 1906
determine whether any information exists that indicates that the 1907
person who is the subject of the request previously has been 1908
convicted of or pleaded guilty to any of the following: 1909

(a) A violation of section 2903.01, 2903.02, 2903.03, 1910
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1911
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1912
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1913
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1914
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1915
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1916
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1917
felonious sexual penetration in violation of former section 1918
2907.12 of the Revised Code, a violation of section 2905.04 of the 1919
Revised Code as it existed prior to July 1, 1996, a violation of 1920
section 2919.23 of the Revised Code that would have been a 1921
violation of section 2905.04 of the Revised Code as it existed 1922
prior to July 1, 1996, had the violation been committed prior to 1923
that date, or a violation of section 2925.11 of the Revised Code 1924
that is not a minor drug possession offense; 1925

(b) A violation of an existing or former law of this state, 1926
any other state, or the United States that is substantially 1927
equivalent to any of the offenses listed in division (A)(6)(a) of 1928
this section. 1929

(7) On receipt of a request for a criminal records check from 1930
an individual pursuant to section 4749.03 or 4749.06 of the 1931
Revised Code, accompanied by a completed copy of the form 1932
prescribed in division (C)(1) of this section and a set of 1933
fingerprint impressions obtained in a manner described in division 1934

(C)(2) of this section, the superintendent of the bureau of 1935
criminal identification and investigation shall conduct a criminal 1936
records check in the manner described in division (B) of this 1937
section to determine whether any information exists indicating 1938
that the person who is the subject of the request has been 1939
convicted of or pleaded guilty to a felony in this state or in any 1940
other state. If the individual indicates that a firearm will be 1941
carried in the course of business, the superintendent shall 1942
require information from the federal bureau of investigation as 1943
described in division (B)(2) of this section. Subject to division 1944
(F) of this section, the superintendent shall report the findings 1945
of the criminal records check and any information the federal 1946
bureau of investigation provides to the director of public safety. 1947

(8) On receipt of a request pursuant to section 1321.37, 1948
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1949
Code, a completed form prescribed pursuant to division (C)(1) of 1950
this section, and a set of fingerprint impressions obtained in the 1951
manner described in division (C)(2) of this section, the 1952
superintendent of the bureau of criminal identification and 1953
investigation shall conduct a criminal records check with respect 1954
to any person who has applied for a license, permit, or 1955
certification from the department of commerce or a division in the 1956
department. The superintendent shall conduct the criminal records 1957
check in the manner described in division (B) of this section to 1958
determine whether any information exists that indicates that the 1959
person who is the subject of the request previously has been 1960
convicted of or pleaded guilty to any of the following: a 1961
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1962
2925.03 of the Revised Code; any other criminal offense involving 1963
theft, receiving stolen property, embezzlement, forgery, fraud, 1964
passing bad checks, money laundering, or drug trafficking, or any 1965
criminal offense involving money or securities, as set forth in 1966
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1967

the Revised Code; or any existing or former law of this state, any 1968
other state, or the United States that is substantially equivalent 1969
to those offenses. 1970

(9) On receipt of a request for a criminal records check from 1971
the treasurer of state under section 113.041 of the Revised Code 1972
or from an individual under section 4701.08, 4715.101, 4717.061, 1973
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 1974
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 1975
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 1976
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1977
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 1978
accompanied by a completed form prescribed under division (C)(1) 1979
of this section and a set of fingerprint impressions obtained in 1980
the manner described in division (C)(2) of this section, the 1981
superintendent of the bureau of criminal identification and 1982
investigation shall conduct a criminal records check in the manner 1983
described in division (B) of this section to determine whether any 1984
information exists that indicates that the person who is the 1985
subject of the request has been convicted of or pleaded guilty to 1986
any criminal offense in this state or any other state. Subject to 1987
division (F) of this section, the superintendent shall send the 1988
results of a check requested under section 113.041 of the Revised 1989
Code to the treasurer of state and shall send the results of a 1990
check requested under any of the other listed sections to the 1991
licensing board specified by the individual in the request. 1992

(10) On receipt of a request pursuant to section 1121.23, 1993
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1994
Code, a completed form prescribed pursuant to division (C)(1) of 1995
this section, and a set of fingerprint impressions obtained in the 1996
manner described in division (C)(2) of this section, the 1997
superintendent of the bureau of criminal identification and 1998
investigation shall conduct a criminal records check in the manner 1999

described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any criminal offense under any existing or former law of
this state, any other state, or the United States.

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

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

following: 2032

(a) A violation of section 2903.01, 2903.02, 2903.03, 2033
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2034
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2035
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2036
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2037
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2038
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2039
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2040
2925.22, 2925.23, or 3716.11 of the Revised Code; 2041

(b) An existing or former law of this state, any other state, 2042
or the United States that is substantially equivalent to any of 2043
the offenses listed in division (A)(12)(a) of this section. 2044

(13) On receipt of a request pursuant to section 3796.12 of 2045
the Revised Code, a completed form prescribed pursuant to division 2046
(C)(1) of this section, and a set of fingerprint impressions 2047
obtained in a manner described in division (C)(2) of this section, 2048
the superintendent of the bureau of criminal identification and 2049
investigation shall conduct a criminal records check in the manner 2050
described in division (B) of this section to determine whether any 2051
information exists that indicates that the person who is the 2052
subject of the request previously has been convicted of or pleaded 2053
guilty to the following: 2054

(a) A disqualifying offense as specified in rules adopted 2055
under division (B)(2)(b) of section 3796.03 of the Revised Code if 2056
the person who is the subject of the request is an administrator 2057
or other person responsible for the daily operation of, or an 2058
owner or prospective owner, officer or prospective officer, or 2059
board member or prospective board member of, an entity seeking a 2060
license from the department of commerce under Chapter 3796. of the 2061
Revised Code; 2062

(b) A disqualifying offense as specified in rules adopted 2063
under division (B)(2)(b) of section 3796.04 of the Revised Code if 2064
the person who is the subject of the request is an administrator 2065
or other person responsible for the daily operation of, or an 2066
owner or prospective owner, officer or prospective officer, or 2067
board member or prospective board member of, an entity seeking a 2068
license from the state board of pharmacy under Chapter 3796. of 2069
the Revised Code. 2070

(14) On receipt of a request required by section 3796.13 of 2071
the Revised Code, a completed form prescribed pursuant to division 2072
(C)(1) of this section, and a set of fingerprint impressions 2073
obtained in a manner described in division (C)(2) of this section, 2074
the superintendent of the bureau of criminal identification and 2075
investigation shall conduct a criminal records check in the manner 2076
described in division (B) of this section to determine whether any 2077
information exists that indicates that the person who is the 2078
subject of the request previously has been convicted of or pleaded 2079
guilty to the following: 2080

(a) A disqualifying offense as specified in rules adopted 2081
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2082
the person who is the subject of the request is seeking employment 2083
with an entity licensed by the department of commerce under 2084
Chapter 3796. of the Revised Code; 2085

(b) A disqualifying offense as specified in rules adopted 2086
under division (B)(14)(a) of section 3796.04 of the Revised Code 2087
if the person who is the subject of the request is seeking 2088
employment with an entity licensed by the state board of pharmacy 2089
under Chapter 3796. of the Revised Code. 2090

(B) Subject to division (F) of this section, the 2091
superintendent shall conduct any criminal records check to be 2092
conducted under this section as follows: 2093

(1) The superintendent shall review or cause to be reviewed 2094
any relevant information gathered and compiled by the bureau under 2095
division (A) of section 109.57 of the Revised Code that relates to 2096
the person who is the subject of the criminal records check, 2097
including, if the criminal records check was requested under 2098
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2099
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2100
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2101
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 2102
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2103
5123.169, or 5153.111 of the Revised Code, any relevant 2104
information contained in records that have been sealed under 2105
section 2953.32 of the Revised Code; 2106

(2) If the request received by the superintendent asks for 2107
information from the federal bureau of investigation, the 2108
superintendent shall request from the federal bureau of 2109
investigation any information it has with respect to the person 2110
who is the subject of the criminal records check, including 2111
fingerprint-based checks of national crime information databases 2112
as described in 42 U.S.C. 671 if the request is made pursuant to 2113
section 2151.86 or 5104.013 of the Revised Code or if any other 2114
Revised Code section requires fingerprint-based checks of that 2115
nature, and shall review or cause to be reviewed any information 2116
the superintendent receives from that bureau. If a request under 2117
section 3319.39 of the Revised Code asks only for information from 2118
the federal bureau of investigation, the superintendent shall not 2119
conduct the review prescribed by division (B)(1) of this section. 2120

(3) The superintendent or the superintendent's designee may 2121
request criminal history records from other states or the federal 2122
government pursuant to the national crime prevention and privacy 2123
compact set forth in section 109.571 of the Revised Code. 2124

(4) The superintendent shall include in the results of the 2125

criminal records check a list or description of the offenses 2126
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2127
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 2128
whichever division requires the superintendent to conduct the 2129
criminal records check. The superintendent shall exclude from the 2130
results any information the dissemination of which is prohibited 2131
by federal law. 2132

(5) The superintendent shall send the results of the criminal 2133
records check to the person to whom it is to be sent not later 2134
than the following number of days after the date the 2135
superintendent receives the request for the criminal records 2136
check, the completed form prescribed under division (C)(1) of this 2137
section, and the set of fingerprint impressions obtained in the 2138
manner described in division (C)(2) of this section: 2139

(a) If the superintendent is required by division (A) of this 2140
section (other than division (A)(3) of this section) to conduct 2141
the criminal records check, thirty; 2142

(b) If the superintendent is required by division (A)(3) of 2143
this section to conduct the criminal records check, sixty. 2144

(C)(1) The superintendent shall prescribe a form to obtain 2145
the information necessary to conduct a criminal records check from 2146
any person for whom a criminal records check is to be conducted 2147
under this section. The form that the superintendent prescribes 2148
pursuant to this division may be in a tangible format, in an 2149
electronic format, or in both tangible and electronic formats. 2150

(2) The superintendent shall prescribe standard impression 2151
sheets to obtain the fingerprint impressions of any person for 2152
whom a criminal records check is to be conducted under this 2153
section. Any person for whom a records check is to be conducted 2154
under this section shall obtain the fingerprint impressions at a 2155
county sheriff's office, municipal police department, or any other 2156

entity with the ability to make fingerprint impressions on the 2157
standard impression sheets prescribed by the superintendent. The 2158
office, department, or entity may charge the person a reasonable 2159
fee for making the impressions. The standard impression sheets the 2160
superintendent prescribes pursuant to this division may be in a 2161
tangible format, in an electronic format, or in both tangible and 2162
electronic formats. 2163

(3) Subject to division (D) of this section, the 2164
superintendent shall prescribe and charge a reasonable fee for 2165
providing a criminal records check under this section. The person 2166
requesting the criminal records check shall pay the fee prescribed 2167
pursuant to this division. In the case of a request under section 2168
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2169
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2170
the manner specified in that section. 2171

(4) The superintendent of the bureau of criminal 2172
identification and investigation may prescribe methods of 2173
forwarding fingerprint impressions and information necessary to 2174
conduct a criminal records check, which methods shall include, but 2175
not be limited to, an electronic method. 2176

(D) The results of a criminal records check conducted under 2177
this section, other than a criminal records check specified in 2178
division (A)(7) of this section, are valid for the person who is 2179
the subject of the criminal records check for a period of one year 2180
from the date upon which the superintendent completes the criminal 2181
records check. If during that period the superintendent receives 2182
another request for a criminal records check to be conducted under 2183
this section for that person, the superintendent shall provide the 2184
results from the previous criminal records check of the person at 2185
a lower fee than the fee prescribed for the initial criminal 2186
records check. 2187

(E) When the superintendent receives a request for 2188

information from a registered private provider, the superintendent 2189
shall proceed as if the request was received from a school 2190
district board of education under section 3319.39 of the Revised 2191
Code. The superintendent shall apply division (A)(1)(c) of this 2192
section to any such request for an applicant who is a teacher. 2193

(F)(1) Subject to division (F)(2) of this section, all 2194
information regarding the results of a criminal records check 2195
conducted under this section that the superintendent reports or 2196
sends under division (A)(7) or (9) of this section to the director 2197
of public safety, the treasurer of state, or the person, board, or 2198
entity that made the request for the criminal records check shall 2199
relate to the conviction of the subject person, or the subject 2200
person's plea of guilty to, a criminal offense. 2201

(2) Division (F)(1) of this section does not limit, restrict, 2202
or preclude the superintendent's release of information that 2203
relates to the arrest of a person who is eighteen years of age or 2204
older, to an adjudication of a child as a delinquent child, or to 2205
a criminal conviction of a person under eighteen years of age in 2206
circumstances in which a release of that nature is authorized 2207
under division (E)(2), (3), or (4) of section 109.57 of the 2208
Revised Code pursuant to a rule adopted under division (E)(1) of 2209
that section. 2210

(G) As used in this section: 2211

(1) "Criminal records check" means any criminal records check 2212
conducted by the superintendent of the bureau of criminal 2213
identification and investigation in accordance with division (B) 2214
of this section. 2215

(2) "Minor drug possession offense" has the same meaning as 2216
in section 2925.01 of the Revised Code. 2217

(3) "OVI or OVUAC violation" means a violation of section 2218
4511.19 of the Revised Code or a violation of an existing or 2219

former law of this state, any other state, or the United States 2220
that is substantially equivalent to section 4511.19 of the Revised 2221
Code. 2222

(4) "Registered private provider" means a nonpublic school or 2223
entity registered with the superintendent of public instruction 2224
under section 3310.41 of the Revised Code to participate in the 2225
autism scholarship program or section 3310.58 of the Revised Code 2226
to participate in the Jon Peterson special needs scholarship 2227
program. 2228

Sec. 109.5721. (A) As used in this section: 2229

(1) "Employment" includes volunteer service. 2230

(2) "Independent provider" has the same meaning as in section 2231
5164.341 of the Revised Code. 2232

(3) "Licensure" means the authorization, evidenced by a 2233
license, certificate, registration, permit, or other authority 2234
that is issued or conferred by a public office, to engage in a 2235
profession, occupation, or occupational activity, to be a foster 2236
caregiver, or to have control of and operate certain specific 2237
equipment, machinery, or premises over which a public office has 2238
jurisdiction. 2239

~~(3)~~(4) "Participating public office" means a public office 2240
that requires a fingerprint background check as a condition of 2241
employment with, licensure by, or approval for adoption by the 2242
public office and that elects to receive notice under division 2243
~~(C)~~(D) of this section in accordance with rules adopted by the 2244
attorney general. "Participating public office" also means the 2245
department of medicaid if it elects to receive notices under 2246
division (D) of this section regarding independent providers. 2247

~~(4)~~(5) "Public office" has the same meaning as in section 2248
117.01 of the Revised Code. 2249

~~(5)~~(6) "Participating private party" means any person or 2250
private entity that is allowed to request a criminal records check 2251
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 2252
the Revised Code. 2253

(B) Within six months after August 15, 2007, the 2254
superintendent of the bureau of criminal identification and 2255
investigation shall establish and maintain a database of 2256
fingerprints of individuals on whom the bureau has conducted 2257
criminal records checks for either of the ~~purpose of determining~~ 2258
following purposes: 2259

(1) To determine the individual's eligibility for employment 2260
with, licensure by, or approval for adoption by a public office or 2261
participating private party; 2262

(2) To determine whether an applicant for a medicaid provider 2263
agreement as an independent provider is ineligible for the 2264
medicaid provider agreement because of section 5164.341 of the 2265
Revised Code. The 2266

(C) The superintendent shall maintain the database separate 2267
and apart from other records maintained by the bureau. The 2268
database shall be known as the retained applicant fingerprint 2269
database. 2270

~~(C)~~(D) When the superintendent receives information that an 2271
individual whose name is in the retained applicant fingerprint 2272
database has been arrested for, convicted of, or pleaded guilty to 2273
any offense, the superintendent shall promptly notify ~~any~~ the 2274
following of the individual's arrest, conviction, or guilty plea: 2275

(1) Any participating public office or participating private 2276
party that employs, licensed, or approved the individual ~~of the~~ 2277
~~arrest, conviction, or guilty plea;~~ 2278

(2) The department of medicaid if the individual is an 2279
independent provider. The 2280

(E)(1) A participating public office or participating private
party that receives ~~the~~ a notification under division (D) of this
section, and its employees and officers, shall use the information
contained in the notification solely to determine the individual's
continued eligibility for ~~continued employment~~ the following:

(a) Employment with the participating public office or
participating private party, ~~to retain licensure issued~~;

(b) Licensure by the participating public office, ~~or to be~~
approved;

(c) Approval for adoption by the participating public office;

(d) A medicaid provider agreement as an independent provider.

The

(2) Except as provided in division (E) of section 5164.341 of
the Revised Code, information contained in the notification is
confidential and not a public record under section 149.43 of the
Revised Code and a participating public office or participating
private party, and its employees and officers, shall not disclose
that information to any person for any ~~other~~ purpose not specified
in division (E)(1) of this section.

~~(D)~~(E) If an individual has submitted fingerprint impressions
for employment with, licensure by, or approval for adoption by a
participating public office or participating private party and
seeks employment with, licensure by, or approval for adoption by
another participating public office or participating private
party, the other participating public office or participating
private party shall reprint the individual. If an individual has
been reprinted, the superintendent shall update that individual's
information accordingly.

~~(E)~~(G) The bureau of criminal identification and
investigation ~~and the participating public office or participating~~
~~private party~~ shall use information contained in the retained

applicant fingerprint database ~~and in the notice described in~~ 2312
~~division (C) of this section only~~ for the purpose of employment 2313
~~with, licensure by, or approval for adoption by the participating~~ 2314
~~public office or participating private party~~ this section. This 2315
information is otherwise confidential and not a public record 2316
under section 149.43 of the Revised Code. 2317

~~(F)~~(H) The attorney general shall adopt rules in accordance 2318
with Chapter 119. of the Revised Code governing the operation and 2319
maintenance of the database. The rules shall provide for, but not 2320
be limited to, both of the following: 2321

(1) The expungement or sealing of records of ~~individuals~~ the 2322
following: 2323

(a) Individuals who are deceased ~~or~~; 2324

(b) Individuals who are no longer employed, granted 2325
licensure, or approved for adoption by the participating public 2326
office or participating private party that required submission of 2327
the individual's fingerprints; 2328

(c) Individuals who are no longer independent providers. 2329

(2) The terms under which a public office or participating 2330
private party may elect to receive notification under division 2331
~~(C)~~(D) of this section, including payment of any reasonable fee 2332
that may be charged for the purpose. 2333

~~(G)~~(I) No public office or employee of a public office shall 2334
be considered negligent in a civil action solely because the 2335
public office did not elect to be a participating public office. 2336

~~(H)~~(J)(1) No person shall knowingly use information contained 2337
in or received from the retained applicant fingerprint database 2338
for purposes not authorized by this section. 2339

(2) No person shall knowingly use information contained in or 2340
received from the retained applicant fingerprint database with the 2341

intent to harass or intimidate another person. 2342

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(J)(2) of this 2343
section is guilty of unlawful use of retained applicant 2344
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 2345
this section is a misdemeanor of the fourth degree. A violation of 2346
division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 2347
degree. 2348

Sec. 113.061. The treasurer of state shall adopt rules in 2349
accordance with Chapter 119. of the Revised Code governing the 2350
remittance of taxes by electronic funds transfer as required under 2351
sections 3769.103, 5718.051, 5726.03, 5727.311, 5727.83, 5733.022, 2352
5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 2353
5751.07 of the Revised Code and any other section of the Revised 2354
Code under which a person is required to remit taxes by electronic 2355
funds transfer. The rules shall govern the modes of electronic 2356
funds transfer acceptable to the treasurer of state and under what 2357
circumstances each mode is acceptable, the content and format of 2358
electronic funds transfers, the coordination of payment by 2359
electronic funds transfer and filing of associated tax reports and 2360
returns, the remittance of taxes by means other than electronic 2361
funds transfer by persons otherwise required to do so but relieved 2362
of the requirement by the treasurer of state, and any other matter 2363
that in the opinion of the treasurer of state facilitates payment 2364
by electronic funds transfer in a manner consistent with those 2365
sections. 2366

Upon failure by a person, if so required, to remit taxes by 2367
electronic funds transfer in the manner prescribed under section 2368
3769.103, 5718.051, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 2369
5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised 2370
Code and rules adopted under this section, the treasurer of state 2371
shall notify the tax commissioner of such failure if the treasurer 2372

of state determines that such failure was not due to reasonable 2373
cause or was due to willful neglect, and shall provide the tax 2374
commissioner with any information used in making that 2375
determination. The tax commissioner may assess an additional 2376
charge as specified in the respective section of the Revised Code 2377
governing the requirement to remit taxes by electronic funds 2378
transfer. 2379

The treasurer of state may implement means of acknowledging, 2380
upon the request of a taxpayer, receipt of tax remittances made by 2381
electronic funds transfer, and may adopt rules governing 2382
acknowledgments. The cost of acknowledging receipt of electronic 2383
remittances shall be paid by the person requesting acknowledgment. 2384

The treasurer of state, not the tax commissioner, is 2385
responsible for resolving any problems involving electronic funds 2386
transfer transmissions. 2387

Sec. 119.06. No adjudication order of an agency shall be 2388
valid unless the agency is specifically authorized by law to make 2389
such order. 2390

No adjudication order shall be valid unless an opportunity 2391
for a hearing is afforded in accordance with sections 119.01 to 2392
119.13 of the Revised Code. Such opportunity for a hearing shall 2393
be given before making the adjudication order except in those 2394
situations where this section provides otherwise. 2395

The following adjudication orders shall be effective without 2396
a hearing: 2397

(A) Orders revoking a license in cases where an agency is 2398
required by statute to revoke a license pursuant to the judgment 2399
of a court; 2400

(B) Orders suspending a license where a statute specifically 2401
permits the suspension of a license without a hearing; 2402

(C) Orders or decisions of an authority within an agency if 2403
the rules of the agency or the statutes pertaining to such agency 2404
specifically give a right of appeal to a higher authority within 2405
such agency, to another agency, or to the board of tax appeals, 2406
and also give the appellant a right to a hearing on such appeal. 2407

When a statute permits the suspension of a license without a 2408
prior hearing, any agency issuing an order pursuant to such 2409
statute shall afford the person to whom the order is issued a 2410
hearing upon request. 2411

Whenever an agency claims that a person is required by 2412
statute to obtain a license, it shall afford a hearing upon the 2413
request of a person who claims that the law does not impose such a 2414
requirement. 2415

Every agency shall afford a hearing upon the request of any 2416
person who has been refused admission to an examination where such 2417
examination is a prerequisite to the issuance of a license unless 2418
a hearing was held prior to such refusal. 2419

Unless a hearing was held prior to the refusal to issue the 2420
license, every agency shall afford a hearing upon the request of a 2421
person whose application for a license has been rejected and to 2422
whom the agency has refused to issue a license, whether it is a 2423
renewal or a new license, except that the following are not 2424
required to afford a hearing to a person to whom a new license has 2425
been refused because the person failed a licensing examination: 2426
the state medical board, state chiropractic board, architects 2427
board, Ohio landscape architects board, and ~~any section of the~~ 2428
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 2429
~~board~~ the state physical health services board with respect to 2430
licenses issued under Chapter 4755. of the Revised Code. 2431

When periodic registration of licenses is required by law, 2432
the agency shall afford a hearing upon the request of any licensee 2433

whose registration has been denied, unless a hearing was held 2434
prior to such denial. 2435

When periodic registration of licenses or renewal of licenses 2436
is required by law, a licensee who has filed an application for 2437
registration or renewal within the time and in the manner provided 2438
by statute or rule of the agency shall not be required to 2439
discontinue a licensed business or profession merely because of 2440
the failure of the agency to act on the licensee's application. 2441
Action of an agency rejecting any such application shall not be 2442
effective prior to fifteen days after notice of the rejection is 2443
mailed to the licensee. 2444

Sec. 120.08. There is hereby created in the state treasury 2445
the indigent defense support fund, consisting of money paid into 2446
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 2447
4511.19 of the Revised Code and pursuant to sections 2937.22, 2448
2949.091, and 2949.094 of the Revised Code out of the additional 2449
court costs imposed under those sections. The state public 2450
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 2451
the money in the fund for the purposes of reimbursing county 2452
governments for expenses incurred pursuant to sections 120.18, 2453
120.28, and 120.33 of the Revised Code and operating its system 2454
pursuant to division (C)(7) of section 120.04 of the Revised Code 2455
and division (B) of section 120.33 of the Revised Code. 2456
Disbursements from the fund to county governments shall be made at 2457
least once per year and shall be allocated proportionately so that 2458
each county receives an equal percentage of its total cost for 2459
operating its county public defender system, its joint county 2460
public defender system, its county appointed counsel system, or 2461
its system operated under division (C)(7) of section 120.04 of the 2462
Revised Code and division (B) of section 120.33 of the Revised 2463
Code. The state public defender may use not more than ~~twelve~~ 2464
seventeen per cent of the money in the fund for the purposes of 2465

appointing assistant state public defenders, providing other 2466
personnel, equipment, and facilities necessary for the operation 2467
of the state public defender office, and providing training, 2468
developing and implementing electronic forms, or establishing and 2469
maintaining an information technology system used for the uniform 2470
operation of this chapter. 2471

Sec. 120.33. (A) In lieu of using a county public defender or 2472
joint county public defender to represent indigent persons in the 2473
proceedings set forth in division (A) of section 120.16 of the 2474
Revised Code, the board of county commissioners of any county may 2475
adopt a resolution to pay counsel who are either personally 2476
selected by the indigent person or appointed by the court. The 2477
resolution shall include those provisions the board of county 2478
commissioners considers necessary to provide effective 2479
representation of indigent persons in any proceeding for which 2480
counsel is provided under this section. The resolution shall 2481
include provisions for contracts with any municipal corporation 2482
under which the municipal corporation shall reimburse the county 2483
for counsel appointed to represent indigent persons charged with 2484
violations of the ordinances of the municipal corporation. 2485

(1) In a county that adopts a resolution to pay counsel, an 2486
indigent person shall have the right to do either of the 2487
following: 2488

(a) To select the person's own personal counsel to represent 2489
the person in any proceeding included within the provisions of the 2490
resolution; 2491

(b) To request the court to appoint counsel to represent the 2492
person in such a proceeding. 2493

(2) The court having jurisdiction over the proceeding in a 2494
county that adopts a resolution to pay counsel shall, after 2495

determining that the person is indigent and entitled to legal representation under this section, do either of the following:

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

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

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

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. With respect to capital cases, the court shall

approve compensation and expenses in accordance with the amount or 2528
at the rate set by the capital case attorney fee council pursuant 2529
to division (D) of this section. Each request for payment shall ~~be~~ 2530
~~accompanied by~~ include a financial disclosure form ~~and an~~ 2531
~~affidavit of indigency that are~~ completed by the indigent person 2532
on ~~forms~~ a form prescribed by the state public defender. 2533
Compensation and expenses shall not exceed the amounts fixed by 2534
the board of county commissioners in the schedule adopted pursuant 2535
to division (A)(3) of this section. No court shall approve 2536
compensation and expenses that exceed the amount fixed pursuant to 2537
division (A)(3) of this section. 2538

The fees and expenses approved by the court shall not be 2539
taxed as part of the costs and shall be paid by the county. 2540
However, if the person represented has, or may reasonably be 2541
expected to have, the means to meet some part of the cost of the 2542
services rendered to the person, the person shall pay the county 2543
an amount that the person reasonably can be expected to pay. 2544
Pursuant to section 120.04 of the Revised Code, the county shall 2545
pay to the state public defender a percentage of the payment 2546
received from the person in an amount proportionate to the 2547
percentage of the costs of the person's case that were paid to the 2548
county by the state public defender pursuant to this section. The 2549
money paid to the state public defender shall be credited to the 2550
client payment fund created pursuant to division (B)(5) of section 2551
120.04 of the Revised Code. 2552

The county auditor shall draw a warrant on the county 2553
treasurer for the payment of counsel in the amount fixed by the 2554
court, plus the expenses the court fixes and certifies to the 2555
auditor. The county auditor shall report periodically, but not 2556
less than annually, to the board of county commissioners and to 2557
the state public defender the amounts paid out pursuant to the 2558
approval of the court. The board of county commissioners, after 2559

review and approval of the auditor's report, or the county 2560
auditor, with permission from and notice to the board of county 2561
commissioners, may then certify it to the state public defender 2562
for reimbursement. The state public defender may pay a requested 2563
reimbursement only if the request for reimbursement ~~is accompanied~~ 2564
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 2565
~~indigency~~ completed by the indigent person on ~~forms~~ a form 2566
prescribed by the state public defender or if the court certifies 2567
by electronic signature as prescribed by the state public defender 2568
that a financial disclosure form ~~and affidavit of indigency have~~ 2569
has been completed by the indigent person and ~~are~~ is available for 2570
inspection. If a request for the reimbursement of the cost of 2571
counsel in any case is not received by the state public defender 2572
within ninety days after the end of the calendar month in which 2573
the case is finally disposed of by the court, unless the county 2574
has requested and the state public defender has granted an 2575
extension of the ninety-day limit, the state public defender shall 2576
not pay the requested reimbursement. The state public defender 2577
shall also review the report and, in accordance with the 2578
standards, guidelines, and maximums established pursuant to 2579
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2580
prepare a voucher for fifty per cent of the total cost of each 2581
county appointed counsel system in the period of time covered by 2582
the certified report and a voucher for fifty per cent of the costs 2583
and expenses that are reimbursable under section 120.35 of the 2584
Revised Code, if any, or, if the amount of money appropriated by 2585
the general assembly to reimburse counties for the operation of 2586
county public defender offices, joint county public defender 2587
offices, and county appointed counsel systems is not sufficient to 2588
pay fifty per cent of the total cost of all of the offices and 2589
systems other than costs and expenses that are reimbursable under 2590
section 120.35 of the Revised Code, for the lesser amount required 2591
by section 120.34 of the Revised Code. 2592

(5) If any county appointed counsel system fails to maintain 2593
the standards for the conduct of the system established by the 2594
rules of the Ohio public defender commission pursuant to divisions 2595
(B) and (C) of section 120.03 or the standards established by the 2596
state public defender pursuant to division (B)(7) of section 2597
120.04 of the Revised Code, the Ohio public defender commission 2598
shall notify the board of county commissioners of the county that 2599
the county appointed counsel system has failed to comply with its 2600
rules or the standards of the state public defender. Unless the 2601
board of county commissioners corrects the conduct of its 2602
appointed counsel system to comply with the rules and standards 2603
within ninety days after the date of the notice, the state public 2604
defender may deny all or part of the county's reimbursement from 2605
the state provided for in division (A)(4) of this section. 2606

(B) In lieu of using a county public defender or joint county 2607
public defender to represent indigent persons in the proceedings 2608
set forth in division (A) of section 120.16 of the Revised Code, 2609
and in lieu of adopting the resolution and following the procedure 2610
described in division (A) of this section, the board of county 2611
commissioners of any county may contract with the state public 2612
defender for the state public defender's legal representation of 2613
indigent persons. A contract entered into pursuant to this 2614
division may provide for payment for the services provided on a 2615
per case, hourly, or fixed contract basis. 2616

(C) If a court appoints an attorney pursuant to this section 2617
to represent a petitioner in a postconviction relief proceeding 2618
under section 2953.21 of the Revised Code, the petitioner has 2619
received a sentence of death, and the proceeding relates to that 2620
sentence, the attorney who represents the petitioner in the 2621
proceeding pursuant to the appointment shall be certified under 2622
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 2623
represent indigent defendants charged with or convicted of an 2624

offense for which the death penalty can be or has been imposed. 2625

(D)(1) There is hereby created the capital case attorney fee 2626
council, appointed as described in division (D)(2) of this 2627
section. The council shall set an amount by case, or a rate on an 2628
hourly basis, to be paid under this section to counsel in a 2629
capital case. 2630

(2) The capital case attorney fee council shall consist of 2631
five members, all of whom shall be active judges serving on one of 2632
the district courts of appeals in this state. Terms for council 2633
members shall be the lesser of three years or until the member 2634
ceases to be an active judge of a district court of appeals. The 2635
initial terms shall commence ninety days after ~~the effective date~~ 2636
~~of this amendment~~ September 28, 2016. The chief justice of the 2637
supreme court shall appoint the members of the council, and shall 2638
make all of the appointments not later than sixty days after ~~the~~ 2639
~~effective date of this amendment~~ September 28, 2016. When any 2640
vacancy occurs, the chief justice shall appoint an active judge of 2641
a district court of appeals in this state to fill the vacancy for 2642
the unexpired term, in the same manner as prescribed in this 2643
division. The chief justice shall designate a chairperson from the 2644
appointed members of the council. Members of the council shall 2645
receive no additional compensation for their service as a member, 2646
but may be reimbursed for expenses reasonably incurred in service 2647
to the council, to be paid by the supreme court. The supreme court 2648
may provide administrative support to the council. 2649

(3) The capital case attorney fee council initially shall 2650
meet not later than one hundred twenty days after ~~the effective~~ 2651
~~date of this amendment~~ September 28, 2016. Thereafter, the council 2652
shall meet not less than annually. 2653

(4) Upon setting the amount or rate described in division 2654
(D)(1) of this section, the chairperson of the capital case 2655
attorney fee council promptly shall provide written notice to the 2656

state public defender of the amount or rate so set. The amount or 2657
rate so set shall become effective ninety days after the date on 2658
which the chairperson provides that written notice to the state 2659
public defender. The council shall specify that effective date in 2660
the written notice provided to the state public defender. All 2661
amounts or rates set by the council shall be final, subject to 2662
modification as described in division (D)(5) of this section, and 2663
not subject to appeal. 2664

(5) The capital case attorney fee council may modify an 2665
amount or rate set as described in division (D)(4) of this 2666
section. The provisions of that division apply with respect to any 2667
such modification of an amount or rate. 2668

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 2669
(5), or (6) of this section, if a person who is a defendant in a 2670
criminal case or a party in a case in juvenile court requests or 2671
is provided a state public defender, a county or joint county 2672
public defender, or any other counsel appointed by the court, the 2673
court in which the criminal case is initially filed or the 2674
juvenile court, whichever is applicable, shall assess, unless the 2675
application fee is waived or reduced, a non-refundable application 2676
fee of twenty-five dollars. 2677

The court shall direct the person to pay the application fee 2678
to the clerk of court. The person shall pay the application fee to 2679
the clerk of court at the time the person files ~~an affidavit of~~ 2680
~~indigency or~~ a financial disclosure form with the court, a state 2681
public defender, a county or joint county public defender, or any 2682
other counsel appointed by the court or within seven days of that 2683
date. If the person does not pay the application fee within that 2684
seven-day period, the court shall assess the application fee at 2685
sentencing or at the final disposition of the case. 2686

(2) For purposes of this section, a criminal case includes 2687

any case involving a violation of any provision of the Revised 2688
Code or of an ordinance of a municipal corporation for which the 2689
potential penalty includes loss of liberty and includes any 2690
contempt proceeding in which a court may impose a term of 2691
imprisonment. 2692

(3) In a juvenile court proceeding, the court shall not 2693
assess the application fee against a child if the court appoints a 2694
guardian ad litem for the child or the court appoints an attorney 2695
to represent the child at the request of a guardian ad litem. 2696

(4) The court shall not assess an application fee for a 2697
postconviction proceeding or when the defendant files an appeal. 2698

(5)(a) Except when the court assesses an application fee 2699
pursuant to division (A)(5)(b) of this section, the court shall 2700
assess an application fee when a person is charged with a 2701
violation of a community control sanction or a violation of a 2702
post-release control sanction. 2703

(b) If a charge of violating a community control sanction or 2704
post-release control sanction described in division (A)(5)(a) of 2705
this section results in a person also being charged with violating 2706
any provision of the Revised Code or an ordinance of a municipal 2707
corporation, the court shall only assess an application fee for 2708
the case that results from the additional charge. 2709

(6) If a case is transferred from one court to another court 2710
and the person failed to pay the application fee to the court that 2711
initially assessed the application fee, the court that initially 2712
assessed the fee shall remove the assessment, and the court to 2713
which the case was transferred shall assess the application fee. 2714

(7) The court shall assess an application fee pursuant to 2715
this section one time per case. For purposes of assessing the 2716
application fee, a case means one complete proceeding or trial 2717
held in one court for a person on an indictment, information, 2718

complaint, petition, citation, writ, motion, or other document 2719
initiating a case that arises out of a single incident or a series 2720
of related incidents, or when one individual is charged with two 2721
or more offenses that the court handles simultaneously. The court 2722
may waive or reduce the fee for a specific person in a specific 2723
case upon a finding that the person lacks financial resources that 2724
are sufficient to pay the fee or that payment of the fee would 2725
result in an undue hardship. 2726

(B) No court, state public defender, county or joint county 2727
public defender, or other counsel appointed by the court shall 2728
deny a person the assistance of counsel solely due to the person's 2729
failure to pay the application fee assessed pursuant to division 2730
(A) of this section. A person's present inability, failure, or 2731
refusal to pay the application fee shall not disqualify that 2732
person from legal representation. 2733

(C) The application fee assessed pursuant to division (A) of 2734
this section is separate from and in addition to any other amount 2735
assessed against a person who is found to be able to contribute 2736
toward the cost of the person's legal representation pursuant to 2737
division (D) of section 2941.51 of the Revised Code. 2738

(D) The clerk of the court that assessed the fees shall 2739
forward all application fees collected pursuant to this section to 2740
the county treasurer for deposit in the county treasury. The 2741
county shall retain eighty per cent of the application fees so 2742
collected to offset the costs of providing legal representation to 2743
indigent persons. Not later than the last day of each month, the 2744
county auditor shall remit twenty per cent of the application fees 2745
so collected in the previous month to the state public defender. 2746
The state public defender shall deposit the remitted fees into the 2747
state treasury to the credit of the client payment fund created 2748
pursuant to division (B)(5) of section 120.04 of the Revised Code. 2749
The state public defender may use that money in accordance with 2750

that section. 2751

(E) On or before the twentieth day of each month beginning in 2752
February of the year 2007, each clerk of court shall provide to 2753
the state public defender a report including all of the following: 2754

(1) The number of persons in the previous month who requested 2755
or were provided a state public defender, county or joint county 2756
public defender, or other counsel appointed by the court; 2757

(2) The number of persons in the previous month for whom the 2758
court waived the application fee pursuant to division (A) of this 2759
section; 2760

(3) The dollar value of the application fees assessed 2761
pursuant to division (A) of this section in the previous month; 2762

(4) The amount of assessed application fees collected in the 2763
previous month; 2764

(5) The balance of unpaid assessed application fees at the 2765
open and close of the previous month. 2766

(F) As used in this section: 2767

(1) "Clerk of court" means the clerk of the court of common 2768
pleas of the county, the clerk of the juvenile court of the 2769
county, the clerk of the domestic relations division of the court 2770
of common pleas of the county, the clerk of the probate court of 2771
the county, the clerk of a municipal court in the county, the 2772
clerk of a county-operated municipal court, or the clerk of a 2773
county court in the county, whichever is applicable. 2774

(2) "County-operated municipal court" has the same meaning as 2775
in section 1901.03 of the Revised Code. 2776

Sec. 121.22. (A) This section shall be liberally construed to 2777
require public officials to take official action and to conduct 2778
all deliberations upon official business only in open meetings 2779

unless the subject matter is specifically excepted by law.	2780
(B) As used in this section:	2781
(1) "Public body" means any of the following:	2782
(a) Any board, commission, committee, council, or similar	2783
decision-making body of a state agency, institution, or authority,	2784
and any legislative authority or board, commission, committee,	2785
council, agency, authority, or similar decision-making body of any	2786
county, township, municipal corporation, school district, or other	2787
political subdivision or local public institution;	2788
(b) Any committee or subcommittee of a body described in	2789
division (B)(1)(a) of this section;	2790
(c) A court of jurisdiction of a sanitary district organized	2791
wholly for the purpose of providing a water supply for domestic,	2792
municipal, and public use when meeting for the purpose of the	2793
appointment, removal, or reappointment of a member of the board of	2794
directors of such a district pursuant to section 6115.10 of the	2795
Revised Code, if applicable, or for any other matter related to	2796
such a district other than litigation involving the district. As	2797
used in division (B)(1)(c) of this section, "court of	2798
jurisdiction" has the same meaning as "court" in section 6115.01	2799
of the Revised Code.	2800
(2) "Meeting" means any prearranged discussion of the public	2801
business of the public body by a majority of its members.	2802
(3) "Regulated individual" means either of the following:	2803
(a) A student in a state or local public educational	2804
institution;	2805
(b) A person who is, voluntarily or involuntarily, an inmate,	2806
patient, or resident of a state or local institution because of	2807
criminal behavior, mental illness, an intellectual disability,	2808
disease, disability, age, or other condition requiring custodial	2809

care.	2810
(4) "Public office" has the same meaning as in section	2811
149.011 of the Revised Code.	2812
(C) All meetings of any public body are declared to be public	2813
meetings open to the public at all times. A member of a public	2814
body shall be present in person at a meeting open to the public to	2815
be considered present or to vote at the meeting and for purposes	2816
of determining whether a quorum is present at the meeting.	2817
The minutes of a regular or special meeting of any public	2818
body shall be promptly prepared, filed, and maintained and shall	2819
be open to public inspection. The minutes need only reflect the	2820
general subject matter of discussions in executive sessions	2821
authorized under division (G) or (J) of this section.	2822
(D) This section does not apply to any of the following:	2823
(1) A grand jury;	2824
(2) An audit conference conducted by the auditor of state or	2825
independent certified public accountants with officials of the	2826
public office that is the subject of the audit;	2827
(3) The adult parole authority when its hearings are	2828
conducted at a correctional institution for the sole purpose of	2829
interviewing inmates to determine parole or pardon;	2830
(4) The organized crime investigations commission established	2831
under section 177.01 of the Revised Code;	2832
(5) Meetings of a child fatality review board established	2833
under section 307.621 of the Revised Code, meetings related to a	2834
review conducted pursuant to guidelines established by the	2835
director of health under section 3701.70 of the Revised Code, and	2836
meetings conducted pursuant to sections 5153.171 to 5153.173 of	2837
the Revised Code;	2838
(6) The state medical board when determining whether to	2839

suspend a certificate without a prior hearing pursuant to division	2840
(G) of either section 4730.25 or 4731.22 of the Revised Code;	2841
(7) The board of nursing when determining whether to suspend	2842
a license or certificate without a prior hearing pursuant to	2843
division (B) of section 4723.281 of the Revised Code;	2844
(8) The state board of pharmacy when determining whether to	2845
suspend a license without a prior hearing pursuant to division (D)	2846
of section 4729.16 of the Revised Code;	2847
(9) The state chiropractic board when determining whether to	2848
suspend a license without a hearing pursuant to section 4734.37 of	2849
the Revised Code;	2850
(10) The executive committee of the emergency response	2851
commission when determining whether to issue an enforcement order	2852
or request that a civil action, civil penalty action, or criminal	2853
action be brought to enforce Chapter 3750. of the Revised Code;	2854
(11) The board of directors of the nonprofit corporation	2855
formed under section 187.01 of the Revised Code or any committee	2856
thereof, and the board of directors of any subsidiary of that	2857
corporation or a committee thereof;	2858
(12) An audit conference conducted by the audit staff of the	2859
department of job and family services with officials of the public	2860
office that is the subject of that audit under section 5101.37 of	2861
the Revised Code;	2862
(13) The occupational therapy section of the occupational	2863
therapy, physical therapy, and athletic trainers board when	2864
determining whether to suspend a license or limited permit without	2865
a hearing pursuant to division (D) of section 4755.11 of the	2866
Revised Code;	2867
(14) The physical therapy section of the occupational	2868
therapy, physical therapy, and athletic trainers board when	2869

determining whether to suspend a license without a hearing 2870
pursuant to division (E) of section 4755.47 of the Revised Code; 2871

(15) The athletic trainers section of the occupational 2872
therapy, physical therapy, and athletic trainers board when 2873
determining whether to suspend a license without a hearing 2874
pursuant to division (D) of section 4755.64 of the Revised Code; 2875

(16) Meetings of a drug overdose fatality review committee 2876
established under section 307.631 of the Revised Code. 2877

(E) The controlling board, the tax credit authority, or the 2878
minority development financing advisory board, when meeting to 2879
consider granting assistance pursuant to Chapter 122. or 166. of 2880
the Revised Code, in order to protect the interest of the 2881
applicant or the possible investment of public funds, by unanimous 2882
vote of all board or authority members present, may close the 2883
meeting during consideration of the following information 2884
confidentially received by the authority or board from the 2885
applicant: 2886

(1) Marketing plans; 2887

(2) Specific business strategy; 2888

(3) Production techniques and trade secrets; 2889

(4) Financial projections; 2890

(5) Personal financial statements of the applicant or members 2891
of the applicant's immediate family, including, but not limited 2892
to, tax records or other similar information not open to public 2893
inspection. 2894

The vote by the authority or board to accept or reject the 2895
application, as well as all proceedings of the authority or board 2896
not subject to this division, shall be open to the public and 2897
governed by this section. 2898

(F) Every public body, by rule, shall establish a reasonable 2899

method whereby any person may determine the time and place of all 2900
regularly scheduled meetings and the time, place, and purpose of 2901
all special meetings. A public body shall not hold a special 2902
meeting unless it gives at least twenty-four hours' advance notice 2903
to the news media that have requested notification, except in the 2904
event of an emergency requiring immediate official action. In the 2905
event of an emergency, the member or members calling the meeting 2906
shall notify the news media that have requested notification 2907
immediately of the time, place, and purpose of the meeting. 2908

The rule shall provide that any person, upon request and 2909
payment of a reasonable fee, may obtain reasonable advance 2910
notification of all meetings at which any specific type of public 2911
business is to be discussed. Provisions for advance notification 2912
may include, but are not limited to, mailing the agenda of 2913
meetings to all subscribers on a mailing list or mailing notices 2914
in self-addressed, stamped envelopes provided by the person. 2915

(G) Except as provided in divisions (G)(8) and (J) of this 2916
section, the members of a public body may hold an executive 2917
session only after a majority of a quorum of the public body 2918
determines, by a roll call vote, to hold an executive session and 2919
only at a regular or special meeting for the sole purpose of the 2920
consideration of any of the following matters: 2921

(1) To consider the appointment, employment, dismissal, 2922
discipline, promotion, demotion, or compensation of a public 2923
employee or official, or the investigation of charges or 2924
complaints against a public employee, official, licensee, or 2925
regulated individual, unless the public employee, official, 2926
licensee, or regulated individual requests a public hearing. 2927
Except as otherwise provided by law, no public body shall hold an 2928
executive session for the discipline of an elected official for 2929
conduct related to the performance of the elected official's 2930
official duties or for the elected official's removal from office. 2931

If a public body holds an executive session pursuant to division 2932
(G)(1) of this section, the motion and vote to hold that executive 2933
session shall state which one or more of the approved purposes 2934
listed in division (G)(1) of this section are the purposes for 2935
which the executive session is to be held, but need not include 2936
the name of any person to be considered at the meeting. 2937

(2) To consider the purchase of property for public purposes, 2938
the sale of property at competitive bidding, or the sale or other 2939
disposition of unneeded, obsolete, or unfit-for-use property in 2940
accordance with section 505.10 of the Revised Code, if premature 2941
disclosure of information would give an unfair competitive or 2942
bargaining advantage to a person whose personal, private interest 2943
is adverse to the general public interest. No member of a public 2944
body shall use division (G)(2) of this section as a subterfuge for 2945
providing covert information to prospective buyers or sellers. A 2946
purchase or sale of public property is void if the seller or buyer 2947
of the public property has received covert information from a 2948
member of a public body that has not been disclosed to the general 2949
public in sufficient time for other prospective buyers and sellers 2950
to prepare and submit offers. 2951

If the minutes of the public body show that all meetings and 2952
deliberations of the public body have been conducted in compliance 2953
with this section, any instrument executed by the public body 2954
purporting to convey, lease, or otherwise dispose of any right, 2955
title, or interest in any public property shall be conclusively 2956
presumed to have been executed in compliance with this section 2957
insofar as title or other interest of any bona fide purchasers, 2958
lessees, or transferees of the property is concerned. 2959

(3) Conferences with an attorney for the public body 2960
concerning disputes involving the public body that are the subject 2961
of pending or imminent court action; 2962

(4) Preparing for, conducting, or reviewing negotiations or 2963

bargaining sessions with public employees concerning their 2964
compensation or other terms and conditions of their employment; 2965

(5) Matters required to be kept confidential by federal law 2966
or regulations or state statutes; 2967

(6) Details relative to the security arrangements and 2968
emergency response protocols for a public body or a public office, 2969
if disclosure of the matters discussed could reasonably be 2970
expected to jeopardize the security of the public body or public 2971
office; 2972

(7) In the case of a county hospital operated pursuant to 2973
Chapter 339. of the Revised Code, a joint township hospital 2974
operated pursuant to Chapter 513. of the Revised Code, or a 2975
municipal hospital operated pursuant to Chapter 749. of the 2976
Revised Code, to consider trade secrets, as defined in section 2977
1333.61 of the Revised Code; 2978

(8) To consider confidential information related to the 2979
marketing plans, specific business strategy, production 2980
techniques, trade secrets, or personal financial statements of an 2981
applicant for economic development assistance, or to negotiations 2982
with other political subdivisions respecting requests for economic 2983
development assistance, provided that both of the following 2984
conditions apply: 2985

(a) The information is directly related to a request for 2986
economic development assistance that is to be provided or 2987
administered under any provision of Chapter 715., 725., 1724., or 2988
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 2989
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 2990
the Revised Code, or that involves public infrastructure 2991
improvements or the extension of utility services that are 2992
directly related to an economic development project. 2993

(b) A unanimous quorum of the public body determines, by a 2994

roll call vote, that the executive session is necessary to protect 2995
the interests of the applicant or the possible investment or 2996
expenditure of public funds to be made in connection with the 2997
economic development project. 2998

If a public body holds an executive session to consider any 2999
of the matters listed in divisions (G)(2) to (8) of this section, 3000
the motion and vote to hold that executive session shall state 3001
which one or more of the approved matters listed in those 3002
divisions are to be considered at the executive session. 3003

A public body specified in division (B)(1)(c) of this section 3004
shall not hold an executive session when meeting for the purposes 3005
specified in that division. 3006

(H) A resolution, rule, or formal action of any kind is 3007
invalid unless adopted in an open meeting of the public body. A 3008
resolution, rule, or formal action adopted in an open meeting that 3009
results from deliberations in a meeting not open to the public is 3010
invalid unless the deliberations were for a purpose specifically 3011
authorized in division (G) or (J) of this section and conducted at 3012
an executive session held in compliance with this section. A 3013
resolution, rule, or formal action adopted in an open meeting is 3014
invalid if the public body that adopted the resolution, rule, or 3015
formal action violated division (F) of this section. 3016

(I)(1) Any person may bring an action to enforce this 3017
section. An action under division (I)(1) of this section shall be 3018
brought within two years after the date of the alleged violation 3019
or threatened violation. Upon proof of a violation or threatened 3020
violation of this section in an action brought by any person, the 3021
court of common pleas shall issue an injunction to compel the 3022
members of the public body to comply with its provisions. 3023

(2)(a) If the court of common pleas issues an injunction 3024
pursuant to division (I)(1) of this section, the court shall order 3025

the public body that it enjoins to pay a civil forfeiture of five 3026
hundred dollars to the party that sought the injunction and shall 3027
award to that party all court costs and, subject to reduction as 3028
described in division (I)(2) of this section, reasonable 3029
attorney's fees. The court, in its discretion, may reduce an award 3030
of attorney's fees to the party that sought the injunction or not 3031
award attorney's fees to that party if the court determines both 3032
of the following: 3033

(i) That, based on the ordinary application of statutory law 3034
and case law as it existed at the time of violation or threatened 3035
violation that was the basis of the injunction, a well-informed 3036
public body reasonably would believe that the public body was not 3037
violating or threatening to violate this section; 3038

(ii) That a well-informed public body reasonably would 3039
believe that the conduct or threatened conduct that was the basis 3040
of the injunction would serve the public policy that underlies the 3041
authority that is asserted as permitting that conduct or 3042
threatened conduct. 3043

(b) If the court of common pleas does not issue an injunction 3044
pursuant to division (I)(1) of this section and the court 3045
determines at that time that the bringing of the action was 3046
frivolous conduct, as defined in division (A) of section 2323.51 3047
of the Revised Code, the court shall award to the public body all 3048
court costs and reasonable attorney's fees, as determined by the 3049
court. 3050

(3) Irreparable harm and prejudice to the party that sought 3051
the injunction shall be conclusively and irrebuttably presumed 3052
upon proof of a violation or threatened violation of this section. 3053

(4) A member of a public body who knowingly violates an 3054
injunction issued pursuant to division (I)(1) of this section may 3055
be removed from office by an action brought in the court of common 3056

pleas for that purpose by the prosecuting attorney or the attorney 3057
general. 3058

(J)(1) Pursuant to division (C) of section 5901.09 of the 3059
Revised Code, a veterans service commission shall hold an 3060
executive session for one or more of the following purposes unless 3061
an applicant requests a public hearing: 3062

(a) Interviewing an applicant for financial assistance under 3063
sections 5901.01 to 5901.15 of the Revised Code; 3064

(b) Discussing applications, statements, and other documents 3065
described in division (B) of section 5901.09 of the Revised Code; 3066

(c) Reviewing matters relating to an applicant's request for 3067
financial assistance under sections 5901.01 to 5901.15 of the 3068
Revised Code. 3069

(2) A veterans service commission shall not exclude an 3070
applicant for, recipient of, or former recipient of financial 3071
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3072
and shall not exclude representatives selected by the applicant, 3073
recipient, or former recipient, from a meeting that the commission 3074
conducts as an executive session that pertains to the applicant's, 3075
recipient's, or former recipient's application for financial 3076
assistance. 3077

(3) A veterans service commission shall vote on the grant or 3078
denial of financial assistance under sections 5901.01 to 5901.15 3079
of the Revised Code only in an open meeting of the commission. The 3080
minutes of the meeting shall indicate the name, address, and 3081
occupation of the applicant, whether the assistance was granted or 3082
denied, the amount of the assistance if assistance is granted, and 3083
the votes for and against the granting of assistance. 3084

Sec. 122.071. (A) The TourismOhio advisory board is hereby 3085
established to advise the director of development services and the 3086

director of the office of TourismOhio on strategies for promoting 3087
tourism in this state. The board shall consist of the chief 3088
investment officer of the nonprofit corporation formed under 3089
section 187.01 of the Revised Code or the chief investment 3090
officer's designee, the director of the office of TourismOhio, and 3091
nine members to be appointed by the governor as provided in 3092
division (B) of this section. All members of the board, except the 3093
director of the office of TourismOhio, shall be voting members. 3094

(B)(1) The governor shall, within sixty days after ~~the~~ 3095
~~effective date of this section~~ September 28, 2012, appoint to the 3096
TourismOhio advisory board one individual who is a representative 3097
of convention and visitors' bureaus, one individual who is a 3098
representative of the lodging industry, one individual who is a 3099
representative of the restaurant industry, one individual who is a 3100
representative of attractions, one individual who is a 3101
representative of special events and festivals, one individual who 3102
is a representative of agritourism, and three individuals who are 3103
representatives of the tourism industry. Of the initial 3104
appointments, two individuals shall serve a term of one year, 3105
three individuals shall serve a term of two years, and the 3106
remainder shall serve a term of three years. Thereafter, terms of 3107
office shall be for three years. Each individual appointed to the 3108
board shall be a United States citizen. 3109

(2) For purposes of division (B)(1) of this section, an 3110
individual is a "representative of the tourism industry" if the 3111
individual possesses five years or more executive-level experience 3112
in the attractions, lodging, restaurant, transportation, or retail 3113
industry or five years or more executive-level experience with a 3114
destination marketing organization. 3115

(C)(1) Each member of the TourismOhio advisory board shall 3116
hold office from the date of the member's appointment until the 3117
end of the term for which the member is appointed. Vacancies that 3118

occur on the board shall be filled in the manner prescribed for 3119
regular appointments to the board. A member appointed to fill a 3120
vacancy occurring prior to the expiration of the term for which 3121
the member's predecessor was appointed shall hold office for the 3122
remainder of that predecessor's term. A member shall continue in 3123
office subsequent to the expiration date of the member's term 3124
until the member's successor takes office or until sixty days have 3125
elapsed, whichever occurs first. Any member appointed to the board 3126
is eligible for reappointment. 3127

(2) The governor shall designate one member of the board as 3128
chairperson. 3129

(3) Members appointed to the board may be reimbursed for 3130
actual and necessary expenses incurred in connection with their 3131
official duties. 3132

Sec. 122.08. (A) There is hereby created within the 3133
~~department of development~~ services agency an office to be known as 3134
the office of small business and entrepreneurship. The office 3135
shall be under the supervision of a manager appointed by the 3136
director of development services. 3137

(B) The office shall do all of the following: 3138

(1) Act as liaison between the small business community and 3139
state governmental agencies; 3140

(2) Furnish information and technical assistance to persons 3141
and small businesses concerning the establishment and maintenance 3142
of a small business, and concerning state laws and rules relevant 3143
to the operation of a small business. In conjunction with these 3144
duties, the office ~~shall keep a record of all proposed and~~ 3145
~~currently effective state agency rules affecting small businesses,~~ 3146
~~and~~ may testify before the joint committee on agency rule review 3147
concerning any proposed rule affecting small businesses. 3148

(3) Prepare and publish the small business register under	3149
section 122.081 of the Revised Code;	3150
(4) ~~Receive complaints from small businesses concerning~~	3151
~~governmental activity, compile and analyze those complaints, and~~	3152
~~periodically~~ Periodically make recommendations to the governor and	3153
the general assembly on changes in state laws or agency rules	3154
needed to eliminate burdensome and unproductive governmental	3155
regulation to improve the economic climate within which small	3156
businesses operate;	3157
(5) Receive complaints or questions from small businesses and	3158
direct those businesses to the appropriate governmental agency.	3159
If, within a reasonable period of time, a complaint is not	3160
satisfactorily resolved or a question is not satisfactorily	3161
answered, the office shall, on behalf of the small business, make	3162
every effort to secure a satisfactory result. For this purpose,	3163
the office may consult with any state governmental agency and may	3164
make any suggestion or request that seems appropriate.	3165
(6) Utilize, to the maximum extent possible, the printed and	3166
electronic media to disseminate information of current concern and	3167
interest to the small business community and to make known to	3168
small businesses the services available through the office. The	3169
office shall publish such books, pamphlets, and other printed	3170
materials, and shall participate in such trade association	3171
meetings, conventions, fairs, and other meetings involving the	3172
small business community, as the manager considers appropriate.	3173
(7) Prepare <u>a description of the activities of the office</u> for	3174
inclusion in the ~~department of development's development services~~	3175
~~agency's~~ annual report to the governor and general assembly, ~~a~~	3176
~~description of the activities of the office and a report of the~~	3177
~~number of rules affecting small businesses that were recorded by~~	3178
~~the office during the preceding calendar year;~~	3179

(8) Operate the Ohio first-stop business connection to assist individuals in identifying and preparing applications for business licenses, permits, and certificates and to serve as ~~the central~~ a public distributor for all forms, applications, and other information related to business licensing. Each state agency, board, and commission shall cooperate in providing assistance, information, and materials to enable the connection to perform its duties under this division.

(9) Provide information to individuals about the resources available on the OhioMeansJobs web site and through the local OhioMeansJobs one-stop systems established under section 6301.08 of the Revised Code that connect businesses with job seekers. As used in this division, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code.

(C) The office may, upon the request of a state agency, assist the agency with the preparation of any rule that will affect small businesses.

(D) The director of development services shall assign employees and furnish equipment and supplies to the office as the director considers necessary for the proper performance of the duties assigned to the office.

Sec. 122.081. (A) The office of small business and entrepreneurship in the ~~department of development services~~ agency shall prepare and publish a "small business register" or contract with any person as provided in this section to prepare and publish the register. The small business register shall contain the following information regarding each proposed rule recorded by the office of small business and entrepreneurship:

(1) The title and administrative code rule number of the proposed rule;

(2) A brief summary of the proposed rule;	3210
(3) The date on which the proposed rule was recorded by the office of small business <u>and entrepreneurship</u> ; and	3211 3212
(4) The name, address, and telephone number of an individual or office within the agency that proposed the rule who can provide information about the proposed rule.	3213 3214 3215
(B) The small business register shall be published on a weekly basis. The information required under division (A) of this section shall be published in the register no later than two weeks after the proposed rule to which the information relates is recorded by the office of small business <u>and entrepreneurship</u> . The office of ~~small business~~ shall furnish the small business register, on a single copy or subscription basis, to any person who requests it and pays a single copy price or subscription rate fixed by the office. The office shall furnish the chairpersons of the standing committees of the senate and house of representatives having jurisdiction over small businesses with free subscriptions to the small business register.	3216 3217 3218 3219 3220 3221 3222 3223 3224 3225 3226 3227
(C) Upon the request of the office of small business <u>and entrepreneurship</u> , the director of administrative services shall, in accordance with the competitive selection procedure of Chapter 125. of the Revised Code, let a contract for the compilation, printing, and distribution of the small business register.	3228 3229 3230 3231 3232
(D) The office of small business <u>and entrepreneurship</u> shall adopt, and may amend or rescind, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to enable it to properly carry out this section.	3233 3234 3235 3236
Sec. 122.17. (A) As used in this section:	3237
(1) "Payroll" means the total taxable income paid by the employer during the employer's taxable year, or during the	3238 3239

calendar year that includes the employer's tax period, to each 3240
employee or each home-based employee employed in the project to 3241
the extent such payroll is not used to determine the credit under 3242
section 122.171 of the Revised Code. "Payroll" excludes amounts 3243
paid before the day the taxpayer becomes eligible for the credit 3244
and retirement or other benefits paid or contributed by the 3245
employer to or on behalf of employees. 3246

(2) "Baseline payroll" means Ohio employee payroll, except 3247
that the applicable measurement period is the twelve months 3248
immediately preceding the date the tax credit authority approves 3249
the taxpayer's application or the date the tax credit authority 3250
receives the recommendation described in division (C)(2)(a) of 3251
this section, whichever occurs first, multiplied by the sum of one 3252
plus an annual pay increase factor to be determined by the tax 3253
credit authority. 3254

(3) "Ohio employee payroll" means the amount of compensation 3255
used to determine the withholding obligations in division (A) of 3256
section 5747.06 of the Revised Code and paid by the employer 3257
during the employer's taxable year, or during the calendar year 3258
that includes the employer's tax period, to each employee employed 3259
in the project who is a resident of this state, as defined in 3260
section 5747.01 of the Revised Code, to each employee employed at 3261
the project site who is not a resident and whose compensation is 3262
not exempt from the tax imposed under section 5747.02 of the 3263
Revised Code pursuant to a reciprocity agreement with another 3264
state under division (A)(3) of section 5747.05 of the Revised 3265
Code, or to each home-based employee employed in the project, to 3266
the extent such compensation is not used to determine the credit 3267
under section 122.171 of the Revised Code. "Ohio employee payroll" 3268
excludes amounts paid before the day the taxpayer becomes eligible 3269
for the credit. 3270

(4) "Excess payroll" means Ohio employee payroll minus 3271

baseline payroll. 3272

(5) "Home-based employee" means an employee whose services 3273
are performed primarily from the employee's residence in this 3274
state exclusively for the benefit of the project and whose rate of 3275
pay is at least one hundred thirty-one per cent of the federal 3276
minimum wage under 29 U.S.C. 206. 3277

(6) "Full-time equivalent employees" means the quotient 3278
obtained by dividing the total number of hours for which employees 3279
were compensated for employment in the project by two thousand 3280
eighty. "Full-time equivalent employees" excludes hours that are 3281
counted for a credit under section 122.171 of the Revised Code. 3282

(7) "Metric evaluation date" means the date by which the 3283
taxpayer must meet all of the commitments included in the 3284
agreement. 3285

(B) The tax credit authority may make grants under this 3286
section to foster job creation in this state. Such a grant shall 3287
take the form of a refundable credit allowed against the tax 3288
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 3289
5747.02 or levied under Chapter 5751. of the Revised Code. The 3290
credit shall be claimed for the taxable years or tax periods 3291
specified in the taxpayer's agreement with the tax credit 3292
authority under division (D) of this section. With respect to 3293
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 3294
Chapter 5751. of the Revised Code, the credit shall be claimed in 3295
the order required under section 5726.98, 5733.98, 5747.98, or 3296
5751.98 of the Revised Code. The amount of the credit available 3297
for a taxable year or for a calendar year that includes a tax 3298
period equals the excess payroll for that year multiplied by the 3299
percentage specified in the agreement with the tax credit 3300
authority. 3301

(C)(1) A taxpayer or potential taxpayer who proposes a 3302

project to create new jobs in this state may apply to the tax 3303
credit authority to enter into an agreement for a tax credit under 3304
this section. 3305

An application shall not propose to include both home-based 3306
employees and employees who are not home-based employees in the 3307
computation of Ohio employee payroll for the purposes of the same 3308
tax credit agreement. If a taxpayer or potential taxpayer employs 3309
both home-based employees and employees who are not home-based 3310
employees in a project, the taxpayer shall submit separate 3311
applications for separate tax credit agreements for the project, 3312
one of which shall include home-based employees in the computation 3313
of Ohio employee payroll and one of which shall include all other 3314
employees in the computation of Ohio employee payroll. 3315

The director of development services shall prescribe the form 3316
of the application. After receipt of an application, the authority 3317
may enter into an agreement with the taxpayer for a credit under 3318
this section if it determines all of the following: 3319

(a) The taxpayer's project will increase payroll; 3320

(b) The taxpayer's project is economically sound and will 3321
benefit the people of this state by increasing opportunities for 3322
employment and strengthening the economy of this state; 3323

(c) Receiving the tax credit is a major factor in the 3324
taxpayer's decision to go forward with the project. 3325

(2)(a) A taxpayer that chooses to begin the project prior to 3326
receiving the determination of the authority may, upon submitting 3327
the taxpayer's application to the authority, request that the 3328
chief investment officer of the nonprofit corporation formed under 3329
section 187.01 of the Revised Code and the director review the 3330
taxpayer's application and recommend to the authority that the 3331
taxpayer's application be considered. As soon as possible after 3332
receiving such a request, the chief investment officer and the 3333

director shall review the taxpayer's application and, if they 3334
determine that the application warrants consideration by the 3335
authority, make that recommendation to the authority not later 3336
than six months after the application is received by the 3337
authority. 3338

(b) The authority shall consider any taxpayer's application 3339
for which it receives a recommendation under division (C)(2)(a) of 3340
this section. If the authority determines that the taxpayer does 3341
not meet all of the criteria set forth in division (C)(1) of this 3342
section, the authority and the development services agency shall 3343
proceed in accordance with rules adopted by the director pursuant 3344
to division (I) of this section. 3345

(D) An agreement under this section shall include all of the 3346
following: 3347

(1) A detailed description of the project that is the subject 3348
of the agreement; 3349

(2)(a) The term of the tax credit, which, except as provided 3350
in division (D)(2)(b) of this section, shall not exceed fifteen 3351
years, and the first taxable year, or first calendar year that 3352
includes a tax period, for which the credit may be claimed; 3353

(b) If the tax credit is computed on the basis of home-based 3354
employees, the term of the credit shall expire on or before the 3355
last day of the taxable or calendar year ending before the 3356
beginning of the seventh year after September 6, 2012, the 3357
effective date of H.B. 327 of the 129th general assembly. 3358

(3) A requirement that the taxpayer shall maintain operations 3359
at the project location for at least the greater of seven years or 3360
the term of the credit plus three years; 3361

(4) The percentage, as determined by the tax credit 3362
authority, of excess payroll that will be allowed as the amount of 3363
the credit for each taxable year or for each calendar year that 3364

includes a tax period; 3365

(5) The pay increase factor to be applied to the taxpayer's 3366
baseline payroll; 3367

(6) A requirement that the taxpayer annually shall report to 3368
the director of development services full-time equivalent 3369
employees, payroll, Ohio employee payroll, investment, the 3370
provision of health care benefits and tuition reimbursement if 3371
required in the agreement, and other information the director 3372
needs to perform the director's duties under this section; 3373

(7) A requirement that the director of development services 3374
annually review the information reported under division (D)(6) of 3375
this section and verify compliance with the agreement; if the 3376
taxpayer is in compliance, a requirement that the director issue a 3377
certificate to the taxpayer stating that the information has been 3378
verified and identifying the amount of the credit that may be 3379
claimed for the taxable or calendar year; 3380

(8) A provision providing that the taxpayer may not relocate 3381
a substantial number of employment positions from elsewhere in 3382
this state to the project location unless the director of 3383
development services determines that the legislative authority of 3384
the county, township, or municipal corporation from which the 3385
employment positions would be relocated has been notified by the 3386
taxpayer of the relocation. 3387

For purposes of this section, the movement of an employment 3388
position from one political subdivision to another political 3389
subdivision shall be considered a relocation of an employment 3390
position unless the employment position in the first political 3391
subdivision is replaced. 3392

(9) If the tax credit is computed on the basis of home-based 3393
employees, that the tax credit may not be claimed by the taxpayer 3394
until the taxable year or tax period in which the taxpayer employs 3395

at least two hundred employees more than the number of employees 3396
the taxpayer employed on June 30, 2011. 3397

(E) If a taxpayer fails to meet or comply with any condition 3398
or requirement set forth in a tax credit agreement, the tax credit 3399
authority may amend the agreement to reduce the percentage or term 3400
of the tax credit. The reduction of the percentage or term may 3401
take effect in the current taxable or calendar year. 3402

(F) Projects that consist solely of point-of-final-purchase 3403
retail facilities are not eligible for a tax credit under this 3404
section. If a project consists of both point-of-final-purchase 3405
retail facilities and nonretail facilities, only the portion of 3406
the project consisting of the nonretail facilities is eligible for 3407
a tax credit and only the excess payroll from the nonretail 3408
facilities shall be considered when computing the amount of the 3409
tax credit. If a warehouse facility is part of a 3410
point-of-final-purchase retail facility and supplies only that 3411
facility, the warehouse facility is not eligible for a tax credit. 3412
Catalog distribution centers are not considered 3413
point-of-final-purchase retail facilities for the purposes of this 3414
division, and are eligible for tax credits under this section. 3415

(G) Financial statements and other information submitted to 3416
the development services agency or the tax credit authority by an 3417
applicant or recipient of a tax credit under this section, and any 3418
information taken for any purpose from such statements or 3419
information, are not public records subject to section 149.43 of 3420
the Revised Code. However, the chairperson of the authority may 3421
make use of the statements and other information for purposes of 3422
issuing public reports or in connection with court proceedings 3423
concerning tax credit agreements under this section. Upon the 3424
request of the tax commissioner or, if the applicant or recipient 3425
is an insurance company, upon the request of the superintendent of 3426
insurance, the chairperson of the authority shall provide to the 3427

commissioner or superintendent any statement or information 3428
submitted by an applicant or recipient of a tax credit in 3429
connection with the credit. The commissioner or superintendent 3430
shall preserve the confidentiality of the statement or 3431
information. 3432

(H) A taxpayer claiming a credit under this section shall 3433
submit to the tax commissioner or, if the taxpayer is an insurance 3434
company, to the superintendent of insurance, a copy of the 3435
director of development services' certificate of verification 3436
under division (D)(7) of this section with the taxpayer's tax 3437
report or return for the taxable year or for the calendar year 3438
that includes the tax period. Failure to submit a copy of the 3439
certificate with the report or return does not invalidate a claim 3440
for a credit if the taxpayer submits a copy of the certificate to 3441
the commissioner or superintendent within the time prescribed by 3442
section 5703.0510 of the Revised Code or within thirty days after 3443
the commissioner or superintendent requests it. 3444

(I) The director of development services, after consultation 3445
with the tax commissioner and the superintendent of insurance and 3446
in accordance with Chapter 119. of the Revised Code, shall adopt 3447
rules necessary to implement this section, including rules that 3448
establish a procedure to be followed by the tax credit authority 3449
and the development services agency in the event the authority 3450
considers a taxpayer's application for which it receives a 3451
recommendation under division (C)(2)(a) of this section but does 3452
not approve it. The rules may provide for recipients of tax 3453
credits under this section to be charged fees to cover 3454
administrative costs of the tax credit program. The fees collected 3455
shall be credited to the ~~business assistance~~ tax incentives 3456
operating fund created in section 122.174 of the Revised Code. At 3457
the time the director gives public notice under division (A) of 3458
section 119.03 of the Revised Code of the adoption of the rules, 3459

the director shall submit copies of the proposed rules to the 3460
chairpersons of the standing committees on economic development in 3461
the senate and the house of representatives. 3462

(J) For the purposes of this section, a taxpayer may include 3463
a partnership, a corporation that has made an election under 3464
subchapter S of chapter one of subtitle A of the Internal Revenue 3465
Code, or any other business entity through which income flows as a 3466
distributive share to its owners. A partnership, S-corporation, or 3467
other such business entity may elect to pass the credit received 3468
under this section through to the persons to whom the income or 3469
profit of the partnership, S-corporation, or other entity is 3470
distributed. The election shall be made on the annual report 3471
required under division (D)(6) of this section. The election 3472
applies to and is irrevocable for the credit for which the report 3473
is submitted. If the election is made, the credit shall be 3474
apportioned among those persons in the same proportions as those 3475
in which the income or profit is distributed. 3476

(K)(1) If the director of development services determines 3477
that a taxpayer who has received a credit under this section is 3478
not complying with the requirements of the agreement, the director 3479
shall notify the tax credit authority of the noncompliance. After 3480
receiving such a notice, and after giving the taxpayer an 3481
opportunity to explain the noncompliance, the tax credit authority 3482
may require the taxpayer to refund to this state a portion of the 3483
credit in accordance with the following: 3484

(a) If the taxpayer fails to comply with the requirement 3485
under division (D)(3) of this section, an amount determined in 3486
accordance with the following: 3487

(i) If the taxpayer maintained operations at the project 3488
location for a period less than or equal to the term of the 3489
credit, an amount not exceeding one hundred per cent of the sum of 3490
any credits allowed and received under this section; 3491

(ii) If the taxpayer maintained operations at the project 3492
location for a period longer than the term of the credit, but less 3493
than the greater of seven years or the term of the credit plus 3494
three years, an amount not exceeding seventy-five per cent of the 3495
sum of any credits allowed and received under this section. 3496

(b) If, on the metric evaluation date, the taxpayer fails to 3497
substantially meet the job creation, payroll, or investment 3498
requirements included in the agreement, an amount determined at 3499
the discretion of the authority; 3500

(c) If the taxpayer fails to substantially maintain the 3501
number of new full-time equivalent employees or amount of payroll 3502
required under the agreement at any time during the term of the 3503
agreement after the metric evaluation date, an amount determined 3504
at the discretion of the authority. 3505

(2) If a taxpayer files for bankruptcy and fails as described 3506
in division (K)(1)(a), (b), or (c) of this section, the director 3507
may immediately commence an action to recoup an amount not 3508
exceeding one hundred per cent of the sum of any credits received 3509
by the taxpayer under this section. 3510

(3) In determining the portion of the tax credit to be 3511
refunded to this state, the tax credit authority shall consider 3512
the effect of market conditions on the taxpayer's project and 3513
whether the taxpayer continues to maintain other operations in 3514
this state. After making the determination, the authority shall 3515
certify the amount to be refunded to the tax commissioner or 3516
superintendent of insurance, as appropriate. If the amount is 3517
certified to the commissioner, the commissioner shall make an 3518
assessment for that amount against the taxpayer under Chapter 3519
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 3520
amount is certified to the superintendent, the superintendent 3521
shall make an assessment for that amount against the taxpayer 3522
under Chapter 5725. or 5729. of the Revised Code. The time 3523

limitations on assessments under those chapters do not apply to an 3524
assessment under this division, but the commissioner or 3525
superintendent, as appropriate, shall make the assessment within 3526
one year after the date the authority certifies to the 3527
commissioner or superintendent the amount to be refunded. 3528

(L) On or before the first day of August each year, the 3529
director of development services shall submit a report to the 3530
governor, the president of the senate, and the speaker of the 3531
house of representatives on the tax credit program under this 3532
section. The report shall include information on the number of 3533
agreements that were entered into under this section during the 3534
preceding calendar year, a description of the project that is the 3535
subject of each such agreement, and an update on the status of 3536
projects under agreements entered into before the preceding 3537
calendar year. 3538

(M) There is hereby created the tax credit authority, which 3539
consists of the director of development services and four other 3540
members appointed as follows: the governor, the president of the 3541
senate, and the speaker of the house of representatives each shall 3542
appoint one member who shall be a specialist in economic 3543
development; the governor also shall appoint a member who is a 3544
specialist in taxation. Terms of office shall be for four years. 3545
Each member shall serve on the authority until the end of the term 3546
for which the member was appointed. Vacancies shall be filled in 3547
the same manner provided for original appointments. Any member 3548
appointed to fill a vacancy occurring prior to the expiration of 3549
the term for which the member's predecessor was appointed shall 3550
hold office for the remainder of that term. Members may be 3551
reappointed to the authority. Members of the authority shall 3552
receive their necessary and actual expenses while engaged in the 3553
business of the authority. The director of development services 3554
shall serve as chairperson of the authority, and the members 3555

annually shall elect a vice-chairperson from among themselves. 3556
Three members of the authority constitute a quorum to transact and 3557
vote on the business of the authority. The majority vote of the 3558
membership of the authority is necessary to approve any such 3559
business, including the election of the vice-chairperson. 3560

The director of development services may appoint a 3561
professional employee of the development services agency to serve 3562
as the director's substitute at a meeting of the authority. The 3563
director shall make the appointment in writing. In the absence of 3564
the director from a meeting of the authority, the appointed 3565
substitute shall serve as chairperson. In the absence of both the 3566
director and the director's substitute from a meeting, the 3567
vice-chairperson shall serve as chairperson. 3568

(N) For purposes of the credits granted by this section 3569
against the taxes imposed under sections 5725.18 and 5729.03 of 3570
the Revised Code, "taxable year" means the period covered by the 3571
taxpayer's annual statement to the superintendent of insurance. 3572

(O) On or before the first day of March of each of the five 3573
calendar years beginning with 2014, each taxpayer subject to an 3574
agreement with the tax credit authority under this section on the 3575
basis of home-based employees shall report the number of 3576
home-based employees and other employees employed by the taxpayer 3577
in this state to the development services agency. 3578

(P) On or before the first day of January of 2019, the 3579
director of development services shall submit a report to the 3580
governor, the president of the senate, and the speaker of the 3581
house of representatives on the effect of agreements entered into 3582
under this section in which the taxpayer included home-based 3583
employees in the computation of income tax revenue, as that term 3584
was defined in this section prior to the amendment of this section 3585
by H.B. 64 of the 131st general assembly. The report shall include 3586
information on the number of such agreements that were entered 3587

into in the preceding six years, a description of the projects 3588
that were the subjects of such agreements, and an analysis of 3589
nationwide home-based employment trends, including the number of 3590
home-based jobs created from July 1, 2011, through June 30, 2017, 3591
and a description of any home-based employment tax incentives 3592
provided by other states during that time. 3593

(Q) The director of development services may require any 3594
agreement entered into under this section for a tax credit 3595
computed on the basis of home-based employees to contain a 3596
provision that the taxpayer makes available health care benefits 3597
and tuition reimbursement to all employees. 3598

(R) Original agreements approved by the tax credit authority 3599
under this section in 2014 or 2015 before ~~the effective date of~~ 3600
~~this division~~ September 29, 2015, may be revised at the request of 3601
the taxpayer to conform with the amendments to this section and 3602
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 3603
Code by H.B. 64 of the 131st general assembly, upon mutual 3604
agreement of the taxpayer and the development services agency, and 3605
approval by the tax credit authority. 3606

(S)(1) As used in division (S) of this section: 3607

(a) "Eligible agreement" means an agreement approved by the 3608
tax credit authority under this section on or before December 31, 3609
2013. 3610

(b) "Reporting period" means a period corresponding to the 3611
annual report required under division (D)(6) of this section. 3612

(c) "Income tax revenue" has the same meaning as under this 3613
section as it existed before September 29, 2015, the effective 3614
date of the amendment of this section by H.B. 64 of the 131st 3615
general assembly. 3616

(2) In calendar year 2016 and thereafter, the tax credit 3617
authority shall annually determine a withholding adjustment factor 3618

to be used in the computation of income tax revenue for eligible 3619
agreements. The withholding adjustment factor shall be a numerical 3620
percentage that equals the percentage that employer income tax 3621
withholding rates have been increased or decreased as a result of 3622
changes in the income tax rates prescribed by section 5747.02 of 3623
the Revised Code by amendment of that section taking effect on or 3624
after June 29, 2013. 3625

(3) Except as provided in division (S)(4) of this section, 3626
for reporting periods ending in 2015 and thereafter for taxpayers 3627
subject to eligible agreements, the tax credit authority shall 3628
adjust the income tax revenue reported on the taxpayer's annual 3629
report by multiplying the withholding adjustment factor by the 3630
taxpayer's income tax revenue and doing one of the following: 3631

(a) If the income tax rates prescribed by section 5747.02 of 3632
the Revised Code have decreased by amendment of that section 3633
taking effect on or after June 29, 2013, add the product to the 3634
taxpayer's income tax revenue. 3635

(b) If the income tax rates prescribed by section 5747.02 of 3636
the Revised Code have increased by amendment of that section 3637
taking effect on or after June 29, 2013, subtract the product from 3638
the taxpayer's income tax revenue. 3639

(4) Division (S)(3) of this section shall not apply unless 3640
all of the following apply for the reporting period with respect 3641
to the eligible agreement: 3642

(a) The taxpayer has achieved one hundred per cent of the new 3643
employment commitment identified in the agreement. 3644

(b) If applicable, the taxpayer has achieved one hundred per 3645
cent of the new payroll commitment identified in the agreement. 3646

(c) If applicable, the taxpayer has achieved one hundred per 3647
cent of the investment commitment identified in the agreement. 3648

(5) Failure by a taxpayer to have achieved any of the 3649
applicable commitments described in divisions (S)(4)(a) to (c) of 3650
this section in a reporting period does not disqualify the 3651
taxpayer for the adjustment under division (S) of this section for 3652
an ensuing reporting period. 3653

Sec. 122.171. (A) As used in this section: 3654

(1) "Capital investment project" means a plan of investment 3655
at a project site for the acquisition, construction, renovation, 3656
or repair of buildings, machinery, or equipment, or for 3657
capitalized costs of basic research and new product development 3658
determined in accordance with generally accepted accounting 3659
principles, but does not include any of the following: 3660

(a) Payments made for the acquisition of personal property 3661
through operating leases; 3662

(b) Project costs paid before January 1, 2002; 3663

(c) Payments made to a related member as defined in section 3664
5733.042 of the Revised Code or to a consolidated elected taxpayer 3665
or a combined taxpayer as defined in section 5751.01 of the 3666
Revised Code. 3667

(2) "Eligible business" means a taxpayer and its related 3668
members with Ohio operations satisfying all of the following: 3669

(a) The taxpayer employs at least five hundred full-time 3670
equivalent employees or has an annual Ohio employee payroll of at 3671
least thirty-five million dollars at the time the tax credit 3672
authority grants the tax credit under this section; 3673

(b) The taxpayer makes or causes to be made payments for the 3674
capital investment project of one of the following: 3675

(i) If the taxpayer is engaged at the project site primarily 3676
as a manufacturer, at least fifty million dollars in the aggregate 3677
at the project site during a period of three consecutive calendar 3678

years, including the calendar year that includes a day of the 3679
taxpayer's taxable year or tax period with respect to which the 3680
credit is granted; 3681

(ii) If the taxpayer is engaged at the project site primarily 3682
in significant corporate administrative functions, as defined by 3683
the director of development services by rule, at least twenty 3684
million dollars in the aggregate at the project site during a 3685
period of three consecutive calendar years including the calendar 3686
year that includes a day of the taxpayer's taxable year or tax 3687
period with respect to which the credit is granted. 3688

(c) The taxpayer had a capital investment project reviewed 3689
and approved by the tax credit authority as provided in divisions 3690
(C), (D), and (E) of this section. 3691

(3) "Full-time equivalent employees" means the quotient 3692
obtained by dividing the total number of hours for which employees 3693
were compensated for employment in the project by two thousand 3694
eighty. "Full-time equivalent employees" shall exclude hours that 3695
are counted for a credit under section 122.17 of the Revised Code. 3696

(4) "Ohio employee payroll" has the same meaning as in 3697
section 122.17 of the Revised Code. 3698

(5) "Manufacturer" has the same meaning as in section 3699
5739.011 of the Revised Code. 3700

(6) "Project site" means an integrated complex of facilities 3701
in this state, as specified by the tax credit authority under this 3702
section, within a fifteen-mile radius where a taxpayer is 3703
primarily operating as an eligible business. 3704

(7) "Related member" has the same meaning as in section 3705
5733.042 of the Revised Code as that section existed on the 3706
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3707
general assembly, September 29, 1997. 3708

(8) "Taxable year" includes, in the case of a domestic or 3709
foreign insurance company, the calendar year ending on the 3710
thirty-first day of December preceding the day the superintendent 3711
of insurance is required to certify to the treasurer of state 3712
under section 5725.20 or 5729.05 of the Revised Code the amount of 3713
taxes due from insurance companies. 3714

(B) The tax credit authority created under section 122.17 of 3715
the Revised Code may grant a nonrefundable tax credit to an 3716
eligible business under this section for the purpose of fostering 3717
job retention in this state. Upon application by an eligible 3718
business and upon consideration of the determination of the 3719
director of budget and management, tax commissioner, and the 3720
superintendent of insurance in the case of an insurance company, 3721
and the recommendation and determination of the director of 3722
development services under division (C) of this section, the tax 3723
credit authority may grant the credit against the tax imposed by 3724
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 3725
5751.02 of the Revised Code. 3726

The credit authorized in this section may be granted for a 3727
period up to fifteen taxable years or, in the case of the tax 3728
levied by section 5736.02 or 5751.02 of the Revised Code, for a 3729
period of up to fifteen calendar years. The credit amount for a 3730
taxable year or a calendar year that includes the tax period for 3731
which a credit may be claimed equals the Ohio employee payroll for 3732
that year multiplied by the percentage specified in the agreement 3733
with the tax credit authority. The credit shall be claimed in the 3734
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 3735
5747.98, or 5751.98 of the Revised Code. In determining the 3736
percentage and term of the credit, the tax credit authority shall 3737
consider both the number of full-time equivalent employees and the 3738
value of the capital investment project. The credit amount may not 3739
be based on the Ohio employee payroll for a calendar year before 3740

the calendar year in which the tax credit authority specifies the 3741
tax credit is to begin, and the credit shall be claimed only for 3742
the taxable years or tax periods specified in the eligible 3743
business' agreement with the tax credit authority. In no event 3744
shall the credit be claimed for a taxable year or tax period 3745
terminating before the date specified in the agreement. 3746

If a credit allowed under this section for a taxable year or 3747
tax period exceeds the taxpayer's tax liability for that year or 3748
period, the excess may be carried forward for the three succeeding 3749
taxable or calendar years, but the amount of any excess credit 3750
allowed in any taxable year or tax period shall be deducted from 3751
the balance carried forward to the succeeding year or period. 3752

(C) A taxpayer that proposes a capital investment project to 3753
retain jobs in this state may apply to the tax credit authority to 3754
enter into an agreement for a tax credit under this section. The 3755
director of development services shall prescribe the form of the 3756
application. After receipt of an application, the authority shall 3757
forward copies of the application to the director of budget and 3758
management, the tax commissioner, and the superintendent of 3759
insurance in the case of an insurance company, each of whom shall 3760
review the application to determine the economic impact the 3761
proposed project would have on the state and the affected 3762
political subdivisions and shall submit a summary of their 3763
determinations to the authority. The authority shall also forward 3764
a copy of the application to the director of development services, 3765
who shall review the application to determine the economic impact 3766
the proposed project would have on the state and the affected 3767
political subdivisions and shall submit a summary of the 3768
director's determinations and recommendations to the authority. 3769

(D) Upon review and consideration of the determinations and 3770
recommendations described in division (C) of this section, the tax 3771
credit authority may enter into an agreement with the taxpayer for 3772

a credit under this section if the authority determines all of the 3773
following: 3774

(1) The taxpayer's capital investment project will result in 3775
the retention of employment in this state. 3776

(2) The taxpayer is economically sound and has the ability to 3777
complete the proposed capital investment project. 3778

(3) The taxpayer intends to and has the ability to maintain 3779
operations at the project site for at least the greater of (a) the 3780
term of the credit plus three years, or (b) seven years. 3781

(4) Receiving the credit is a major factor in the taxpayer's 3782
decision to begin, continue with, or complete the project. 3783

(E) An agreement under this section shall include all of the 3784
following: 3785

(1) A detailed description of the project that is the subject 3786
of the agreement, including the amount of the investment, the 3787
period over which the investment has been or is being made, the 3788
number of full-time equivalent employees at the project site, and 3789
the anticipated Ohio employee payroll to be generated. 3790

(2) The term of the credit, the percentage of the tax credit, 3791
the maximum annual value of tax credits that may be allowed each 3792
year, and the first year for which the credit may be claimed. 3793

(3) A requirement that the taxpayer maintain operations at 3794
the project site for at least the greater of (a) the term of the 3795
credit plus three years, or (b) seven years. 3796

(4) A requirement that the taxpayer retain at least five 3797
hundred full-time equivalent employees at the project site and 3798
within this state for the entire term of the credit, or a 3799
requirement that the taxpayer maintain an annual Ohio employee 3800
payroll of at least thirty-five million dollars for the entire 3801
term of the credit. 3802

(5) A requirement that the taxpayer annually report to the 3803
director of development services full-time equivalent employees, 3804
Ohio employee payroll, capital investment, and other information 3805
the director needs to perform the director's duties under this 3806
section. 3807

(6) A requirement that the director of development services 3808
annually review the annual reports of the taxpayer to verify the 3809
information reported under division (E)(5) of this section and 3810
compliance with the agreement. Upon verification, the director 3811
shall issue a certificate to the taxpayer stating that the 3812
information has been verified and identifying the amount of the 3813
credit for the taxable year or calendar year that includes the tax 3814
period. In determining the number of full-time equivalent 3815
employees, no position shall be counted that is filled by an 3816
employee who is included in the calculation of a tax credit under 3817
section 122.17 of the Revised Code. 3818

(7) A provision providing that the taxpayer may not relocate 3819
a substantial number of employment positions from elsewhere in 3820
this state to the project site unless the director of development 3821
services determines that the taxpayer notified the legislative 3822
authority of the county, township, or municipal corporation from 3823
which the employment positions would be relocated. 3824

For purposes of this section, the movement of an employment 3825
position from one political subdivision to another political 3826
subdivision shall be considered a relocation of an employment 3827
position unless the movement is confined to the project site. The 3828
transfer of an employment position from one political subdivision 3829
to another political subdivision shall not be considered a 3830
relocation of an employment position if the employment position in 3831
the first political subdivision is replaced by another employment 3832
position. 3833

(8) A waiver by the taxpayer of any limitations periods 3834

relating to assessments or adjustments resulting from the 3835
taxpayer's failure to comply with the agreement. 3836

(F) If a taxpayer fails to meet or comply with any condition 3837
or requirement set forth in a tax credit agreement, the tax credit 3838
authority may amend the agreement to reduce the percentage or term 3839
of the credit. The reduction of the percentage or term may take 3840
effect in the current taxable or calendar year. 3841

(G) Financial statements and other information submitted to 3842
the department of development services or the tax credit authority 3843
by an applicant for or recipient of a tax credit under this 3844
section, and any information taken for any purpose from such 3845
statements or information, are not public records subject to 3846
section 149.43 of the Revised Code. However, the chairperson of 3847
the authority may make use of the statements and other information 3848
for purposes of issuing public reports or in connection with court 3849
proceedings concerning tax credit agreements under this section. 3850
Upon the request of the tax commissioner, or the superintendent of 3851
insurance in the case of an insurance company, the chairperson of 3852
the authority shall provide to the commissioner or superintendent 3853
any statement or other information submitted by an applicant for 3854
or recipient of a tax credit in connection with the credit. The 3855
commissioner or superintendent shall preserve the confidentiality 3856
of the statement or other information. 3857

(H) A taxpayer claiming a tax credit under this section shall 3858
submit to the tax commissioner or, in the case of an insurance 3859
company, to the superintendent of insurance, a copy of the 3860
director of development services' certificate of verification 3861
under division (E)(6) of this section with the taxpayer's tax 3862
report or return for the taxable year or for the calendar year 3863
that includes the tax period. Failure to submit a copy of the 3864
certificate with the report or return does not invalidate a claim 3865
for a credit if the taxpayer submits a copy of the certificate to 3866

the commissioner or superintendent within the time prescribed by 3867
section 5703.0510 of the Revised Code or within thirty days after 3868
the commissioner or superintendent requests it. 3869

(I) For the purposes of this section, a taxpayer may include 3870
a partnership, a corporation that has made an election under 3871
subchapter S of chapter one of subtitle A of the Internal Revenue 3872
Code, or any other business entity through which income flows as a 3873
distributive share to its owners. A partnership, S-corporation, or 3874
other such business entity may elect to pass the credit received 3875
under this section through to the persons to whom the income or 3876
profit of the partnership, S-corporation, or other entity is 3877
distributed. The election shall be made on the annual report 3878
required under division (E)(5) of this section. The election 3879
applies to and is irrevocable for the credit for which the report 3880
is submitted. If the election is made, the credit shall be 3881
apportioned among those persons in the same proportions as those 3882
in which the income or profit is distributed. 3883

(J)(1) If the director of development services determines 3884
that a taxpayer that received a certificate under division (E)(6) 3885
of this section is not complying with the requirements of the 3886
agreement, the director shall notify the tax credit authority of 3887
the noncompliance. After receiving such a notice, and after giving 3888
the taxpayer an opportunity to explain the noncompliance, the 3889
authority may terminate the agreement and require the taxpayer, or 3890
any related member or members that claimed the tax credit under 3891
division (N) of this section, to refund to the state all or a 3892
portion of the credit claimed in previous years, as follows: 3893

(a) If the taxpayer fails to comply with the requirement 3894
under division (E)(3) of this section, an amount determined in 3895
accordance with the following: 3896

(i) If the taxpayer maintained operations at the project site 3897
for less than or equal to the term of the credit, an amount not to 3898

exceed one hundred per cent of the sum of any tax credits allowed 3899
and received under this section. 3900

(ii) If the taxpayer maintained operations at the project 3901
site longer than the term of the credit, but less than the greater 3902
of seven years or the term of the credit plus three years, the 3903
amount required to be refunded shall not exceed seventy-five per 3904
cent of the sum of any tax credits allowed and received under this 3905
section. 3906

(b) If the taxpayer fails to substantially maintain both the 3907
number of full-time equivalent employees and the amount of Ohio 3908
employee payroll required under the agreement at any time during 3909
the term of the agreement or during the post-term reporting 3910
period, an amount determined at the discretion of the authority. 3911

(2) If a taxpayer files for bankruptcy and fails as described 3912
in division (J)(1)(a) or (b) of this section, the director may 3913
immediately commence an action to recoup an amount not exceeding 3914
one hundred per cent of the sum of any credits received by the 3915
taxpayer under this section. 3916

(3) In determining the portion of the credit to be refunded 3917
to this state, the authority shall consider the effect of market 3918
conditions on the taxpayer's project and whether the taxpayer 3919
continues to maintain other operations in this state. After making 3920
the determination, the authority shall certify the amount to be 3921
refunded to the tax commissioner or the superintendent of 3922
insurance. If the taxpayer, or any related member or members who 3923
claimed the tax credit under division (N) of this section, is not 3924
an insurance company, the commissioner shall make an assessment 3925
for that amount against the taxpayer under Chapter 5726., 5733., 3926
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 3927
any related member or members that claimed the tax credit under 3928
division (N) of this section, is an insurance company, the 3929
superintendent of insurance shall make an assessment under section 3930

5725.222 or 5729.102 of the Revised Code. The time limitations on 3931
assessments under those chapters and sections do not apply to an 3932
assessment under this division, but the commissioner or 3933
superintendent shall make the assessment within one year after the 3934
date the authority certifies to the commissioner or superintendent 3935
the amount to be refunded. 3936

(K) The director of development services, after consultation 3937
with the tax commissioner and the superintendent of insurance and 3938
in accordance with Chapter 119. of the Revised Code, shall adopt 3939
rules necessary to implement this section. The rules may provide 3940
for recipients of tax credits under this section to be charged 3941
fees to cover administrative costs of the tax credit program. The 3942
fees collected shall be credited to the ~~business assistance tax~~ 3943
incentives operating fund created in section 122.174 of the 3944
Revised Code. At the time the director gives public notice under 3945
division (A) of section 119.03 of the Revised Code of the adoption 3946
of the rules, the director shall submit copies of the proposed 3947
rules to the chairpersons of the standing committees on economic 3948
development in the senate and the house of representatives. 3949

(L) On or before the first day of August of each year, the 3950
director of development services shall submit a report to the 3951
governor, the president of the senate, and the speaker of the 3952
house of representatives on the tax credit program under this 3953
section. The report shall include information on the number of 3954
agreements that were entered into under this section during the 3955
preceding calendar year, a description of the project that is the 3956
subject of each such agreement, and an update on the status of 3957
projects under agreements entered into before the preceding 3958
calendar year. 3959

(M) The aggregate amount of nonrefundable tax credits issued 3960
under this section during any calendar year for capital investment 3961
projects reviewed and approved by the tax credit authority may not 3962

exceed the following amounts: 3963

(1) For 2010, thirteen million dollars; 3964

(2) For 2011 through 2023, the amount of the limit for the 3965
preceding calendar year plus thirteen million dollars; 3966

(3) For 2024 and each year thereafter, one hundred 3967
ninety-five million dollars. 3968

The limitations in division (M) of this section do not apply 3969
to credits for capital investment projects approved by the tax 3970
credit authority before July 1, 2009. 3971

(N) This division applies only to an eligible business that 3972
is part of an affiliated group that includes a diversified savings 3973
and loan holding company or a grandfathered unitary savings and 3974
loan holding company, as those terms are defined in section 3975
5726.01 of the Revised Code. Notwithstanding any contrary 3976
provision of the agreement between such an eligible business and 3977
the tax credit authority, any credit granted under this section 3978
against the tax imposed by section 5725.18, 5729.03, 5733.06, 3979
5747.02, or 5751.02 of the Revised Code to the eligible business, 3980
at the election of the eligible business and without any action by 3981
the tax credit authority, may be shared with any member or members 3982
of the affiliated group that includes the eligible business, which 3983
member or members may claim the credit against the taxes imposed 3984
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 3985
of the Revised Code. Credits shall be claimed by the eligible 3986
business in sequential order, as applicable, first claiming the 3987
credits to the fullest extent possible against the tax that the 3988
certificate holder is subject to, then against the tax imposed by, 3989
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 3990
lastly 5726.02 of the Revised Code. The credits may be allocated 3991
among the members of the affiliated group in such manner as the 3992
eligible business elects, but subject to the sequential order 3993

required under this division. This division applies to credits 3994
granted before, on, or after March 27, 2013, the effective date of 3995
H.B. 510 of the 129th general assembly. Credits granted before 3996
that effective date that are shared and allocated under this 3997
division may be claimed in those calendar years in which the 3998
remaining taxable years specified in the agreement end. 3999

As used in this division, "affiliated group" means a group of 4000
two or more persons with fifty per cent or greater of the value of 4001
each person's ownership interests owned or controlled directly, 4002
indirectly, or constructively through related interests by common 4003
owners during all or any portion of the taxable year, and the 4004
common owners. "Affiliated group" includes, but is not limited to, 4005
any person eligible to be included in a consolidated elected 4006
taxpayer group under section 5751.011 of the Revised Code or a 4007
combined taxpayer group under section 5751.012 of the Revised 4008
Code. 4009

(0)(1) As used in division (0) of this section: 4010

(a) "Eligible agreement" means an agreement approved by the 4011
tax credit authority under this section on or before December 31, 4012
2013. 4013

(b) "Reporting period" means a period corresponding to the 4014
annual report required under division (E)(5) of this section. 4015

(c) "Income tax revenue" has the same meaning as under 4016
division (S) of section 122.17 of the Revised Code. 4017

(2) In calendar year 2016 and thereafter, the tax credit 4018
authority shall annually determine a withholding adjustment factor 4019
to be used in the computation of income tax revenue for eligible 4020
agreements. The withholding adjustment factor shall be a numerical 4021
percentage that equals the percentage that employer income tax 4022
withholding rates have been increased or decreased as a result of 4023
changes in the income tax rates prescribed by section 5747.02 of 4024

the Revised Code by amendment of that section taking effect on or 4025
after June 29, 2013. 4026

(3) Except as provided in division (0)(4) of this section, 4027
for reporting periods ending in 2015 and thereafter for taxpayers 4028
subject to eligible agreements, the tax credit authority shall 4029
adjust the income tax revenue reported on the taxpayer's annual 4030
report by multiplying the withholding adjustment factor by the 4031
taxpayer's income tax revenue and doing one of the following: 4032

(a) If the income tax rates prescribed by section 5747.02 of 4033
the Revised Code have decreased by amendment of this section 4034
taking effect on or after June 29, 2013, add the product to the 4035
taxpayer's income tax revenue. 4036

(b) If the income tax rates prescribed by section 5747.02 of 4037
the Revised Code have increased by amendment of this section 4038
taking effect on or after June 29, 2013, subtract the product from 4039
the taxpayer's income tax revenue. 4040

(4) Division (0)(3) of this section shall not apply unless 4041
all of the following apply with respect to the eligible agreement: 4042

(a) The taxpayer has achieved one hundred per cent of the job 4043
retention commitment identified in the agreement. 4044

(b) If applicable, the taxpayer has achieved one hundred per 4045
cent of the payroll retention commitment identified in the 4046
agreement. 4047

(c) If applicable, the taxpayer has achieved one hundred per 4048
cent of the investment commitment identified in the agreement. 4049

(5) Failure by a taxpayer to have achieved any of the 4050
applicable commitments described in divisions (0)(4)(a) to (c) of 4051
this section in a reporting period does not disqualify the 4052
taxpayer for the adjustment under division (0) of this section for 4053
an ensuing reporting period. 4054

Sec. 122.174. There is hereby created in the state treasury 4055
the ~~business assistance tax incentives operating~~ fund. The fund 4056
shall consist of any amounts appropriated to it and money credited 4057
to the fund pursuant to ~~division (I) of section 121.17, division~~ 4058
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 4059
~~division (G)(2) of section 122.85, division (C) of section 122.86,~~ 4060
~~3735.672, and division (C) of section 5709.68, or 5725.33~~ of the 4061
Revised Code. The director of development services shall use money 4062
in the fund to pay expenses related to the administration of (A) 4063
the business services division of the development services agency 4064
and (B) the programs described in those sections. 4065

Sec. 122.175. (A) As used in this section: 4066

(1) "Capital investment project" means a plan of investment 4067
at a project site for the acquisition, construction, renovation, 4068
expansion, replacement, or repair of a computer data center or of 4069
computer data center equipment, but does not include any of the 4070
following: 4071

(a) Project costs paid before a date determined by the tax 4072
credit authority for each capital investment project; 4073

(b) Payments made to a related member as defined in section 4074
5733.042 of the Revised Code or to a consolidated elected taxpayer 4075
or a combined taxpayer as defined in section 5751.01 of the 4076
Revised Code. 4077

(2) "Computer data center" means a facility used or to be 4078
used primarily to house computer data center equipment used or to 4079
be used in conducting one or more computer data center businesses, 4080
as determined by the tax credit authority. 4081

(3) "Computer data center business" means, as may be further 4082
determined by the tax credit authority, a business that provides 4083
electronic information services as defined in division (Y)(1)(c) 4084

of section 5739.01 of the Revised Code, or that leases a facility 4085
to one or more such businesses. "Computer data center business" 4086
does not include providing electronic publishing as defined in 4087
division (LLL) of that section. 4088

(4) "Computer data center equipment" means tangible personal 4089
property used or to be used for any of the following: 4090

(a) To conduct a computer data center business, including 4091
equipment cooling systems to manage the performance of computer 4092
data center equipment; 4093

(b) To generate, transform, transmit, distribute, or manage 4094
electricity necessary to operate the tangible personal property 4095
used or to be used in conducting a computer data center business; 4096

(c) As building and construction materials sold to 4097
construction contractors for incorporation into a computer data 4098
center. 4099

(5) "Eligible computer data center" means a computer data 4100
center that satisfies all of the following requirements: 4101

(a) One or more taxpayers operating a computer data center 4102
business at the project site will, in the aggregate, make payments 4103
for a capital investment project of at least one hundred million 4104
dollars at the project site during one of the following cumulative 4105
periods: 4106

(i) For projects beginning in 2013, five consecutive calendar 4107
years; 4108

(ii) For projects beginning in 2014, four consecutive 4109
calendar years; 4110

(iii) For projects beginning in or after 2015, three 4111
consecutive calendar years. 4112

(b) One or more taxpayers operating a computer data center 4113
business at the project site will, in the aggregate, pay annual 4114

compensation that is subject to the withholding obligation imposed 4115
under section 5747.06 of the Revised Code of at least one million 4116
five hundred thousand dollars to employees employed at the project 4117
site for each year of the agreement beginning on or after the 4118
first day of the twenty-fifth month after the agreement was 4119
entered into under this section. 4120

(6) "Person" has the same meaning as in section 5701.01 of 4121
the Revised Code. 4122

(7) "Project site," "related member," and "tax credit 4123
authority" have the same meanings as in sections 122.17 and 4124
122.171 of the Revised Code. 4125

(8) "Taxpayer" means any person subject to the taxes imposed 4126
under Chapters 5739. and 5741. of the Revised Code. 4127

(B) The tax credit authority may completely or partially 4128
exempt from the taxes levied under Chapters 5739. and 5741. of the 4129
Revised Code the sale, storage, use, or other consumption of 4130
computer data center equipment used or to be used at an eligible 4131
computer data center. Any such exemption shall extend to charges 4132
for the delivery, installation, or repair of the computer data 4133
center equipment subject to the exemption under this section. 4134

(C) A taxpayer that proposes a capital improvement project 4135
for an eligible computer data center in this state may apply to 4136
the tax credit authority to enter into an agreement under this 4137
section authorizing a complete or partial exemption from the taxes 4138
imposed under Chapters 5739. and 5741. of the Revised Code on 4139
computer data center equipment purchased by the applicant or any 4140
other taxpayer that operates a computer data center business at 4141
the project site and used or to be used at the eligible computer 4142
data center. The director of development services shall prescribe 4143
the form of the application. After receipt of an application, the 4144
authority shall forward copies of the application to the director 4145

of budget and management and the tax commissioner, each of whom 4146
shall review the application to determine the economic impact that 4147
the proposed eligible computer data center would have on the state 4148
and any affected political subdivisions and submit to the 4149
authority a summary of their determinations. The authority shall 4150
also forward a copy of the application to the director of 4151
development services who shall review the application to determine 4152
the economic impact that the proposed eligible computer data 4153
center would have on the state and the affected political 4154
subdivisions and shall submit a summary of their determinations 4155
and recommendations to the authority. 4156

(D) Upon review and consideration of such determinations and 4157
recommendations, the tax credit authority may enter into an 4158
agreement with the applicant and any other taxpayer that operates 4159
a computer data center business at the project site for a complete 4160
or partial exemption from the taxes imposed under Chapters 5739. 4161
and 5741. of the Revised Code on computer data center equipment 4162
used or to be used at an eligible computer data center if the 4163
authority determines all of the following: 4164

(1) The capital investment project for the eligible computer 4165
data center will increase payroll and the amount of income taxes 4166
to be withheld from employee compensation pursuant to section 4167
5747.06 of the Revised Code. 4168

(2) The applicant is economically sound and has the ability 4169
to complete or effect the completion of the proposed capital 4170
investment project. 4171

(3) The applicant intends to and has the ability to maintain 4172
operations at the project site for the term of the agreement. 4173

(4) Receiving the exemption is a major factor in the 4174
applicant's decision to begin, continue with, or complete the 4175
capital investment project. 4176

(E) An agreement entered into under this section shall 4177
include all of the following: 4178

(1) A detailed description of the capital investment project 4179
that is the subject of the agreement, including the amount of the 4180
investment, the period over which the investment has been or is 4181
being made, the annual compensation to be paid by each taxpayer 4182
subject to the agreement to its employees at the project site, and 4183
the anticipated amount of income taxes to be withheld from 4184
employee compensation pursuant to section 5747.06 of the Revised 4185
Code. 4186

(2) The percentage of the exemption from the taxes imposed 4187
under Chapters 5739. and 5741. of the Revised Code for the 4188
computer data center equipment used or to be used at the eligible 4189
computer data center, the length of time the computer data center 4190
equipment will be exempted, and the first date on which the 4191
exemption applies. 4192

(3) A requirement that the computer data center remain an 4193
eligible computer data center during the term of the agreement and 4194
that the applicant maintain operations at the eligible computer 4195
data center during that term. An applicant does not violate the 4196
requirement described in division (E)(3) of this section if the 4197
applicant ceases operations at the eligible computer data center 4198
during the term of the agreement but resumes those operations 4199
within eighteen months after the date of cessation. The agreement 4200
shall provide that, in such a case, the applicant and any other 4201
taxpayer that operates a computer data center business at the 4202
project site shall not claim the tax exemption authorized in the 4203
agreement for any purchase of computer data center equipment made 4204
during the period in which the applicant did not maintain 4205
operations at the eligible computer data center. 4206

(4) A requirement that, for each year of the term of the 4207
agreement beginning on or after the first day of the twenty-fifth 4208

month after the date the agreement was entered into, one or more 4209
taxpayers operating a computer data center business at the project 4210
site will, in the aggregate, pay annual compensation that is 4211
subject to the withholding obligation imposed under section 4212
5747.06 of the Revised Code of at least one million five hundred 4213
thousand dollars to employees at the eligible computer data 4214
center. 4215

(5) A requirement that each taxpayer subject to the agreement 4216
annually report to the director of development services 4217
employment, tax withholding, capital investment, and other 4218
information required by the director to perform the director's 4219
duties under this section. 4220

(6) A requirement that the director of development services 4221
annually review the annual reports of each taxpayer subject to the 4222
agreement to verify the information reported under division (E)(5) 4223
of this section and compliance with the agreement. Upon 4224
verification, the director shall issue a certificate to each such 4225
taxpayer stating that the information has been verified and that 4226
the taxpayer remains eligible for the exemption specified in the 4227
agreement. 4228

(7) A provision providing that the taxpayers subject to the 4229
agreement may not relocate a substantial number of employment 4230
positions from elsewhere in this state to the project site unless 4231
the director of development services determines that the 4232
appropriate taxpayer notified the legislative authority of the 4233
county, township, or municipal corporation from which the 4234
employment positions would be relocated. For purposes of this 4235
paragraph, the movement of an employment position from one 4236
political subdivision to another political subdivision shall be 4237
considered a relocation of an employment position unless the 4238
movement is confined to the project site. The transfer of an 4239
employment position from one political subdivision to another 4240

political subdivision shall not be considered a relocation of an 4241
employment position if the employment position in the first 4242
political subdivision is replaced by another employment position. 4243

(8) A waiver by each taxpayer subject to the agreement of any 4244
limitations periods relating to assessments or adjustments 4245
resulting from the taxpayer's failure to comply with the 4246
agreement. 4247

(F) The term of an agreement under this section shall be 4248
determined by the tax credit authority, and the amount of the 4249
exemption shall not exceed one hundred per cent of such taxes that 4250
would otherwise be owed in respect to the exempted computer data 4251
center equipment. 4252

(G) If any taxpayer subject to an agreement under this 4253
section fails to meet or comply with any condition or requirement 4254
set forth in the agreement, the tax credit authority may amend the 4255
agreement to reduce the percentage of the exemption or term during 4256
which the exemption applies to the computer data center equipment 4257
used or to be used by the noncompliant taxpayer at an eligible 4258
computer data center. The reduction of the percentage or term may 4259
take effect in the current calendar year. 4260

(H) Financial statements and other information submitted to 4261
the department of development services or the tax credit authority 4262
by an applicant for or recipient of an exemption under this 4263
section, and any information taken for any purpose from such 4264
statements or information, are not public records subject to 4265
section 149.43 of the Revised Code. However, the chairperson of 4266
the authority may make use of the statements and other information 4267
for purposes of issuing public reports or in connection with court 4268
proceedings concerning tax exemption agreements under this 4269
section. Upon the request of the tax commissioner, the chairperson 4270
of the authority shall provide to the tax commissioner any 4271
statement or other information submitted by an applicant for or 4272

recipient of an exemption under this section. The tax commissioner 4273
shall preserve the confidentiality of the statement or other 4274
information. 4275

(I) The tax commissioner shall issue a direct payment permit 4276
under section 5739.031 of the Revised Code to each taxpayer 4277
subject to an agreement under this section. Such direct payment 4278
permit shall authorize the taxpayer to pay any sales and use taxes 4279
due on purchases of computer data center equipment used or to be 4280
used in an eligible computer data center and to pay any sales and 4281
use taxes due on purchases of tangible personal property or 4282
taxable services other than computer data center equipment used or 4283
to be used in an eligible computer data center directly to the tax 4284
commissioner. Each such taxpayer shall pay pursuant to such direct 4285
payment permit all sales tax levied on such purchases under 4286
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 4287
Code and all use tax levied on such purchases under sections 4288
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 4289
consistent with the terms of the agreement entered into under this 4290
section. 4291

During the term of an agreement under this section each 4292
taxpayer subject to the agreement shall submit to the tax 4293
commissioner a return that shows the amount of computer data 4294
center equipment purchased for use at the eligible computer data 4295
center, the amount of tangible personal property and taxable 4296
services other than computer data center equipment purchased for 4297
use at the eligible computer data center, the amount of tax under 4298
Chapter 5739. or 5741. of the Revised Code that would be due in 4299
the absence of the agreement under this section, the exemption 4300
percentage for computer data center equipment specified in the 4301
agreement, and the amount of tax due under Chapter 5739. or 5741. 4302
of the Revised Code as a result of the agreement under this 4303
section. Each such taxpayer shall pay the tax shown on the return 4304

to be due in the manner and at the times as may be further 4305
prescribed by the tax commissioner. Each such taxpayer shall 4306
include a copy of the director of development services' 4307
certificate of verification issued under division (E)(6) of this 4308
section. Failure to submit a copy of the certificate with the 4309
return does not invalidate the claim for exemption if the taxpayer 4310
submits a copy of the certificate to the tax commissioner within 4311
~~sixty days after the tax commissioner requests it~~ the time 4312
prescribed by section 5703.0510 of the Revised Code. 4313

(J) If the director of development services determines that 4314
one or more taxpayers received an exemption from taxes due on the 4315
purchase of computer data center equipment purchased for use at a 4316
computer data center that no longer complies with the requirement 4317
under division (E)(3) of this section, the director shall notify 4318
the tax credit authority and, if applicable, the taxpayer that 4319
applied to enter the agreement for the exemption under division 4320
(C) of this section of the noncompliance. After receiving such a 4321
notice, and after giving each taxpayer subject to the agreement an 4322
opportunity to explain the noncompliance, the authority may 4323
terminate the agreement and require each such taxpayer to pay to 4324
the state all or a portion of the taxes that would have been owed 4325
in regards to the exempt equipment in previous years, all as 4326
determined under rules adopted pursuant to division (K) of this 4327
section. In determining the portion of the taxes that would have 4328
been owed on the previously exempted equipment to be paid to this 4329
state by a taxpayer, the authority shall consider the effect of 4330
market conditions on the eligible computer data center, whether 4331
the taxpayer continues to maintain other operations in this state, 4332
and, with respect to agreements involving multiple taxpayers, the 4333
taxpayer's level of responsibility for the noncompliance. After 4334
making the determination, the authority shall certify to the tax 4335
commissioner the amount to be paid by each taxpayer subject to the 4336
agreement. The tax commissioner shall make an assessment for that 4337

amount against each such taxpayer under Chapter 5739. or 5741. of 4338
the Revised Code. The time limitations on assessments under those 4339
chapters do not apply to an assessment under this division, but 4340
the tax commissioner shall make the assessment within one year 4341
after the date the authority certifies to the tax commissioner the 4342
amount to be paid by the taxpayer. 4343

(K) The director of development services, after consultation 4344
with the tax commissioner and in accordance with Chapter 119. of 4345
the Revised Code, shall adopt rules necessary to implement this 4346
section. The rules may provide for recipients of tax exemptions 4347
under this section to be charged fees to cover administrative 4348
costs incurred in the administration of this section. The fees 4349
collected shall be credited to the ~~business-assistance tax~~ 4350
incentives operating fund created in section 122.174 of the 4351
Revised Code. At the time the director gives public notice under 4352
division (A) of section 119.03 of the Revised Code of the adoption 4353
of the rules, the director shall submit copies of the proposed 4354
rules to the chairpersons of the standing committees on economic 4355
development in the senate and the house of representatives. 4356

(L) On or before the first day of August of each year, the 4357
director of development services shall submit a report to the 4358
governor, the president of the senate, and the speaker of the 4359
house of representatives on the tax exemption authorized under 4360
this section. The report shall include information on the number 4361
of agreements that were entered into under this section during the 4362
preceding calendar year, a description of the eligible computer 4363
data center that is the subject of each such agreement, and an 4364
update on the status of eligible computer data centers under 4365
agreements entered into before the preceding calendar year. 4366

(M) A taxpayer may be made a party to an existing agreement 4367
entered into under this section by the tax credit authority and 4368
another taxpayer or group of taxpayers. In such a case, the 4369

taxpayer shall be entitled to all benefits and bound by all 4370
obligations contained in the agreement and all requirements 4371
described in this section. When an agreement includes multiple 4372
taxpayers, each taxpayer shall be entitled to a direct payment 4373
permit as authorized in division (I) of this section. 4374

Sec. 122.85. (A) As used in this section and in sections 4375
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4376

(1) "Tax credit-eligible production" means a motion picture 4377
production certified by the director of development services under 4378
division (B) of this section as qualifying the motion picture 4379
company for a tax credit under section 5726.55, 5733.59, 5747.66, 4380
or 5751.54 of the Revised Code. 4381

(2) "Certificate owner" means a motion picture company to 4382
which a tax credit certificate is issued or a person to which the 4383
company has transferred under division (H) of this section the 4384
authority to claim all or a part of the tax credit authorized by 4385
that certificate. 4386

(3) "Motion picture company" means an individual, 4387
corporation, partnership, limited liability company, or other form 4388
of business association producing a motion picture. 4389

(4) "Eligible production expenditures" means expenditures 4390
made after June 30, 2009, for goods or services purchased and 4391
consumed in this state by a motion picture company directly for 4392
the production of a tax credit-eligible production. 4393

"Eligible production expenditures" includes, but is not 4394
limited to, expenditures for cast and crew wages, accommodations, 4395
costs of set construction and operations, editing and related 4396
services, photography, sound synchronization, lighting, wardrobe, 4397
makeup and accessories, film processing, transfer, sound mixing, 4398
special and visual effects, music, location fees, and the purchase 4399

or rental of facilities and equipment. 4400

(5) "Motion picture" means entertainment content created in 4401
whole or in part within this state for distribution or exhibition 4402
to the general public, including, but not limited to, 4403
feature-length films; documentaries; long-form, specials, 4404
miniseries, series, and interstitial television programming; 4405
interactive web sites; sound recordings; videos; music videos; 4406
interactive television; interactive games; video games; 4407
commercials; any format of digital media; and any trailer, pilot, 4408
video teaser, or demo created primarily to stimulate the sale, 4409
marketing, promotion, or exploitation of future investment in 4410
either a product or a motion picture by any means and media in any 4411
digital media format, film, or videotape, provided the motion 4412
picture qualifies as a motion picture. "Motion picture" does not 4413
include any television program created primarily as news, weather, 4414
or financial market reports, a production featuring current events 4415
or sporting events, an awards show or other gala event, a 4416
production whose sole purpose is fundraising, a long-form 4417
production that primarily markets a product or service or in-house 4418
corporate advertising or other similar productions, a production 4419
for purposes of political advocacy, or any production for which 4420
records are required to be maintained under 18 U.S.C. 2257 with 4421
respect to sexually explicit content. 4422

(B) For the purpose of encouraging and developing a strong 4423
film industry in this state, the director of development services 4424
may certify a motion picture produced by a motion picture company 4425
as a tax credit-eligible production. In the case of a television 4426
series, the director may certify the production of each episode of 4427
the series as a separate tax credit-eligible production. A motion 4428
picture company shall apply for certification of a motion picture 4429
as a tax credit-eligible production on a form and in the manner 4430
prescribed by the director. Each application shall include the 4431

following information:	4432
(1) The name and telephone number of the motion picture production company;	4433 4434
(2) The name and telephone number of the company's contact person;	4435 4436
(3) A list of the first preproduction date through the last production date in Ohio;	4437 4438
(4) The Ohio production office address and telephone number;	4439
(5) The total production budget of the motion picture;	4440
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	4441 4442 4443
(7) The total percentage of the motion picture being shot in Ohio;	4444 4445
(8) The level of employment of cast and crew who reside in Ohio;	4446 4447
(9) A synopsis of the script;	4448
(10) The shooting script;	4449
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	4450 4451
(12) Documentation of financial ability to undertake and complete the motion picture;	4452 4453
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	4454 4455
(14) Any other information considered necessary by the director.	4456 4457
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the	4458 4459

request of the director of development services, the motion 4460
picture company shall present to the director sufficient evidence 4461
of reviewable progress. If the motion picture company fails to 4462
present sufficient evidence, the director may rescind the 4463
certification. Upon rescission, the director shall notify the 4464
applicant that the certification has been rescinded. Nothing in 4465
this section prohibits an applicant whose tax credit-eligible 4466
production certification has been rescinded from submitting a 4467
subsequent application for certification. 4468

(C)(1) A motion picture company whose motion picture has been 4469
certified as a tax credit-eligible production may apply to the 4470
director of development services on or after July 1, 2009, for a 4471
refundable credit against the tax imposed by section 5726.02, 4472
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 4473
consultation with the tax commissioner shall prescribe the form 4474
and manner of the application and the information or documentation 4475
required to be submitted with the application. 4476

The credit is determined as follows: 4477

(a) If the total budgeted eligible production expenditures 4478
stated in the application submitted under division (B) of this 4479
section or the actual eligible production expenditures as finally 4480
determined under division (D) of this section, whichever is least, 4481
is less than or equal to three hundred thousand dollars, no credit 4482
is allowed; 4483

(b) If the total budgeted eligible production expenditures 4484
stated in the application submitted under division (B) of this 4485
section or the actual eligible production expenditures as finally 4486
determined under division (D) of this section, whichever is least, 4487
is greater than three hundred thousand dollars, the credit equals 4488
thirty per cent of the least of such budgeted or actual eligible 4489
expenditure amounts. 4490

(2) Except as provided in division (C)(4) of this section, if 4491
the director of development services approves a motion picture 4492
company's application for a credit, the director shall issue a tax 4493
credit certificate to the company. The director in consultation 4494
with the tax commissioner shall prescribe the form and manner of 4495
issuing certificates. The director shall assign a unique 4496
identifying number to each tax credit certificate and shall record 4497
the certificate in a register devised and maintained by the 4498
director for that purpose. The certificate shall state the amount 4499
of the eligible production expenditures on which the credit is 4500
based and the amount of the credit. Upon the issuance of a 4501
certificate, the director shall certify to the tax commissioner 4502
the name of the applicant, the amount of eligible production 4503
expenditures shown on the certificate, and any other information 4504
required by the rules adopted to administer this section. 4505

(3) The amount of eligible production expenditures for which 4506
a tax credit may be claimed is subject to inspection and 4507
examination by the tax commissioner or employees of the 4508
commissioner under section 5703.19 of the Revised Code and any 4509
other applicable law. Once the eligible production expenditures 4510
are finally determined under section 5703.19 of the Revised Code 4511
and division (D) of this section, the credit amount is not subject 4512
to adjustment unless the director determines an error was 4513
committed in the computation of the credit amount. 4514

(4) No tax credit certificate may be issued before the 4515
completion of the tax credit-eligible production. Not more than 4516
forty million dollars of tax credit may be allowed per fiscal year 4517
beginning July 1, 2016. 4518

(D) A motion picture company whose motion picture has been 4519
certified as a tax credit-eligible production shall engage, at the 4520
company's expense, an independent certified public accountant to 4521
examine the company's production expenditures to identify the 4522

expenditures that qualify as eligible production expenditures. The 4523
certified public accountant shall issue a report to the company 4524
and to the director of development services certifying the 4525
company's eligible production expenditures and any other 4526
information required by the director. Upon receiving and examining 4527
the report, the director may disallow any expenditure the director 4528
determines is not an eligible production expenditure. If the 4529
director disallows an expenditure, the director shall issue a 4530
written notice to the motion picture production company stating 4531
that the expenditure is disallowed and the reason for the 4532
disallowance. Upon examination of the report and disallowance of 4533
any expenditures, the director shall determine finally the lesser 4534
of the total budgeted eligible production expenditures stated in 4535
the application submitted under division (B) of this section or 4536
the actual eligible production expenditures for the purpose of 4537
computing the amount of the credit. 4538

(E) No credit shall be allowed under section 5726.55, 4539
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 4540
director has reviewed the report and made the determination 4541
prescribed by division (D) of this section. 4542

(F) This state reserves the right to refuse the use of this 4543
state's name in the credits of any tax credit-eligible motion 4544
picture production. 4545

(G)(1) The director of development services in consultation 4546
with the tax commissioner shall adopt rules for the administration 4547
of this section, including rules setting forth and governing the 4548
criteria for determining whether a motion picture production is a 4549
tax credit-eligible production; activities that constitute the 4550
production of a motion picture; reporting sufficient evidence of 4551
reviewable progress; expenditures that qualify as eligible 4552
production expenditures; a competitive process for approving 4553
credits; consideration of geographic distribution of credits; and 4554

implementation of the program described in division (I) of this 4555
section. The rules shall be adopted under Chapter 119. of the 4556
Revised Code. 4557

(2) The director may require a reasonable application fee to 4558
cover administrative costs of the tax credit program. The fees 4559
collected shall be credited to the ~~business assistance tax~~ 4560
incentives operating fund created in section 122.174 of the 4561
Revised Code. All grants, gifts, fees, and contributions made to 4562
the director for marketing and promotion of the motion picture 4563
industry within this state shall also be credited to the fund. ~~The~~ 4564
~~director shall use money in the fund to pay expenses related to~~ 4565
~~the administration of the Ohio film office and the credit~~ 4566
~~authorized by this section and sections 5726.55, 5733.59, 5747.66,~~ 4567
~~and 5751.54 of the Revised Code.~~ 4568

(H)(1) After the director of development services makes the 4569
determination required under division (D) of this section, a 4570
motion picture company to which a tax credit certificate is issued 4571
may transfer the authority to claim all or a portion of the amount 4572
of the tax credit the motion picture company is authorized to 4573
claim pursuant to that certificate under section 5726.55, 5733.59, 4574
5747.66, or 5751.54 of the Revised Code to one or more other 4575
persons. Within thirty days after a transfer under this division, 4576
the motion picture company shall submit the following information 4577
to the director, on a form prescribed by the director: 4578

(a) Information necessary for the director to identify the 4579
certificate that is the basis for the transfer; 4580

(b) The portion or amount of the tax credit transferred to 4581
each transferee; 4582

(c) The portion or amount of the tax credit that the motion 4583
picture company retains the authority to claim; 4584

(d) The tax identification number of each transferee; 4585

(e) The date of the transfer; 4586

(f) Any other information required by the director; 4587

(g) Any information required by the tax commissioner. 4588

The director shall deliver a copy of any submission received 4589
under division (H)(1) of this section to the tax commissioner. 4590

(2) A transferee may not claim a credit under section 4591
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 4592
and until the transferring motion picture company complies with 4593
division (H)(1) of this section. A transferee may claim the 4594
transferred amount of any credit or portion of a credit for the 4595
same taxable year or tax period for which the transferring motion 4596
picture company was authorized to claim the credit or portion of a 4597
credit pursuant to the certificate. A motion picture company shall 4598
make no transfer under division (H)(1) of this section after the 4599
last day of the tax period or taxable year for which the motion 4600
picture company is required to claim the credit pursuant to the 4601
certificate. 4602

A motion picture company may make not more than one transfer 4603
under division (H)(1) of this section for each tax credit 4604
certificate, but pursuant to that transaction, may allocate the 4605
authority to claim a portion of the credit to more than one 4606
transferee. A motion picture company may not authorize more than 4607
one transferee to claim the same portion of a credit. 4608

(I) The director of development services shall establish a 4609
program for the training of Ohio residents who are or wish to be 4610
employed in the film or multimedia industry. Under the program, 4611
the director shall: 4612

(1) Certify individuals as film and multimedia trainees. In 4613
order to receive such a certification, an individual must be an 4614
Ohio resident, have participated in relevant on-the-job training 4615
or have completed a relevant training course approved by the 4616

director, and have met any other requirements established by the 4617
director. 4618

(2) Accept applications from motion picture companies that 4619
intend to hire and provide on-the-job training to one or more 4620
certified film and multimedia trainees who will be employed in the 4621
company's tax credit-eligible production. 4622

(3) Upon completion of a tax-credit eligible production, and 4623
upon the receipt of any salary information and other documentation 4624
required by the director, authorize a reimbursement payment to 4625
each motion picture company whose application was approved under 4626
division (I)(2) of this section. The payment shall equal fifty per 4627
cent of the salaries paid to film and multimedia trainees employed 4628
in the production. 4629

Sec. 122.86. (A) As used in this section and section 5747.81 4630
of the Revised Code: 4631

(1) "Small business enterprise" means a corporation, 4632
pass-through entity, or other person satisfying all of the 4633
following: 4634

(a) At the time of a qualifying investment, the enterprise 4635
meets all of the following requirements: 4636

(i) Has no outstanding tax or other liabilities owed to the 4637
state; 4638

(ii) Is in good standing with the secretary of state, if the 4639
enterprise is required to be registered with the secretary; 4640

(iii) Is current with any court-ordered payments; 4641

(iv) Is not engaged in any illegal activity. 4642

(b) At the time of a qualifying investment, the enterprise's 4643
assets according to generally accepted accounting principles do 4644
not exceed fifty million dollars, or its annual sales do not 4645

exceed ten million dollars. When making this determination, the 4646
assets and annual sales of all of the enterprise's related or 4647
affiliated entities shall be included in the calculation. 4648

(c) The enterprise employs at least fifty full-time 4649
equivalent employees in this state for whom the enterprise is 4650
required to withhold income tax under section 5747.06 of the 4651
Revised Code, or more than one-half the enterprise's total number 4652
of full-time equivalent employees employed anywhere in the United 4653
States are employed in this state and are subject to that 4654
withholding requirement. 4655

(d) The enterprise, within six months after an eligible 4656
investor's qualifying investment is made, invests in or incurs 4657
cost for one or more of the following in an amount at least equal 4658
to the amount of the qualifying investment: 4659

(i) Tangible personal property, other than motor vehicles 4660
operated on public roads and highways, used in business and 4661
physically located in this state from the time of its acquisition 4662
by the enterprise until the end of the investor's holding period; 4663

(ii) Motor vehicles operated on public roads and highways if, 4664
from the time of acquisition by the enterprise until the end of 4665
the investor's holding period, the motor vehicles are purchased in 4666
this state, registered in this state under Chapter 4503. of the 4667
Revised Code, are used primarily for business purposes, and are 4668
necessary for the operation of the enterprise's business; 4669

(iii) Real property located in this state that is used in 4670
business from the time of its acquisition by the enterprise until 4671
the end of the holding period; 4672

(iv) Intangible personal property, including patents, 4673
copyrights, trademarks, service marks, or licenses used in 4674
business primarily in this state from the time of its acquisition 4675
by the enterprise until the end of the holding period; 4676

(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees.

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

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

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

(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. To qualify as an eligible investor, the individual, estate, trust, or pass-through entity shall not owe any outstanding tax or other liability to the state at the time of a qualifying investment.

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

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

(B) Any eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2011, may apply to the director of development services to obtain a small business

investment certificate from the director. Alternatively, a small 4708
business enterprise may apply on behalf of eligible investors to 4709
obtain the certificates for those investors. The director, in 4710
consultation with the tax commissioner, shall prescribe the form 4711
or manner in which an applicant shall apply for the certificate, 4712
devise the form of the certificate, and prescribe any records or 4713
other information an applicant shall furnish with the application 4714
to evidence the qualifying investment. The applicant shall state 4715
the amount of the intended investment. The applicant shall pay an 4716
application fee equal to the greater of one-tenth of one per cent 4717
of the amount of the intended investment or one hundred dollars. 4718

A small business investment certificate entitles the 4719
certificate holder to receive a tax credit under section 5747.81 4720
of the Revised Code if the certificate holder qualifies for the 4721
credit as otherwise provided in this section. If the certificate 4722
holder is a pass-through entity, the certificate entitles the 4723
entity's equity owners to receive their distributive or 4724
proportionate shares of the credit. In any fiscal biennium, an 4725
eligible investor may not apply for small business investment 4726
certificates representing intended investment amounts in excess of 4727
ten million dollars. Such certificates are not transferable. 4728

The director of development services may reserve small 4729
business investment certificates to qualifying applicants in the 4730
order in which the director receives applications, but may issue 4731
the certificates as the applications are completed. An application 4732
is completed when the director has validated that an eligible 4733
investor has made a qualified investment and the small business 4734
enterprise has made the appropriate reinvestment of the qualified 4735
investment pursuant to the requirements of division (A)(1)(d) of 4736
this section. To qualify for a certificate, an eligible investor 4737
must satisfy both of the following, subject to the limitation on 4738
the amount of qualifying investments for which certificates may be 4739

issued under division (C) of this section: 4740

(1) The eligible investor makes a qualifying investment on or 4741
after July 1, 2011. 4742

(2) The eligible investor pledges not to sell or otherwise 4743
dispose of the qualifying investment before the conclusion of the 4744
applicable holding period. 4745

(C)(1) The amount of any eligible investor's qualifying 4746
investments for which small business investment certificates may 4747
be issued for a fiscal biennium shall not exceed ten million 4748
dollars. 4749

(2) The director of development services shall not issue a 4750
small business investment certificate to an eligible investor 4751
representing an amount of qualifying investment in excess of the 4752
amount of the intended investment indicated on the investor's 4753
application for the certificate. 4754

(3) The director of development services shall not issue 4755
small business investment certificates in a total amount that 4756
would cause the tax credits claimed in any fiscal biennium to 4757
exceed one hundred million dollars. 4758

(4) The director of development services may issue a small 4759
business investment certificate only if both of the following 4760
apply at the time of issuance: 4761

(a) The small business enterprise meets all the requirements 4762
listed in divisions (A)(1)(a)(i) to (iv) of this section; 4763

(b) The eligible investor does not owe any outstanding tax or 4764
other liability to the state. 4765

(D) Before the end of the applicable holding period of a 4766
qualifying investment, each enterprise in which a qualifying 4767
investment was made for which a small business investment 4768
certificate has been issued, upon the request of the director of 4769

development services, shall provide to the director records or 4770
other evidence satisfactory to the director that the enterprise is 4771
a small business enterprise for the purposes of this section. Each 4772
enterprise shall also provide annually to the director records or 4773
evidence regarding the number of jobs created or retained in the 4774
state. No credit may be claimed under this section and section 4775
5747.81 of the Revised Code if the director finds that an 4776
enterprise is not a small business enterprise for the purposes of 4777
this section. The director shall compile and maintain a register 4778
of small business enterprises qualifying under this section and 4779
shall certify the register to the tax commissioner. The director 4780
shall also compile and maintain a record of the number of jobs 4781
created or retained as a result of qualifying investments made 4782
pursuant to this section. 4783

(E) After the conclusion of the applicable holding period for 4784
a qualifying investment, a person to whom a small business 4785
investment certificate has been issued under this section may 4786
claim a credit as provided under section 5747.81 of the Revised 4787
Code. 4788

(F) The director of development services, in consultation 4789
with the tax commissioner, may adopt rules for the administration 4790
of this section, including rules governing the following: 4791

(1) Documents, records, or other information eligible 4792
investors shall provide to the director; 4793

(2) Any information a small business enterprise shall provide 4794
for the purposes of this section and section 5747.81 of the 4795
Revised Code; 4796

(3) Determination of the number of full-time equivalent 4797
employees of a small business enterprise; 4798

(4) Verification of a small business enterprise's investment 4799
in tangible personal property and intangible personal property 4800

under division (A)(1)(d) of this section, including when such 4801
investments have been made and where the property is used in 4802
business; 4803

(5) Circumstances under which small business enterprises or 4804
eligible investors may be subverting the purposes of this section 4805
and section 5747.81 of the Revised Code. 4806

~~There is hereby created in the state treasury the InvestOhio 4807
support fund. The fund shall consist of the fees (G) Application 4808
fees paid under division (B) of this section and shall be used by 4809
the development services agency to pay the costs of administering 4810
the small business investment certificate program established 4811
under this section credited to the tax incentives operating fund 4812
created in section 122.174 of the Revised Code. 4813~~

Sec. ~~152.08~~ 123.011. (A) ~~The Ohio building authority 4814
department of administrative services may: 4815~~

~~(1) Acquire, by gift, grant, or purchase, and hold and 4816
mortgage, real estate and interests therein and personal property 4817
suitable for its purposes, provided that no land used by the 4818
authority pursuant to section 152.05 of the Revised Code shall be 4819
mortgaged by the authority; 4820~~

~~(2) Purchase, construct, reconstruct, equip, furnish, 4821
improve, alter, enlarge, maintain, repair, and operate buildings, 4822
facilities, and other properties for the purposes set forth in 4823
section 152.04 of the Revised Code. The authority shall construct, 4824
operate, and maintain its buildings, facilities, and other 4825
properties in a healthy, safe, and sanitary manner. 4826~~

~~(3) Issue revenue bonds to secure funds to accomplish its 4827
purposes, the principal of and interest on and all other payments 4828
required to be made by the trust agreement or indenture securing 4829
such bonds to be paid solely from revenues accruing to the 4830~~

~~authority through the operation of its buildings, facilities, and~~ 4831
~~other properties;~~ 4832

~~(4) Enter into contracts and execute all instruments~~ 4833
~~necessary in the conduct of its business;~~ 4834

~~(5) Fix, alter, and charge rentals and other charges for the~~ 4835
~~use and occupancy of its buildings, facilities, and other~~ 4836
~~properties and enter into leases with the persons specified in~~ 4837
~~section 152.04 of the Revised Code;~~ 4838

~~(6) Employ financial consultants, appraisers, consulting~~ 4839
~~engineers, architects, superintendents, managers, construction and~~ 4840
~~accounting experts, attorneys at law, and other employees and~~ 4841
~~agents as are necessary, in its judgment, and fix their~~ 4842
~~compensation;~~ 4843

~~(7)(2) Provide for the persons occupying its buildings,~~ 4844
~~facilities, and other properties, health clinics, medical~~ 4845
~~services, food services, and such other services as such persons~~ 4846
~~cannot provide for themselves; and, if the authority department~~ 4847
~~determines that it is more advantageous, it may enter into~~ 4848
~~contracts with persons, firms, or corporations or with any~~ 4849
~~governmental agency, board, commission, or department to provide~~ 4850
~~any of such clinics or services;~~ 4851

~~(8) Pledge, hypothecate, or otherwise encumber such of its~~ 4852
~~rentals or other charges as may be agreed as security for its~~ 4853
~~obligations, and enter into trust agreements or indentures for the~~ 4854
~~benefit of its bondholders;~~ 4855

~~(9) Borrow money or accept advances, loans, gifts, grants,~~ 4856
~~devises, or bequests from, and enter into contracts or agreements~~ 4857
~~with, any federal agency or other governmental or private source,~~ 4858
~~and hold and apply advances, loans, gifts, grants, devises, or~~ 4859
~~bequests according to the terms thereof. Such advances, loans,~~ 4860
~~gifts, grants, or devises of real estate may be in fee simple or~~ 4861

~~of any lesser estate and may be subject to any reasonable 4862~~
~~reservations. Any advances or loans received from any federal or 4863~~
~~other governmental or private source may be repaid in accordance 4864~~
~~with the terms of such advance or loan. 4865~~

~~(10) Conduct investigations into housing and living 4866~~
~~conditions in order to be able to purchase, construct, or 4867~~
~~reconstruct suitable buildings and facilities to fulfill its 4868~~
~~purpose, and determine the best locations within the state for its 4869~~
~~buildings, facilities, and other properties; 4870~~

~~(11) Enter into lawful arrangements with the appropriate 4871~~
~~federal or state department or agency, county, township, municipal 4872~~
~~government, or other political subdivision, or public agency for 4873~~
~~the planning and installation of streets, roads, alleys, public 4874~~
~~parks and recreation areas, public utility facilities, and other 4875~~
~~necessary appurtenances to its projects; 4876~~

~~(12) Purchase fire, extended coverage, and liability 4877~~
~~insurance for its property, and insurance covering the authority 4878~~
~~and its officers and employees for liability for damage or injury 4879~~
~~to persons or property; 4880~~

~~(13) Sell, lease, release, or otherwise dispose of property 4881~~
~~owned by the authority and not needed for the purposes of the 4882~~
~~authority and grant such easements across the property of the 4883~~
~~authority as will not interfere with its use of its property; 4884~~

~~(14) Establish rules and regulations for the use and 4885~~
~~operation of its buildings, facilities, and other properties; 4886~~

~~(15) Do all other acts necessary to the fulfillment of its 4887~~
~~purposes. 4888~~

~~(B) Any instrument by which real property is acquired 4889~~
~~pursuant to this section shall identify the agency of the state 4890~~
~~that has the use and benefit of the real property as specified in 4891~~
~~section 5301.012 of the Revised Code. 4892~~

~~(C)~~ Any person may possess a firearm in a motor vehicle in 4893
the parking garage at the Riffe center for government and the arts 4894
in Columbus, if the person's possession of the firearm in the 4895
motor vehicle is not in violation of section 2923.16 of the 4896
Revised Code or any other provision of the Revised Code. Any 4897
person may store or leave a firearm in a locked motor vehicle that 4898
is parked in the parking garage at the Riffe center for government 4899
and the arts in Columbus, if the person's transportation and 4900
possession of the firearm in the motor vehicle while traveling to 4901
the garage was not in violation of section 2923.16 of the Revised 4902
Code or any other provision of the Revised Code. 4903

Sec. 123.20. (A) There is hereby created the Ohio facilities 4904
construction commission. The commission shall administer the 4905
design and construction of improvements to public facilities of 4906
the state in accordance with this chapter, the provision of 4907
financial assistance to school districts for the acquisition or 4908
construction of classroom facilities in accordance with Chapter 4909
3318. of the Revised Code, and any other applicable provisions of 4910
the Revised Code. 4911

The commission is a body corporate and politic, an agency of 4912
state government and an instrumentality of the state, performing 4913
essential governmental functions of this state. The carrying out 4914
of the purposes and the exercise by the commission of its powers 4915
are essential public functions and public purposes of the state. 4916
The commission may, in its own name, sue and be sued, enter into 4917
contracts, and perform all the powers and duties given to it by 4918
the Revised Code, but it does not have and shall not exercise the 4919
power of eminent domain. In its discretion and as it determines 4920
appropriate, the commission may delegate to any of its members, 4921
executive director, or other employees any of the commission's 4922
powers and duties to carry out its functions. 4923

(B) The commission shall consist of the following three 4924
members: the director of the office of budget and management ~~and,~~ 4925
the director of administrative services, ~~or their designees,~~ and a 4926
~~member~~ an additional administrative department head listed in 4927
section 121.03 of the Revised Code whom the governor shall 4928
appoint. Each member of the commission may designate an employee 4929
of the member's agency to serve on the member's behalf. 4930

Members of the commission or their designees shall serve 4931
without compensation. 4932

~~Within sixty days after the effective date of this section,~~ 4933
~~the commission shall meet and organize by electing voting members~~ 4934
~~as the chairperson and vice-chairperson of the commission, who~~ 4935
~~shall hold their offices until the next organizational meeting of~~ 4936
~~the commission.~~ Organizational meetings of the commission shall be 4937
held at the first meeting of each calendar year. At each 4938
organizational meeting, the commission shall elect ~~from among its~~ 4939
~~voting members~~ a chairperson and vice-chairperson, who shall serve 4940
until the next annual organizational meeting. The commission shall 4941
adopt rules pursuant to Chapter 119. of the Revised Code for the 4942
conduct of its internal business and shall keep a journal of its 4943
proceedings. Including the organizational meeting, the commission 4944
shall meet at least once each calendar year. 4945

Two members of the commission constitute a quorum, and the 4946
affirmative vote of two members is necessary for approval of any 4947
action taken by the commission. A vacancy in the membership of the 4948
commission does not impair a quorum from exercising all the rights 4949
and performing all the duties of the commission. Meetings of the 4950
commission may be held anywhere in the state and shall be held in 4951
compliance with section 121.22 of the Revised Code. 4952

(C) ~~Within sixty days after the effective date of this~~ 4953
~~section, the governor shall appoint a member to the commission.~~ 4954
~~The initial appointment shall be for a term ending three years~~ 4955

~~after the effective date of this section, with subsequent terms 4956~~
~~ending three years after they begin, on the same day of the same 4957~~
~~month as the initial term. 4958~~

~~A vacancy for the member appointed by the governor shall be 4959~~
~~filled in the same manner as provided for the original 4960~~
~~appointment. The appointed member shall hold office for the 4961~~
~~remainder of the term for which the vacancy existed. After the 4962~~
~~expiration of the term, the appointed member shall continue in 4963~~
~~office for a period of sixty days or until the appointed member's 4964~~
~~successor takes office, whichever period is shorter. 4965~~

~~(D)~~ The commission shall file an annual report of its 4966
activities and finances, including a report of the expenditures 4967
and progress of the classroom facilities assistance program under 4968
Chapter 3318. of the Revised Code, with the governor, speaker of 4969
the house of representatives, president of the senate, and 4970
chairpersons of the house and senate finance committees. 4971

~~(E)~~(D) The commission shall be exempt from the requirements 4972
of sections 101.82 to 101.87 of the Revised Code. 4973

Sec. 123.21. (A) The Ohio facilities construction commission 4974
may perform any act and ensure the performance of any function 4975
necessary or appropriate to carry out the purposes of, and 4976
exercise the powers granted under this chapter or any other 4977
provision of the Revised Code, including any of the following: 4978

(1) ~~Prepare~~ Except as otherwise provided in section 123.211 4979
of the Revised Code, prepare, or contract to be prepared, by 4980
licensed engineers or architects, surveys, general and detailed 4981
plans, specifications, bills of materials, and estimates of cost 4982
for any projects, improvements, or public buildings to be 4983
constructed by state agencies that may be authorized by 4984
legislative appropriations or any other funds made available 4985
therefor, provided that the construction of the projects, 4986

improvements, or public buildings is a statutory duty of the 4987
commission. This section does not require the independent 4988
employment of an architect or engineer as provided by section 4989
153.01 of the Revised Code in the cases to which section 153.01 of 4990
the Revised Code applies. This section does not affect or alter 4991
the existing powers of the director of transportation. 4992

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 4993
the Revised Code, have general supervision over the construction 4994
of any projects, improvements, or public buildings constructed for 4995
a state agency and over the inspection of materials prior to their 4996
incorporation into those projects, improvements, or buildings. 4997

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 4998
the Revised Code, make contracts for and supervise the design and 4999
construction of any projects and improvements or the construction 5000
and repair of buildings under the control of a state agency. All 5001
such contracts may be based in whole or in part on the unit price 5002
or maximum estimated cost, with payment computed and made upon 5003
actual quantities or units. 5004

(4) Adopt, amend, and rescind rules pertaining to the 5005
administration of the construction of the public works of the 5006
state as required by law, in accordance with Chapter 119. of the 5007
Revised Code. 5008

(5) Contract with, retain the services of, or designate, and 5009
fix the compensation of, such agents, accountants, consultants, 5010
advisers, and other independent contractors as may be necessary or 5011
desirable to carry out the programs authorized under this chapter, 5012
or authorize the executive director to perform such powers and 5013
duties. 5014

(6) Receive and accept any gifts, grants, donations, and 5015
pledges, and receipts therefrom, to be used for the programs 5016
authorized under this chapter. 5017

(7) Make and enter into all contracts, commitments, and 5018
agreements, and execute all instruments, necessary or incidental 5019
to the performance of its duties and the execution of its rights 5020
and powers under this chapter, or authorize the executive director 5021
to perform such powers and duties. 5022

(8) Debar a contractor as provided in section 153.02 of the 5023
Revised Code. 5024

(9) Enter into and administer cooperative agreements for 5025
cultural projects, as provided in sections 123.28 and 123.281 of 5026
the Revised Code. 5027

(B) The commission shall appoint and fix the compensation of 5028
an executive director who shall serve at the pleasure of the 5029
commission. The executive director shall exercise all powers that 5030
the commission possesses, supervise the operations of the 5031
commission, and perform such other duties as delegated by the 5032
commission. The executive director also shall employ and fix the 5033
compensation of such employees as will facilitate the activities 5034
and purposes of the commission, who shall serve at the pleasure of 5035
the executive director. The employees of the commission are exempt 5036
from Chapter 4117. of the Revised Code and are not considered 5037
public employees as defined in section 4117.01 of the Revised 5038
Code. Any agreement entered into prior to July 1, 2012, between 5039
the office of collective bargaining and the exclusive 5040
representative for employees of the commission is binding and 5041
shall continue to have effect. 5042

(C) The attorney general shall serve as the legal 5043
representative for the commission and may appoint other counsel as 5044
necessary for that purpose in accordance with section 109.07 of 5045
the Revised Code. 5046

Sec. 124.23. (A) All applicants for positions and places in 5047
the classified service shall be subject to examination, except for 5048

applicants for positions as professional or certified service and 5049
paraprofessional employees of county boards of developmental 5050
disabilities, who shall be hired in the manner provided in section 5051
124.241 of the Revised Code. 5052

(B) Any examination administered under this section shall be 5053
public and be open to all citizens of the United States and those 5054
persons who have legally declared their intentions of becoming 5055
United States citizens. For examinations administered for 5056
positions in the service of the state, the director of 5057
administrative services or the director's designee may determine 5058
certain limitations as to citizenship, age, experience, education, 5059
health, habit, and moral character. 5060

(C)(1) Any A person who shall receive additional credit of 5061
twenty per cent of the person's total grade given in the 5062
examination in which the person receives a passing grade if either 5063
of the following apply: 5064

(a) The person has completed service in ~~the uniformed~~ 5065
~~services, who, and~~ has been honorably discharged from, ~~the~~ 5066
~~uniformed services or transferred to the reserve with evidence of~~ 5067
~~satisfactory service, and who is a resident of this state and any~~ 5068
armed forces. 5069

(b) The person is a member in good standing of a reserve 5070
~~component of the armed forces of the United States, including the~~ 5071
~~Ohio national guard, who has successfully completed more than one~~ 5072
~~hundred eighty days of active duty service pursuant to an~~ 5073
~~executive order of the president of the United States or an act of~~ 5074
~~the congress of the United States may file with the director a~~ 5075
~~certificate of service or honorable discharge, and, upon this~~ 5076
~~filing, the person shall receive additional credit of twenty per~~ 5077
~~cent of the person's total grade given in the examination in which~~ 5078
~~the person receives a passing grade. A person who receives an~~ 5079
~~additional credit under division (C)(1) of this section shall not~~ 5080

~~receive an additional credit under division (C)(2) of this section~~ 5081
~~initial entry-level training.~~ 5082

~~(2) A member in good standing of a reserve component of the~~ 5083
~~armed forces of the United States, including the Ohio national~~ 5084
~~guard, who successfully completes the member's initial entry-level~~ 5085
~~training shall receive a credit of fifteen per cent of the~~ 5086
~~person's total grade given in the examination in which the person~~ 5087
~~receives a passing grade~~ A person shall receive the additional 5088
credit under division (C)(1) of this section upon filing with the 5089
director a certificate of service or honorable discharge or other 5090
acceptable form of proof as provided in rules adopted by the 5091
director. 5092

(3) No person shall receive additional credit under division 5093
(C)(1) of this section greater than twenty per cent of the 5094
person's total passing grade given in the examination. 5095

(4) As used in this division, "service in the uniformed 5096
services" and "uniformed services" have the same meanings as in 5097
the "Uniformed Services Employment and Reemployment Rights Act of 5098
1994," 108 Stat. 3149, 38 U.S.C.A. 4303; 5099

(a) "Armed forces" has the same meaning as in section 5903.01 5100
of the Revised Code. 5101

(b) "Service in the armed forces" means the performance of 5102
duty on a voluntary or involuntary basis in the armed forces under 5103
competent authority. 5104

(D) An examination may include an evaluation of such factors 5105
as education, training, capacity, knowledge, manual dexterity, and 5106
physical or psychological fitness. An examination shall consist of 5107
one or more tests in any combination. Tests may be written, oral, 5108
physical, demonstration of skill, or an evaluation of training and 5109
experiences and shall be designed to fairly test the relative 5110
capacity of the persons examined to discharge the particular 5111

duties of the position for which appointment is sought. Tests may 5112
include structured interviews, assessment centers, work 5113
simulations, examinations of knowledge, skills, and abilities, and 5114
any other acceptable testing methods. If minimum or maximum 5115
requirements are established for any examination, they shall be 5116
specified in the examination announcement. 5117

(E) Except as otherwise provided in sections 124.01 to 124.64 5118
of the Revised Code, when a position in the classified service of 5119
the state is to be filled, an examination shall be administered. 5120
The director of administrative services shall have control of all 5121
examinations administered for positions in the service of the 5122
state and all other examinations the director administers as 5123
provided in section 124.07 of the Revised Code, except as 5124
otherwise provided in sections 124.01 to 124.64 of the Revised 5125
Code. The director shall, by rule adopted under Chapter 119. of 5126
the Revised Code, prescribe the notification method that is to be 5127
used by an appointing authority to notify the director that a 5128
position in the classified service of the state is to be filled. 5129
In addition to the positions described in section 124.30 of the 5130
Revised Code, the director may, with sufficient justification from 5131
the appointing authority, allow the appointing authority to fill 5132
the position by noncompetitive examination. The director shall 5133
establish, by rule adopted under Chapter 119. of the Revised Code, 5134
standards that the director shall use to determine what serves as 5135
sufficient justification from an appointing authority to fill a 5136
position by noncompetitive examination. 5137

(F) No questions in any examination shall relate to political 5138
or religious opinions or affiliations. No credit for seniority, 5139
efficiency, or any other reason shall be added to an applicant's 5140
examination grade unless the applicant achieves at least the 5141
minimum passing grade on the examination without counting that 5142
extra credit. 5143

(G) Except as otherwise provided in sections 124.01 to 124.64 5144
of the Revised Code, the director of administrative services or 5145
the director's designee shall give reasonable notice of the time, 5146
place, and general scope of every competitive examination for 5147
appointment that the director or the director's designee 5148
administers for positions in the classified service of the state. 5149
The director or the director's designee shall post notices via 5150
electronic media of every examination to be conducted for 5151
positions in the classified civil service of the state. The 5152
electronic notice shall be posted on the director's internet site 5153
on the world wide web for a minimum of one week preceding any 5154
examination involved. 5155

Sec. 124.26. From the returns of examinations for positions 5156
in the service of the state, the director of administrative 5157
services or the director's designee shall prepare an eligible list 5158
of the persons whose general average standing upon examinations 5159
for the class or position is not less than the minimum fixed by 5160
the rules of the director, and who are otherwise eligible. Those 5161
persons shall take rank upon the eligible list as candidates in 5162
the order of their relative excellence as determined by the 5163
examination without reference to priority of the time of 5164
examination. If two or more applicants receive the same mark in an 5165
open competitive examination, priority in the time of filing the 5166
application with the director or the director's designee shall 5167
determine the order in which their names shall be placed on the 5168
eligible list, except that applicants eligible for the veteran's 5169
or ~~the reserve component member's~~ reservist's preference under 5170
section 124.23 of the Revised Code shall receive priority in rank 5171
on the eligible list over nonveterans and ~~nonmembers of the~~ 5172
~~reserve component~~ nonreservists on the list with a rating equal to 5173
that of the veteran or ~~reserve component member~~ reservist. Ties 5174
among ~~veterans or among reserve component members~~ applicants 5175

eligible for the veteran's or reservist's preference under section 5176
124.23 of the Revised Code shall be decided by priority of filing 5177
the application. ~~A tie between a veteran and a reserve component~~ 5178
~~member shall be decided in favor of the veteran.~~ 5179

An eligible list expires upon the filling or closing of the 5180
position. An expired eligible list may be used to fill a position 5181
of the same classification within the same appointing authority 5182
for which the list was created. But, in no event shall an expired 5183
list be used more than one year past its expiration date. 5184

Sec. 124.27. (A) Appointments to all positions in the 5185
classified civil service, that are not filled by promotion, 5186
transfer, or reduction, as provided in sections 124.01 to 124.64 5187
of the Revised Code and the rules of the director prescribed under 5188
those sections, shall be made only from those persons whose names 5189
take rank order on an eligible list, and no employment, except as 5190
provided in those sections, shall be otherwise given in the 5191
classified civil service. The appointing authority shall appoint 5192
in the following manner: each time a selection is made, it shall 5193
be from one of the names that ranks in the top ten names on the 5194
eligible list or the top twenty-five per cent of the eligible 5195
list, whichever is greater. In the event that ten or fewer names 5196
are on the eligible list, the appointing authority may select any 5197
of the listed candidates. Each person who qualifies for the 5198
veteran's or reservist's preference under section 124.23 of the 5199
Revised Code, ~~who is a resident of this state,~~ and whose name is 5200
on the eligible list for a position is entitled to preference in 5201
original appointment to any such competitive position in the 5202
classified civil service of the state over all other persons who 5203
are eligible for those appointments and who are standing on the 5204
relevant eligible list with a rating equal to that of the person 5205
qualifying for the veteran's or reservist's preference. 5206

(B) All original and promotional appointments in the 5207
classified civil service, including appointments made pursuant to 5208
section 124.30 of the Revised Code, but not intermittent 5209
appointments, shall be for a probationary period, not less than 5210
sixty days nor more than one year, to be fixed by the rules of the 5211
director for appointments in the civil service of the state, 5212
except as provided in section 124.231 of the Revised Code, and 5213
except for original appointments to a police department as a 5214
police officer or to a fire department as a firefighter which 5215
shall be for a probationary period of one year. No appointment or 5216
promotion is final until the appointee has satisfactorily served 5217
the probationary period. If the service of the probationary 5218
employee is unsatisfactory, the employee may be removed or reduced 5219
at any time during the probationary period. If the appointing 5220
authority decides to remove a probationary employee in the service 5221
of the state, the appointing authority shall communicate the 5222
removal to the director. A probationary employee duly removed or 5223
reduced in position for unsatisfactory service does not have the 5224
right to appeal the removal or reduction under section 124.34 of 5225
the Revised Code. 5226

Sec. 124.384. (A) Except as otherwise provided in this 5227
section, employees whose salaries or wages are paid by warrant of 5228
the director of budget and management and who have accumulated 5229
sick leave under section 124.38 or 124.382 of the Revised Code 5230
shall be paid for a percentage of their accumulated balances, upon 5231
separation for any reason, including death but excluding 5232
retirement, at their last base rate of pay at the rate of one hour 5233
of pay for every two hours of accumulated balances. An employee 5234
who retires in accordance with any retirement plan offered by the 5235
state shall be paid upon retirement for each hour of the 5236
employee's accumulated sick leave balance at a rate of fifty-five 5237
per cent of the employee's last base rate of pay. 5238

An employee serving in a temporary work level who elects to 5239
convert unused sick leave to cash shall do so at the base rate of 5240
pay of the employee's normal classification. If an employee dies, 5241
the employee's unused sick leave shall be paid in accordance with 5242
section 2113.04 of the Revised Code or to the employee's estate. 5243

In order to be eligible for the payment authorized by this 5244
section, an employee shall have at least one year of state service 5245
and shall request all or a portion of that payment no later than 5246
three years after separation from state service. No person is 5247
eligible to receive all or a portion of the payment authorized by 5248
this section at any time later than three years after the person's 5249
separation from state service. 5250

(B) ~~Except as otherwise provided in this division, a~~ A person 5251
initially employed on or after July 5, 1987, by a state agency in 5252
which the employees' salaries or wages are paid directly by 5253
warrant of the director of budget and management shall receive 5254
payment under this section only for sick leave accumulated while 5255
employed by state agencies in which the employees' salaries or 5256
wages are paid directly by warrant of the director of budget and 5257
management. A Additionally, a person initially employed on or 5258
after July 5, 1987, but before October 1, 2017, by the state 5259
department of education as an unclassified employee shall receive 5260
payment under this section ~~only for sick leave accumulated while~~ 5261
~~employed by state agencies in which the employees' salaries or~~ 5262
~~wages are paid directly by warrant of the director of budget and~~ 5263
~~management and~~ for sick leave placed to the employee's credit 5264
under division (E)(2) of section 124.382 of the Revised Code. 5265

(C) For employees paid in accordance with section 124.152 of 5266
the Revised Code and those employees listed in divisions (B)(2) 5267
and (4) of section 124.14 of the Revised Code, the director of 5268
administrative services, with the approval of the director of 5269
budget and management, may establish a plan for early payment of 5270

accrued sick leave and vacation leave. 5271

Sec. 124.93. (A) As used in this section, "physician" means 5272
any person who holds a valid ~~certificate~~ license to practice 5273
medicine and surgery or osteopathic medicine and surgery issued 5274
under Chapter 4731. of the Revised Code. 5275

(B) No health insuring corporation that, on or after July 1, 5276
1993, enters into or renews a contract with the department of 5277
administrative services under section 124.82 of the Revised Code, 5278
because of a physician's race, color, religion, sex, national 5279
origin, disability or military status as defined in section 5280
4112.01 of the Revised Code, age, or ancestry, shall refuse to 5281
contract with that physician for the provision of health care 5282
services under section 124.82 of the Revised Code. 5283

Any health insuring corporation that violates this division 5284
is deemed to have engaged in an unlawful discriminatory practice 5285
as defined in section 4112.02 of the Revised Code and is subject 5286
to Chapter 4112. of the Revised Code. 5287

(C) Each health insuring corporation that, on or after July 5288
1, 1993, enters into or renews a contract with the department of 5289
administrative services under section 124.82 of the Revised Code 5290
and that refuses to contract with a physician for the provision of 5291
health care services under that section shall provide that 5292
physician with a written notice that clearly explains the reason 5293
or reasons for the refusal. The notice shall be sent to the 5294
physician by regular mail within thirty days after the refusal. 5295

Any health insuring corporation that fails to provide notice 5296
in compliance with this division is deemed to have engaged in an 5297
unfair and deceptive act or practice in the business of insurance 5298
as defined in section 3901.21 of the Revised Code and is subject 5299
to sections 3901.19 to 3901.26 of the Revised Code. 5300

Sec. 125.035. (A) Except as otherwise provided in the Revised 5301
Code, a state agency wanting to purchase supplies or services 5302
shall make the purchase subject to the requirements of an 5303
applicable first or second requisite procurement program described 5304
in this section, or obtain a determination from the department of 5305
administrative services that the purchase is not subject to a 5306
first or second requisite procurement program. State agencies 5307
shall submit a purchase request to the department of 5308
administrative services unless the department has determined the 5309
request does not require a review. The director of administrative 5310
services shall adopt rules under Chapter 119. of the Revised Code 5311
to provide for the manner of carrying out the function and the 5312
power and duties imposed upon and vested in the director by this 5313
section. 5314

(B) The following programs are first requisite procurement 5315
programs that shall be given preference in the following order in 5316
fulfilling a purchase request: 5317

(1) Ohio penal industries within the department of 5318
rehabilitation and correction; and 5319

(2) Community rehabilitation programs administered by the 5320
department of administrative services under sections 125.601 to 5321
125.6012 of the Revised Code. 5322

(C) The following programs are second requisite procurement 5323
programs that may be able to fulfill the purchase request if the 5324
first requisite procurement programs are unable to do so: 5325

(1) Business enterprise program at the opportunities for 5326
Ohioans with disabilities agency as prescribed in sections 3304.28 5327
to 3304.33 of the Revised Code; 5328

(2) Office of information technology at the department of 5329
administrative services as established in section 125.18 of the 5330

Revised Code;	5331
(3) Office of state printing and mail services at the	5332
department of administrative services as prescribed in Chapter	5333
125. of the Revised Code;	5334
(4) ~~Office of support services~~ <u>Ohio pharmacy services</u> at the	5335
department of mental health <u>and addiction services</u> as prescribed	5336
in section 5119.44 of the Revised Code;	5337
(5) Ohio facilities construction commission established in	5338
section 123.20 of the Revised Code; and	5339
(6) Any other program within, or administered by, a state	5340
agency that, by law, requires purchases to be made by, or with the	5341
approval of, the state agency.	5342
(D) Upon receipt of a purchase request, the department of	5343
administrative services shall provide the requesting agency a	5344
notification of receipt of the purchase request. The department	5345
then shall determine whether the request can be fulfilled through	5346
a first requisite procurement program. In making the	5347
determination, the department may consult with each of the first	5348
requisite procurement programs. When the department has made its	5349
determination, it shall:	5350
(1) Direct the requesting agency to obtain the desired	5351
supplies or services through the proper first requisite	5352
procurement program;	5353
(2) Provide the agency with a waiver from the use of the	5354
applicable first requisite procurement programs under sections	5355
125.609 or 5147.07 of the Revised Code; or	5356
(3) Determine whether the purchase can be fulfilled through a	5357
second requisite procurement program under division (E) of this	5358
section.	5359
(E) In making the determination that a purchase is subject to	5360

a second requisite procurement program, the department shall 5361
identify potentially applicable programs and notify each program 5362
of the requested purchase. The notified second requisite 5363
procurement program shall respond to the department within two 5364
business days with regard to its ability to provide the requested 5365
purchase. If the second requisite procurement program can provide 5366
the requested purchase, the department shall direct the requesting 5367
agency to make the requested purchase from the appropriate second 5368
requisite procurement program. If the department has not received 5369
notification from a second requisite procurement program within 5370
two business days and the department has made the determination 5371
that the purchase is not subject to a second requisite procurement 5372
program, the department shall provide a waiver to the requesting 5373
agency. 5374

(F) Within five business days after receipt of a request, the 5375
department shall notify the requesting agency of its determination 5376
and provide any waiver under divisions (D) or (E) of this section. 5377
If the department fails to respond within five business days or 5378
fails to provide an explanation for any further delay within that 5379
time, the requesting agency may use direct purchasing authority to 5380
make the requested purchase, subject to the requirements of 5381
division (G) of this section and section 127.16 of the Revised 5382
Code. 5383

(G) As provided in sections 125.02 and 125.05 of the Revised 5384
Code and subject to such rules as the director of administrative 5385
services may adopt, the department may issue a release and permit 5386
to the agency to secure supplies or services. A release and permit 5387
shall specify the supplies or services to which it applies, the 5388
time during which it is operative, and the reason for its 5389
issuance. A release and permit for telephone, other 5390
telecommunications, and computer services shall be provided in 5391
accordance with section 125.18 of the Revised Code and shall 5392

specify the type of services to be rendered, the number and type 5393
of hardware to be used, and may specify the amount of such 5394
services to be performed. No requesting agency shall proceed with 5395
such purchase until it has received an approved release and permit 5396
from the director of administrative services or the director's 5397
designee. 5398

Sec. 125.04. (A) Except for the requirements of division (B) 5399
of this section, section 125.092, and division (B) of section 5400
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 5401
to 125.15 of the Revised Code do not apply to or affect state 5402
institutions of higher education. 5403

(B)(1) As used in this division: 5404

(a) "Chartered nonpublic school" has the same meaning as in 5405
section 3310.01 of the Revised Code. 5406

(b) "Emergency medical service organization" has the same 5407
meaning as in section 4765.01 of the Revised Code. 5408

(c) "Governmental agency" means a political subdivision or 5409
special district in this state established by or under law, or any 5410
combination of these entities; the United States or any 5411
department, division, or agency of the United States; one or more 5412
other states or groups of states; other purchasing consortia; and 5413
any agency, commission, or authority established under an 5414
interstate compact or agreement. 5415

(d) "Political subdivision" means any county, township, 5416
municipal corporation, school district, conservancy district, 5417
township park district, park district created under Chapter 1545. 5418
of the Revised Code, regional transit authority, regional airport 5419
authority, regional water and sewer district, or port authority. 5420
"Political subdivision" also includes any other political 5421
subdivision described in the Revised Code that has been approved 5422

by the department of administrative services to participate in the 5423
department's contracts under this division. 5424

(e) "Private fire company" has the same meaning as in section 5425
9.60 of the Revised Code. 5426

(f) "State institution of higher education" has the meaning 5427
defined in section 3345.011 of the Revised Code. 5428

(2) Subject to division (C) of this section, the department 5429
of administrative services may permit a state institution of 5430
higher education, governmental agency, political subdivision, 5431
county board of elections, private fire company, private, 5432
nonprofit emergency medical service organization, or chartered 5433
nonpublic school to participate in contracts into which the 5434
department has entered for the purchase of supplies and services. 5435
The department may charge the entity a reasonable fee to cover the 5436
administrative costs the department incurs as a result of 5437
participation by the entity in such a purchase contract. 5438

A political subdivision desiring to participate in such 5439
purchase contracts shall file with the department a certified copy 5440
of an ordinance or resolution of the legislative authority or 5441
governing board of the political subdivision. The resolution or 5442
ordinance shall request that the political subdivision be 5443
authorized to participate in such contracts and shall agree that 5444
the political subdivision will be bound by such terms and 5445
conditions as the department prescribes and that it will directly 5446
pay the vendor under each purchase contract. A board of elections 5447
desiring to participate in such purchase contracts shall file with 5448
the purchasing authority a written request for inclusion in the 5449
program. A private fire company, private, nonprofit emergency 5450
medical service organization, or chartered nonpublic school 5451
desiring to participate in such purchase contracts shall file with 5452
the department a written request for inclusion in the program 5453
signed by the chief officer of the company, organization, or 5454

chartered nonpublic school. A governmental agency desiring to 5455
participate in such purchase contracts shall file with the 5456
department a written request for inclusion in the program. A state 5457
institution of higher education desiring to participate in such 5458
purchase contracts shall file with the department a certified copy 5459
of resolution of the board of trustees or similar authorizing 5460
body. The resolution shall request that the state institution of 5461
higher education be authorized to participate in such contracts. 5462

A request for inclusion shall include an agreement to be 5463
bound by such terms and conditions as the department prescribes 5464
and to make direct payments to the vendor under each purchase 5465
contract. 5466

The department shall include in its annual report, an 5467
estimate of the purchases made by state institutions of higher 5468
education, governmental agencies, political subdivisions, county 5469
boards of elections, private fire companies, private, nonprofit 5470
emergency medical service organizations, and chartered nonpublic 5471
schools from contracts pursuant to this division. The department 5472
may require such entities to file a report with the department, as 5473
often as it finds necessary, stating how many such contracts the 5474
entities participated in within a specified period of time, and 5475
any other information the department requires. 5476

(3) Purchases made by a political subdivision or a county 5477
board of elections under this division are exempt from any 5478
competitive selection procedures otherwise required by law. No 5479
political subdivision shall make any purchase under this division 5480
when bids have been received for such purchase by the subdivision, 5481
unless such purchase can be made upon the same terms, conditions, 5482
and specifications at a lower price under this division. 5483

(C) A political subdivision as defined in division (B) of 5484
this section or a county board of elections may purchase supplies 5485
or services from another party, including a political subdivision, 5486

instead of through participation in contracts described in 5487
division (B) of this section if the political subdivision or 5488
county board of elections can purchase those supplies or services 5489
from the other party upon equivalent terms, conditions, and 5490
specifications but at a lower price than it can through those 5491
contracts. Purchases that a political subdivision or county board 5492
of elections makes under this division are exempt from any 5493
competitive selection procedures otherwise required by law. A 5494
political subdivision or county board of elections that makes any 5495
purchase under this division shall maintain sufficient information 5496
regarding the purchase to verify that the political subdivision or 5497
county board of elections satisfied the conditions for making a 5498
purchase under this division. Nothing in this division restricts 5499
any action taken by a county or township as authorized by division 5500
(B)(1) of section 9.48 of the Revised Code. 5501

(D) This section does not apply to supplies or services 5502
purchased by a state agency directly as provided in section 125.05 5503
of the Revised Code, or to purchases of supplies or services for 5504
the emergency management agency or other state agencies as 5505
provided in section 125.061 of the Revised Code. 5506

Sec. 125.061. (A) As used in this section: 5507

(1) "Emergency" has the same meaning as defined in section 5508
5502.21 of the Revised Code. 5509

(2) "State procurement emergency" means a situation that 5510
creates all of the following: 5511

(a) A threat to public health, safety, or welfare; 5512

(b) An immediate and serious need for supplies or services 5513
that cannot be met through normal procurement methods required by 5514
state law; and 5515

(c) A serious threat of harm to the functioning of state 5516

government, the preservation or protection of property, or the 5517
health or safety of any person. 5518

~~(B) During the period of an emergency as defined in section~~ 5519
~~5502.21 of the Revised Code, the department of administrative~~ 5520
services may suspend, for the emergency management agency 5521
established in section 5502.22 of the Revised Code or any other 5522
state agency participating in response and recovery activities as 5523
defined in section 5502.21 of the Revised Code, the purchasing and 5524
contracting requirements contained in Chapter 125. and any 5525
requirement of Chapter 153. of the Revised Code that otherwise 5526
would apply to the agency. The director of public safety or the 5527
executive director of the emergency management agency shall make 5528
the request for the suspension of these requirements to the 5529
department of administrative services concurrently with the 5530
request to the governor or the president of the United States for 5531
the declaration of an emergency. The governor also shall include 5532
in any proclamation the governor issues declaring an emergency 5533
language requesting the suspension of those requirements during 5534
the period of the emergency. 5535

~~(B) Before any purchase may be made under a suspension~~ 5536
~~authorized by this section, the director of administrative~~ 5537
~~services shall send notice of the suspension as approved under~~ 5538
~~division (A) of this section to the director of budget and~~ 5539
~~management and to the members of the controlling board. The notice~~ 5540
~~shall provide details of the request for suspension and shall~~ 5541
~~include a copy of the director's approval.~~ 5542

(C) During the period of a state procurement emergency, the 5543
department of administrative services may suspend, for any state 5544
agency, the purchasing and contracting requirements contained in 5545
Chapter 125. of the Revised Code that would otherwise be required 5546
of the agency. 5547

(1) The director or administrative head of the state agency 5548

where the state procurement emergency exists shall request the 5549
department of administrative services to suspend the purchasing 5550
and contracting requirements in Chapter 125. of the Revised Code. 5551

(2) The request shall include information detailing the 5552
immediacy of the state procurement emergency and a description of 5553
the necessary supplies or services that cannot be timely purchased 5554
through normal procurement methods otherwise required by state 5555
law. 5556

(3) Whenever practical, the agency shall obtain a release and 5557
permit from the department of administrative services under 5558
section 125.035 of the Revised Code before making purchases under 5559
this division. 5560

(D) Before any purchase may be made under a suspension 5561
authorized by this section, the director of administrative 5562
services shall send notice of the suspension as approved by the 5563
director to the director of budget and management and to the 5564
members of the controlling board. The notice shall provide details 5565
of the request for suspension and shall include a copy of the 5566
director's approval. 5567

(E) Purchases made by state agencies under this section are 5568
exempt from the requirements of section 127.16 of the Revised 5569
Code, except that state agencies making purchases under this 5570
section shall file a report with the president of the controlling 5571
board describing all such purchases made by the agency during the 5572
period covered by the emergency declaration or state procurement 5573
emergency. The report shall be filed within ninety days after the 5574
declaration or state procurement emergency condition expires. 5575

Sec. 125.18. (A) There is hereby established the office of 5576
information technology within the department of administrative 5577
services. The office shall be under the supervision of a state 5578
chief information officer to be appointed by the director of 5579

administrative services and subject to removal at the pleasure of 5580
the director. The chief information officer is an assistant 5581
director of administrative services. 5582

(B) Under the direction of the director of administrative 5583
services, the state chief information officer shall lead, oversee, 5584
and direct state agency activities related to information 5585
technology development and use. In that regard, the state chief 5586
information officer shall do all of the following: 5587

(1) Coordinate and superintend statewide efforts to promote 5588
common use and development of technology by state agencies. The 5589
office of information technology shall establish policies and 5590
standards that govern and direct state agency participation in 5591
statewide programs and initiatives. 5592

(2) Establish policies and standards for the acquisition and 5593
use of common information technology by state agencies, including, 5594
but not limited to, hardware, software, technology services, and 5595
security, and the extension of the service life of information 5596
technology systems, with which state agencies shall comply; 5597

(3) Establish criteria and review processes to identify state 5598
agency information technology projects or purchases that require 5599
alignment or oversight. As appropriate, the department of 5600
administrative services shall provide the governor and the 5601
director of budget and management with notice and advice regarding 5602
the appropriate allocation of resources for those projects. The 5603
state chief information officer may require state agencies to 5604
provide, and may prescribe the form and manner by which they must 5605
provide, information to fulfill the state chief information 5606
officer's alignment and oversight role; 5607

(4) Establish policies and procedures for the security of 5608
personal information that is maintained and destroyed by state 5609
agencies; 5610

- (5) Employ a chief information security officer who is 5611
responsible for the implementation of the policies and procedures 5612
described in division (B)(4) of this section and for coordinating 5613
the implementation of those policies and procedures in all of the 5614
state agencies; 5615
- (6) Employ a chief privacy officer who is responsible for 5616
advising state agencies when establishing policies and procedures 5617
for the security of personal information and developing education 5618
and training programs regarding the state's security procedures; 5619
- (7) Establish policies on the purchasing, use, and 5620
reimbursement for use of handheld computing and telecommunications 5621
devices by state agency employees; 5622
- (8) Establish policies for the reduction of printing and the 5623
use of electronic records by state agencies; 5624
- (9) Establish policies for the reduction of energy 5625
consumption by state agencies; 5626
- (10) Compute the amount of revenue attributable to the 5627
amortization of all equipment purchases and capitalized systems 5628
from information technology service delivery and major information 5629
technology purchases operating appropriation items and major 5630
computer purchases capital appropriation items that is recovered 5631
as part of the information technology services rates the 5632
department of administrative services charges and deposits into 5633
the information technology fund created in section 125.15 of the 5634
Revised Code; 5635
- (11) Regularly review and make recommendations regarding 5636
improving the infrastructure of the state's cybersecurity 5637
operations with existing resources and through partnerships 5638
between government, business, and institutions of higher 5639
education; 5640
- (12) Assist, as needed, with general state efforts to grow 5641

the cybersecurity industry in this state. 5642

(C)(1) The chief information security officer shall assist 5643
each state agency with the development of an information 5644
technology security strategic plan and review that plan, and each 5645
state agency shall submit that plan to the state chief information 5646
officer. The chief information security officer may require that 5647
each state agency update its information technology security 5648
strategic plan annually as determined by the state chief 5649
information officer. 5650

(2) Prior to the implementation of any information technology 5651
data system, a state agency shall prepare or have prepared a 5652
privacy impact statement for that system. 5653

(D) When a state agency requests a purchase of information 5654
technology supplies or services under Chapter 125. of the Revised 5655
Code, the state chief information officer may review and reject 5656
the requested purchase for noncompliance with information 5657
technology direction, plans, policies, standards, or 5658
project-alignment criteria. 5659

(E) The office of information technology may operate 5660
technology services for state agencies in accordance with this 5661
chapter. 5662

Notwithstanding any provision of the Revised Code to the 5663
contrary, the office of information technology may assess a 5664
transaction fee to an individual who uses an electronic licensing 5665
system operated by the office to apply for or renew a license or 5666
registration in an amount determined by the office not to exceed 5667
three dollars and fifty cents. The director of administrative 5668
services may collect the fee or require a state agency for which 5669
the system is being operated to collect the fee. Amounts received 5670
under this division shall be deposited in the professions 5671
licensing system fund created in division (I) of this section. 5672

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

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

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

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(10) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E)

<u>of this section.</u>	5705
(J) As used in this section:	5706
(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.	5707 5708
(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.	5709 5710 5711 5712 5713 5714 5715 5716 5717 5718 5719 5720
Sec. 125.22. (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:	5721 5722 5723
(1) Architects board;	5724
(2) ~~Barber board;~~	5725
~~(3)~~ State chiropractic board;	5726
~~(4)~~ (3) State <u>cosmetology and barber</u> board ~~of cosmetology;~~	5727
~~(5)~~ (4) Accountancy board;	5728
~~(6)~~ (5) State dental board;	5729
~~(7)~~ State board of optometry;	5730
~~(8)~~ Ohio occupational therapy, physical therapy, and athletic trainers board;	5731 5732

~~(9)~~ (6) State board of registration for professional engineers and surveyors;	5733 5734
~~(10)~~ (7) State board of sanitarian registration;	5735
~~(11)~~ (8) Board of embalmers and funeral directors;	5736
~~(12) State board of psychology;~~	5737
~~(13) Ohio optical dispensers board;~~	5738
~~(14) Board of speech pathology and audiology;~~	5739
~~(15) Counselor, social worker, and marriage and family therapist board;~~	5740 5741
~~(16)~~ (9) State veterinary medical licensing board;	5742
~~(17) Ohio board of dietetics;~~	5743
~~(18)~~ (10) Commission on Hispanic-Latino affairs;	5744
~~(19) Ohio respiratory care board;~~	5745
~~(20)~~ (11) Ohio commission on African-American males;	5746
~~(21) Chemical dependency professionals board~~	5747
<u>(12) State vision and hearing professionals board;</u>	5748
<u>(13) State behavioral health and social work board;</u>	5749
<u>(14) State physical health services board.</u>	5750
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	5751 5752 5753 5754 5755 5756
(a) Preparing and processing payroll and other personnel documents;	5757 5758
(b) Preparing and processing vouchers, purchase orders,	5759

encumbrances, and other accounting documents; 5760

(c) Maintaining ledgers of accounts and balances; 5761

(d) Preparing and monitoring budgets and allotment plans in 5762
consultation with the boards and commissions; 5763

(e) Other routine support services that the director of 5764
administrative services considers appropriate to achieve 5765
efficiency. 5766

(2) The agency may perform other services which a board or 5767
commission named in division (A) of this section delegates to the 5768
agency and the agency accepts. 5769

(3) The agency may perform any service for any professional 5770
or occupational licensing board not named in division (A) of this 5771
section or any commission if the board or commission requests such 5772
service and the agency accepts. 5773

(C) The director of administrative services shall be the 5774
appointing authority for the agency. 5775

(D) The agency shall determine the fees to be charged to the 5776
boards and commissions, which shall be in proportion to the 5777
services performed for each board or commission. 5778

(E) Each board or commission named in division (A) of this 5779
section and any other board or commission requesting services from 5780
the agency shall pay these fees to the agency from the general 5781
revenue fund maintenance account of the board or commission or 5782
from such other fund as the operating expenses of the board or 5783
commission are paid. Any amounts set aside for a fiscal year by a 5784
board or commission to allow for the payment of fees shall be used 5785
only for the services performed by the agency in that fiscal year. 5786
All receipts collected by the agency shall be deposited in the 5787
state treasury to the credit of the central service agency fund, 5788
which is hereby created. All expenses incurred by the agency in 5789

performing services for the boards or commissions shall be paid 5790
from the fund. 5791

(F) Nothing in this section shall be construed as a grant of 5792
authority for the central service agency to initiate or deny 5793
personnel or fiscal actions for the boards and commissions. 5794

Sec. 125.28. (A) The director of administrative services 5795
shall determine the reimbursable cost of space in state-owned or 5796
state-leased facilities and shall collect reimbursements for that 5797
cost. 5798

(B) The director may provide building maintenance services 5799
and ~~minor construction project management~~ tenant improvement 5800
services to any state agency and may collect reimbursements for 5801
the cost of providing those services. 5802

(C) All money collected by the department of administrative 5803
services, ~~for operating expenses of facilities owned or maintained~~ 5804
~~by the department, or for tenant improvement services,~~ shall be 5805
deposited into the state treasury to the credit of the building 5806
management fund, which is hereby created. ~~All money collected by~~ 5807
~~the department for minor construction project management services~~ 5808
~~shall be deposited into the state treasury to the credit of the~~ 5809
~~minor construction project management fund, which is hereby~~ 5810
~~created.~~ All money collected for depreciation and related costs 5811
shall be deposited into the building improvement fund created 5812
under section 125.27 of the Revised Code or deposited into the 5813
building management fund and then transferred by the director of 5814
budget and management to the building improvement fund. 5815

Sec. 125.32. (A) The department of administrative services 5816
may establish an enterprise data management and analytics program 5817
to gather, combine, and analyze data provided by one or more 5818
agencies to measure the outcome of state-funded programs, develop 5819

policies to promote the effective, efficient, and best use of 5820
state resources, and to identify, prevent, or eliminate the 5821
fraudulent use of state funds, state resources, or state programs. 5822
Participating state agencies may use data gathered under the 5823
program for these purposes. 5824

(B) A state agency shall provide data for use under the 5825
program. A state agency that provides data under the program shall 5826
comply with the data-sharing protocol adopted under division (D) 5827
of this section. Notwithstanding any other provision of the 5828
Revised Code, a state agency's provision of data under the program 5829
is considered a permitted use of the data under the Revised Code 5830
and the state agency is not in violation of any contrary provision 5831
of the Revised Code by providing the data. 5832

(C)(1) A state agency that provides data under the program 5833
retains ownership over the data. Notwithstanding any other 5834
provision of the Revised Code, only the state agency that provides 5835
data under the program may be required under the law of this state 5836
to respond to requests for records or information regarding the 5837
provided data, including public records requests, subpoenas, 5838
warrants, and investigatory requests. 5839

(2) Participating state agencies shall maintain the 5840
confidentiality of data gathered under the program in accordance 5841
with confidentiality laws applicable to the data when in the 5842
possession of the state agency that provided the data. Employees 5843
of the department of administrative services or another state 5844
agency who gain access to another state agency's confidential data 5845
under the program are subject to any confidentiality requirements 5846
or duty to maintain confidentiality of the data established by law 5847
applicable to the state agency that provided the data. The results 5848
of the data analysis shall be compared against the confidentiality 5849
laws applicable to the source data to determine if the results 5850

retain any attributes of the source data that bring the results 5851
within the scope of any of the confidentiality obligations that 5852
applied to the source data. If so, the data analysis results are 5853
subject to those applicable confidentiality obligations and, in 5854
the event of a conflict between applicable confidentiality 5855
obligations, the most stringent of those obligations shall 5856
control. 5857

(D) In consultation with state agencies participating under 5858
the program, the department of administrative services shall 5859
develop a data-sharing protocol and a security plan for the 5860
program. The security plan shall state how the data is to be 5861
protected. The data-sharing protocol shall include at least the 5862
following: 5863

(1) How participating state agencies may use confidential 5864
data in accordance with confidentiality laws applicable to the 5865
provided data; 5866

(2) Who has authority to access data gathered under the 5867
program; and 5868

(3) How participating state agencies shall make, verify, and 5869
retain corrections to personal information gathered under the 5870
program. 5871

Any collection of data derived under the program that is a 5872
"system" with "personal information" as defined in section 1347.01 5873
of the Revised Code shall comply with Chapter 1347. of the Revised 5874
Code. 5875

Sec. 125.92. (A) As used in this section, "board or 5876
commission" means any of the following: 5877

(1) The accountancy board; 5878

(2) The architects board; 5879

(3) The state cosmetology and barber board; 5880

<u>(4) The board of embalmers and funeral directors;</u>	5881
<u>(5) The board of executives of long-term services and supports;</u>	5882 5883
<u>(6) The crematory review board;</u>	5884
<u>(7) The motor vehicle dealers board;</u>	5885
<u>(8) The motor vehicle repair board;</u>	5886
<u>(9) The motor vehicle salvage dealer's licensing board;</u>	5887
<u>(10) The Ohio athletic commission;</u>	5888
<u>(11) The Ohio construction industry licensing board;</u>	5889
<u>(12) The Ohio landscape architects board;</u>	5890
<u>(13) The Ohio real estate commission;</u>	5891
<u>(14) The real estate appraiser board;</u>	5892
<u>(15) The state auctioneers commission;</u>	5893
<u>(16) The state behavioral health and social work board;</u>	5894
<u>(17) The state board of career colleges and schools;</u>	5895
<u>(18) The state board of education;</u>	5896
<u>(19) The state board of emergency medical, fire, and transportation services;</u>	5897 5898
<u>(20) The board of nursing;</u>	5899
<u>(21) The state board of pharmacy;</u>	5900
<u>(22) The state board of registration for professional engineers and surveyors;</u>	5901 5902
<u>(23) The state board of sanitarian registration;</u>	5903
<u>(24) The state physical health services board;</u>	5904
<u>(25) The state chiropractic board;</u>	5905
<u>(26) The state dental board;</u>	5906

<u>(27) The state medical board;</u>	5907
<u>(28) The state veterinary medical licensing board;</u>	5908
<u>(29) The state vision and hearing professionals board;</u>	5909
<u>(30) Any other multi-member body created under state law that</u>	5910
<u>licenses or otherwise regulates an occupation or industry to which</u>	5911
<u>one or more members of the body belongs.</u>	5912
<u>(B) The director of administrative services shall review an</u>	5913
<u>action taken or proposed by a board or commission that is subject</u>	5914
<u>to review under this section and that is referred to the director</u>	5915
<u>pursuant to division (C) of this section.</u>	5916
<u>(1) The following actions are subject to review under this</u>	5917
<u>section:</u>	5918
<u>(a) Any action that directly or indirectly has an effect of</u>	5919
<u>any of the following:</u>	5920
<u>(i) Fixing prices, limiting price competition, or increasing</u>	5921
<u>prices in this state for the goods or services that are provided</u>	5922
<u>by the occupation or industry regulated by the board or</u>	5923
<u>commission;</u>	5924
<u>(ii) Dividing, allocating, or assigning customers, potential</u>	5925
<u>customers, or geographic markets in this state among members of</u>	5926
<u>the occupation or industry regulated by the board or commission;</u>	5927
<u>(iii) Excluding present or potential competitors from the</u>	5928
<u>occupation or industry regulated by the board or commission;</u>	5929
<u>(iv) Limiting the output or supply in this state of any good</u>	5930
<u>or service provided by the members of the occupation or industry</u>	5931
<u>regulated by the board or commission.</u>	5932
<u>(b) Any other activity that could be subject to state or</u>	5933
<u>federal antitrust law if the action were undertaken by a private</u>	5934
<u>person or combination of private persons.</u>	5935

<u>(2) Except as provided in division (H) of this section, the</u>	5936
<u>following actions are not subject to review under this section:</u>	5937
<u>(a) Denying an application to obtain a license because the</u>	5938
<u>applicant has violated the Ohio Revised Code or the Ohio</u>	5939
<u>Administrative Code;</u>	5940
<u>(b) Taking disciplinary action against an individual or</u>	5941
<u>corporation that is licensed by a board or commission for</u>	5942
<u>violations of the Ohio Revised Code or the Ohio Administrative</u>	5943
<u>Code.</u>	5944
<u>(C)(1) The following persons or entities may refer an action</u>	5945
<u>to the director for review under this section:</u>	5946
<u>(a) A board or commission that has taken or is proposing to</u>	5947
<u>take an action;</u>	5948
<u>(b) A person who is affected by an action taken by a board or</u>	5949
<u>commission or is likely to be affected by an action proposed by a</u>	5950
<u>board or commission;</u>	5951
<u>(c) A person who has been granted a stay pursuant to division</u>	5952
<u>(G) of this section.</u>	5953
<u>(2) A board or commission or person who refers an action to</u>	5954
<u>the director shall prepare a brief statement explaining the action</u>	5955
<u>and its consistency or inconsistency with state or federal</u>	5956
<u>antitrust law and file the statement with the director. If the</u>	5957
<u>action is in writing, the board or commission or person shall</u>	5958
<u>attach a copy of it to the statement. The person shall transmit a</u>	5959
<u>copy of the statement to the board or commission.</u>	5960
<u>(3) The referral of an action by a board or commission for</u>	5961
<u>review by the director does not constitute an admission that the</u>	5962
<u>action violates any state or federal law.</u>	5963
<u>(4) A person who is affected by an action taken by a board or</u>	5964
<u>commission or is likely to be affected by an action proposed by a</u>	5965

board or commission shall refer the action to the director for 5966
review within thirty days after receiving notice of the action or 5967
proposed action. 5968

(5) If an ongoing action or an action proposed by a board or 5969
commission is referred to the director for review under this 5970
section, the board or commission shall cease the ongoing action or 5971
not take the proposed action until the director has approved of 5972
the action pursuant to division (E) of this section and prepared 5973
and transmitted the memorandum required under division (F) of this 5974
section. 5975

(D) The director shall determine whether an action referred 5976
to the director under this section is supported by, and consistent 5977
with, a clearly articulated state policy as expressed in the 5978
statutes creating the board or commission or the statutes and 5979
rules setting forth the board's or commission's powers, authority, 5980
and duties. If the director finds this to be the case, the 5981
director shall determine whether the clearly articulated state 5982
policy is merely a pretext by which the board or commission 5983
enables the members of an occupation or industry the board or 5984
commission regulates to engage in anticompetitive conduct that 5985
could be subject to state or federal antitrust law if the action 5986
were taken by a private person or combination of private persons. 5987

(E) After making the determinations required under division 5988
(D) of this section, the director shall take one of the following 5989
actions: 5990

(1) Approve the board or commission action if the director 5991
determines that the action is pursuant to a clearly articulated 5992
state policy and that the policy is not a pretext as described in 5993
division (D) of this section. If the director approves the board's 5994
or commission's action, the board or commission may proceed to 5995
take or may continue the action. 5996

(2) Disapprove the board or commission action if the director determines that the action is not pursuant to a clearly articulated state policy or that if it is pursuant to a clearly articulated state policy, that policy is a pretext as described in division (D) of this section. If the director disapproves the board's or commission's action, the action is void.

(F) The director shall prepare a memorandum that explains the director's approval or disapproval. The director shall transmit a copy of the memorandum to the person and the board or commission or to the board or commission if only the board or commission is involved. The director shall post the memorandum on the web site maintained by the department of administrative services.

(G)(1) A person having standing to commence and prosecute a state or federal antitrust action against a board or commission shall exhaust the remedies provided by this section before commencing such an action. This division shall not apply to the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney.

(2) The state, a board or commission, or a member of a board or commission in the member's official capacity, may request a stay of any lawsuit alleging that a board or commission engaged in anticompetitive conduct by taking an action described in division (B)(1) or (2) of this section that has not been previously reviewed by the director under this section. If the lawsuit was initiated by a person other than the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney, the court shall grant the request. If the lawsuit was initiated by the attorney general, a county prosecuting attorney, or any assistant prosecutor designated to assist a county prosecuting attorney, the court shall deny the request. Any stay granted under this division will continue in effect until the director has prepared and transmitted

the memorandum required under division (F) of this section. 6029

(H) The director shall review any action referred to the 6030
director by a party who has been granted a stay pursuant to 6031
division (G) of this section. 6032

(I) Notwithstanding any provision of this section to the 6033
contrary, an action taken by a board or commission is not subject 6034
to review under this section if participation in the action is 6035
limited by statute to only the members of the board or commission 6036
representing the public. 6037

(J) The director shall adopt rules under Chapter 119. of the 6038
Revised Code that are necessary for the implementation and 6039
administration of this section. 6040

Sec. 126.071. No state agency shall agree to any monetary 6041
settlement that obligates payment from any fund within the state 6042
treasury without consulting with the director of budget and 6043
management. 6044

Sec. 126.11. (A)(1) The director of budget and management 6045
shall, upon consultation with the treasurer of state, coordinate 6046
and approve the scheduling of initial sales of publicly offered 6047
securities of the state and of publicly offered fractionalized 6048
interests in or securitized issues of public obligations of the 6049
state. The director shall from time to time develop and distribute 6050
to state issuers an approved sale schedule for each of the 6051
obligations covered by division (A) or (B) of this section. 6052
Division (A) of this section applies only to those obligations on 6053
which the state or a state agency is the direct obligor or obligor 6054
on any backup security or related credit enhancement facility or 6055
source of money subject to state appropriations that is intended 6056
for payment of those obligations. 6057

(2) The issuers of obligations pursuant to section 151.03, 6058

151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 6059
Revised Code shall submit to the director: 6060

(a) For review and approval: the projected sale date, amount, 6061
and type of obligations proposed to be sold; their purpose, 6062
security, and source of payment; the proposed structure and 6063
maturity schedule; the trust agreement and any supplemental 6064
agreements; and any credit enhancement facilities or interest rate 6065
hedges for the obligations; 6066

(b) For review and comment: the authorizing order or 6067
resolution; preliminary and final offering documents; method of 6068
sale; preliminary and final pricing information; and any written 6069
reports or recommendations of financial advisors or consultants 6070
relating to those obligations; 6071

(c) Promptly after each sale of those obligations: final 6072
terms, including sale price, maturity schedule and yields, and 6073
sources and uses; names of the original purchasers or 6074
underwriters; a copy of the final offering document and of the 6075
transcript of proceedings; and any other pertinent information 6076
requested by the director. 6077

(3) The issuer of obligations pursuant to section 151.06 or 6078
151.40 or Chapter 154. of the Revised Code shall submit to the 6079
director: 6080

(a) For review and mutual agreement: the projected sale date, 6081
amount, and type of obligations proposed to be sold; their 6082
purpose, security, and source of payment; the proposed structure 6083
and maturity schedule; the trust agreement and any supplemental 6084
agreements; and any credit enhancement facilities or interest rate 6085
hedges for the obligations; 6086

(b) For review and comment: the authorizing order or 6087
resolution; preliminary and final offering documents; method of 6088
sale; preliminary and final pricing information; and any written 6089

reports or recommendations of financial advisors or consultants 6090
relating to those obligations; 6091

(c) Promptly after each sale of those obligations: final 6092
terms, including sale price, maturity schedule and yields, and 6093
sources and uses; names of the original purchasers or 6094
underwriters; a copy of the final offering document and of the 6095
transcript of proceedings; and any other pertinent information 6096
requested by the director. 6097

(4) The issuers of obligations pursuant to Chapter 166., 6098
4981., 5540., or 6121., or section 5531.10, of the Revised Code 6099
shall submit to the director: 6100

(a) For review and comment: the projected sale date, amount, 6101
and type of obligations proposed to be sold; the purpose, 6102
security, and source of payment; and preliminary and final 6103
offering documents; 6104

(b) Promptly after each sale of those obligations: final 6105
terms, including a maturity schedule; names of the original 6106
purchasers or underwriters; a copy of the complete continuing 6107
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 6108
rule as from time to time in effect; and any other pertinent 6109
information requested by the director. 6110

(5) Not later than thirty days after the end of a fiscal 6111
year, each issuer of obligations subject to divisions (A) and (B) 6112
of this section shall submit to the director and to the treasurer 6113
of state a sale plan for the then current fiscal year for each 6114
type of obligation, projecting the amount and term of each 6115
issuance, the method of sale, and the month of sale. 6116

(B) Issuers of obligations pursuant to section 3318.085 or 6117
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 6118
Code shall submit to the director copies of the preliminary and 6119
final offering documents upon their availability if not previously 6120

submitted pursuant to division (A) of this section. 6121

(C) State agencies or state issuers seeking new legislation 6122
or changes to existing law relating to public obligations for 6123
which the state or a state agency is the direct obligor, or 6124
obligor on any backup security or related credit enhancement 6125
facility, shall timely submit the legislation or changes to the 6126
director for review and comment. 6127

(D) Not later than the first day of January of each year, 6128
every state agency obligated to make payments on outstanding 6129
public obligations with respect to which fractionalized interests 6130
have been publicly issued, such as certificates of participation, 6131
shall submit a report to the director of the amounts payable from 6132
state appropriations under those public obligations during the 6133
then current and next two fiscal years, identifying the 6134
appropriation or intended appropriation from which payment is 6135
expected to be made. 6136

~~(D)~~(E)(1) Information relating generally to the historic, 6137
current, or future demographics or economy or financial condition 6138
or funds or general operations of the state, and descriptions of 6139
any state contractual obligations relating to public obligations, 6140
to be contained in any offering document, continuing disclosure 6141
document, or written presentation prepared, approved, or provided, 6142
or committed to be provided, by an issuer in connection with the 6143
original issuance and sale of, or rating, remarketing, or credit 6144
enhancement facilities relating to, public obligations referred to 6145
in division (A) of this section shall be approved as to format and 6146
accuracy by the director before being presented, published, or 6147
disseminated in preliminary, draft, or final form, or publicly 6148
filed in paper, electronic, or other format. 6149

(2) Except for information described in division ~~(D)~~(E)(1) of 6150
this section that is to be contained in an offering document, 6151
continuing disclosure document, or written presentation, division 6152

~~(D)~~(E)(1) of this section does not inhibit direct communication 6153
between an issuer and a rating agency, remarketing agent, or 6154
credit enhancement provider concerning an issuance of public 6155
obligations referred to in division (A) of this section or matters 6156
associated with that issuance. 6157

(3) The materials approved and provided pursuant to division 6158
~~(D)~~(E) of this section are the information relating to the 6159
particular subjects provided by the state or state agencies that 6160
are required or contemplated by any applicable state or federal 6161
securities laws and any commitments by the state or state agencies 6162
made under those laws. Reliance for the purpose should not be 6163
placed on any other information publicly provided, in any format 6164
including electronic, by any state agency for other purposes, 6165
including general information provided to the public or to 6166
portions of the public. A statement to that effect shall be 6167
included in those materials so approved or provided. 6168

~~(E)~~(F) Issuers of obligations referred to in division (A) of 6169
this section may take steps, by formal agreement, covenants in the 6170
proceedings, or otherwise, as may be necessary or appropriate to 6171
comply or permit compliance with applicable lawful disclosure 6172
requirements relating to those obligations, and may, subject to 6173
division ~~(D)~~(E) of this section, provide, make available, or file 6174
copies of any required disclosure materials as necessary or 6175
appropriate. Any such formal agreement or covenant relating to 6176
subjects referred to in division ~~(D)~~(E) of this section, and any 6177
description of that agreement or covenant to be contained in any 6178
offering document, shall be approved by the director before being 6179
entered into or published or publicly disseminated in preliminary, 6180
draft, or final form or publicly filed in paper, electronic, or 6181
other format. The director shall be responsible for making all 6182
filings in compliance with those requirements relating to direct 6183
obligations of the state, including fractionalized interests in 6184

those obligations. 6185

~~(F)~~(G) No state agency or official shall, without the 6186
approval of the director of budget and management and either the 6187
general assembly or the state controlling board, do either of the 6188
following: 6189

(1) Enter into or commit to enter into a public obligation 6190
under which fractionalized interests in the payments are to be 6191
publicly offered, which payments are anticipated to be made from 6192
money from any source appropriated or to be appropriated by the 6193
general assembly or in which the provision stated in section 9.94 6194
of the Revised Code is not included; 6195

(2) Except as otherwise expressly authorized for the purpose 6196
by law, agree or commit to provide, from money from any source to 6197
be appropriated in the future by the general assembly, financial 6198
assistance to or participation in the costs of capital facilities, 6199
or the payment of debt charges, directly or by way of a credit 6200
enhancement facility, a reserve, rental payments, or otherwise, on 6201
obligations issued to pay costs of capital facilities. 6202

~~(G)~~(H) As used in this section, "interest rate hedge" has the 6203
same meaning as in section 9.98 of the Revised Code; "credit 6204
enhancement facilities," "debt charges," "fractionalized interests 6205
in public obligations," "obligor," "public issuer," and 6206
"securities" have the same meanings as in section 133.01 of the 6207
Revised Code; "public obligation" has the same meaning as in 6208
division (GG)(2) of section 133.01 of the Revised Code; 6209
"obligations" means securities or public obligations or 6210
fractionalized interests in them; "issuers" means issuers of 6211
securities or state obligors on public obligations; "offering 6212
document" means an official statement, offering circular, private 6213
placement memorandum, or prospectus, or similar document; and 6214
"director" means the director of budget and management or the 6215
employee of the office of budget and management designated by the 6216

director for the purpose. 6217

Sec. 126.22. The director of budget and management may: 6218

(A) Perform accounting services for and design and implement 6219
accounting systems with state agencies; 6220

(B) Provide other accounting services, including the 6221
maintenance and periodic auditing of the financial records of and 6222
submission of vouchers by state agencies, provision of assistance 6223
in the analysis of the financial position of state agencies, and 6224
preparation and submission of reports; 6225

(C) Change any accounting code appearing in appropriations 6226
acts of the general assembly; 6227

(D) Correct accounting errors committed by any state agency 6228
or state institution of higher education, including, but not 6229
limited to, the reestablishment of encumbrances cancelled in 6230
error. 6231

Sec. 126.35. (A) The director of budget and management shall 6232
draw warrants or process electronic funds transfers against the 6233
treasurer of state pursuant to all requests for payment that the 6234
director has approved under section 126.07 of the Revised Code. 6235

(B) Unless a cash assistance payment is to be made by 6236
electronic benefit transfer, payment by the director of budget and 6237
management to a participant in the Ohio works first program 6238
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of 6239~~
~~disability financial assistance pursuant to Chapter 5115. of the 6240~~
~~Revised Code,~~ or a recipient of cash assistance provided under the 6241
refugee assistance program established under section 5101.49 of 6242
the Revised Code shall be made by direct deposit to the account of 6243
the participant or recipient in the financial institution 6244
designated under section 329.03 of the Revised Code. Payment by 6245
the director of budget and management to a recipient of benefits 6246

distributed through the medium of electronic benefit transfer 6247
pursuant to section 5101.33 of the Revised Code shall be by 6248
electronic benefit transfer. Payment by the director of budget and 6249
management as compensation to an employee of the state who has, 6250
pursuant to section 124.151 of the Revised Code, designated a 6251
financial institution and account for the direct deposit of such 6252
payments shall be made by direct deposit to the account of the 6253
employee. Payment to any other payee who has designated a 6254
financial institution and account for the direct deposit of such 6255
payment may be made by direct deposit to the account of the payee 6256
in the financial institution as provided in section 9.37 of the 6257
Revised Code. Accounts maintained by the director of budget and 6258
management or the director's agent in a financial institution for 6259
the purpose of effectuating payment by direct deposit or 6260
electronic benefit transfer shall be maintained in accordance with 6261
section 135.18 of the Revised Code. 6262

(C) All other payments from the state treasury shall be made 6263
by paper warrants, electronic funds transfers, or by direct 6264
deposit payable to the respective payees. The director of budget 6265
and management may mail the paper warrants to the respective 6266
payees or distribute them through other state agencies, whichever 6267
the director determines to be the better procedure. 6268

Sec. 131.23. The various political subdivisions of this state 6269
may issue bonds, and any indebtedness created by that issuance 6270
shall not be subject to the limitations or included in the 6271
calculation of indebtedness prescribed by sections 133.05, 133.06, 6272
133.07, and 133.09 of the Revised Code, but the bonds may be 6273
issued only under the following conditions: 6274

(A) The subdivision desiring to issue the bonds shall obtain 6275
from the county auditor a certificate showing the total amount of 6276
delinquent taxes due and unpayable to the subdivision at the last 6277

semiannual tax settlement. 6278

(B) The fiscal officer of that subdivision shall prepare a 6279
statement, from the books of the subdivision, verified by the 6280
fiscal officer under oath, which shall contain the following facts 6281
of the subdivision: 6282

(1) The total bonded indebtedness; 6283

(2) The aggregate amount of notes payable or outstanding 6284
accounts of the subdivision, incurred prior to the commencement of 6285
the current fiscal year, which shall include all evidences of 6286
indebtedness issued by the subdivision except notes issued in 6287
anticipation of bond issues and the indebtedness of any 6288
nontax-supported public utility; 6289

~~(3) Except in the case of school districts, the aggregate 6290
current year's requirement for disability financial assistance 6291
provided under Chapter 5115. of the Revised Code that the 6292
subdivision is unable to finance except by the issue of bonds; 6293~~

~~(4)~~ The indebtedness outstanding through the issuance of any 6294
bonds or notes pledged or obligated to be paid by any delinquent 6295
taxes; 6296

~~(5)~~(4) The total of any other indebtedness; 6297

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 6298
any bonds, notes, or certificates, including delinquent 6299
assessments on improvements on which the bonds have been paid; 6300

~~(7)~~(6) The budget requirements for the fiscal year for bond 6301
and note retirement; 6302

~~(8)~~(7) The estimated revenue for the fiscal year. 6303

(C) The certificate and statement provided for in divisions 6304
(A) and (B) of this section shall be forwarded to the tax 6305
commissioner together with a request for authority to issue bonds 6306
of the subdivision in an amount not to exceed seventy per cent of 6307

the net unobligated delinquent taxes and assessments due and owing 6308
to the subdivision, as set forth in division (B)(~~6~~)(5) of this 6309
section. 6310

(D) No subdivision may issue bonds under this section in 6311
excess of a sufficient amount to pay the indebtedness of the 6312
subdivision as shown by division (B)(2) of this section ~~and,~~ 6313
~~except in the case of school districts, to provide funds for~~ 6314
~~disability financial assistance as shown by division (B)(3) of~~ 6315
~~this section.~~ 6316

(E) The tax commissioner shall grant to the subdivision 6317
authority requested by the subdivision as restricted by divisions 6318
(C) and (D) of this section and shall make a record of the 6319
certificate, statement, and grant in a record book devoted solely 6320
to such recording and which shall be open to inspection by the 6321
public. 6322

(F) The commissioner shall immediately upon issuing the 6323
authority provided in division (E) of this section notify the 6324
proper authority having charge of the retirement of bonds of the 6325
subdivision by forwarding a copy of the grant of authority and of 6326
the statement provided for in division (B) of this section. 6327

(G) Upon receipt of authority, the subdivision shall proceed 6328
according to law to issue the amount of bonds authorized by the 6329
commissioner, and authorized by the taxing authority, provided the 6330
taxing authority of that subdivision may submit, by resolution, to 6331
the electors of that subdivision the question of issuing the 6332
bonds. The resolution shall make the declarations and statements 6333
required by section 133.18 of the Revised Code. The county auditor 6334
and taxing authority shall thereupon proceed as set forth in 6335
divisions (C) and (D) of that section. The election on the 6336
question of issuing the bonds shall be held under divisions (E), 6337
(F), and (G) of that section, except that publication of the 6338
notice of the election shall be made on two separate days prior to 6339

the election in a newspaper of general circulation in the 6340
subdivision or as provided in section 7.16 of the Revised Code. If 6341
the board of elections operates and maintains a web site, notice 6342
of the election also shall be posted on that web site for thirty 6343
days prior to the election. The bonds may be exchanged at their 6344
face value with creditors of the subdivision in liquidating the 6345
indebtedness described and enumerated in division (B)(2) of this 6346
section or may be sold as provided in Chapter 133. of the Revised 6347
Code, and in either event shall be uncontestable. 6348

(H) The per cent of delinquent taxes and assessments 6349
collected for and to the credit of the subdivision after the 6350
exchange or sale of bonds as certified by the commissioner shall 6351
be paid to the authority having charge of the sinking fund of the 6352
subdivision, which money shall be placed in a separate fund for 6353
the purpose of retiring the bonds so issued. The proper authority 6354
of the subdivisions shall provide for the levying of a tax 6355
sufficient in amount to pay the debt charges on all such bonds 6356
issued under this section. 6357

(I) This section is for the sole purpose of assisting the 6358
various subdivisions in paying their unsecured indebtedness, ~~and~~ 6359
~~providing funds for disability financial assistance.~~ The bonds 6360
issued under authority of this section shall not be used for any 6361
other purpose, and any exchange for other purposes, or the use of 6362
the money derived from the sale of the bonds by the subdivision 6363
for any other purpose, is misapplication of funds. 6364

(J) The bonds authorized by this section shall be redeemable 6365
or payable in not to exceed ten years from date of issue and shall 6366
not be subject to or considered in calculating the net 6367
indebtedness of the subdivision. The budget commission of the 6368
county in which the subdivision is located shall annually allocate 6369
such portion of the then delinquent levy due the subdivision which 6370
is unpledged for other purposes to the payment of debt charges on 6371

the bonds issued under authority of this section. 6372

(K) The issue of bonds under this section shall be governed 6373
by Chapter 133. of the Revised Code, respecting the terms used, 6374
forms, manner of sale, and redemption except as otherwise provided 6375
in this section. 6376

The board of county commissioners of any county may issue 6377
bonds authorized by this section and distribute the proceeds of 6378
the bond issues to any or all of the cities and townships of the 6379
county, ~~according to their relative needs for disability financial~~ 6380
~~assistance as determined by the county.~~ 6381

All sections of the Revised Code inconsistent with or 6382
prohibiting the exercise of the authority conferred by this 6383
section are inoperative respecting bonds issued under this 6384
section. 6385

Sec. 131.33. (A) No state agency shall incur an obligation 6386
which exceeds the agency's current appropriation authority. Except 6387
as provided in division (D) of this section, unexpended balances 6388
of appropriations shall, at the close of the period for which the 6389
appropriations are made, revert to the funds from which the 6390
appropriations were made, except that the director of budget and 6391
management shall transfer such unexpended balances from the first 6392
fiscal year to the second fiscal year of an agency's 6393
appropriations to the extent necessary for voided warrants to be 6394
reissued pursuant to division (C) of section 126.37 of the Revised 6395
Code. 6396

Except as provided in this section, appropriations made to a 6397
specific fiscal year shall be expended only to pay liabilities 6398
incurred within that fiscal year. 6399

(B) All payrolls shall be charged to the allotments of the 6400
fiscal quarters in which the applicable payroll vouchers are 6401

certified by the director of budget and management in accordance 6402
with section 126.07 of the Revised Code. As used in this division, 6403
"payrolls" means any payment made in accordance with section 6404
125.21 of the Revised Code. 6405

(C) Legal liabilities from prior fiscal years for which there 6406
is no reappropriation authority shall be discharged from the 6407
unencumbered balances of current appropriations. 6408

(D)(1) Federal grant funds obligated by the department of job 6409
and family services for financial allocations to county family 6410
services agencies and local ~~workforce investment~~ boards may, at 6411
the discretion of the director of job and family services, be 6412
available for expenditure for the duration of the federal grant 6413
period of obligation and liquidation, as follows: 6414

(a) At the end of the state fiscal year, all unexpended 6415
county family services agency and local ~~workforce investment~~ board 6416
financial allocations obligated from federal grant funds may 6417
continue to be valid for expenditure during subsequent state 6418
fiscal years. 6419

(b) The financial allocations described in division (D)(1)(a) 6420
of this section shall be reconciled at the end of the federal 6421
grant period of availability or as required by federal law, 6422
regardless of the state fiscal year of the appropriation. 6423

(2) The director of job and family services may adopt rules 6424
in accordance with section 111.15 of the Revised Code, as if they 6425
were internal management rules, as necessary to implement division 6426
(D) of this section. 6427

(3) As used in division (D) of this section: 6428

(a) "County family services agency" has the same meaning as 6429
in section 307.981 of the Revised Code. 6430

(b) "Local ~~workforce investment~~ board" means a local 6431

~~workforce investment board established under section 117 of the~~ 6432
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 6433
~~as amended has the same meaning as in section 6301.01 of the~~ 6434
~~Revised Code.~~ 6435

Sec. 131.44. (A) As used in this section: 6436

(1) "Surplus revenue" means the excess, if any, of the total 6437
fund balance over the required year-end balance. 6438

(2) "Total fund balance" means the sum of the unencumbered 6439
balance in the general revenue fund on the last day of the 6440
preceding fiscal year plus the balance in the budget stabilization 6441
fund. 6442

(3) "Required year-end balance" means the sum of the 6443
following: 6444

(a) Eight and one-half per cent of the general revenue fund 6445
revenues for the preceding fiscal year; 6446

(b) "Ending fund balance," which means one-half of one per 6447
cent of general revenue fund revenues for the preceding fiscal 6448
year; 6449

(c) "Carryover balance," which means, with respect to a 6450
fiscal biennium, the excess, if any, of the estimated general 6451
revenue fund appropriation and transfer requirement for the second 6452
fiscal year of the biennium over the estimated general revenue 6453
fund revenue for that fiscal year; 6454

(d) "Capital appropriation reserve," which means the amount, 6455
if any, of general revenue fund capital appropriations made for 6456
the current biennium that the director of budget and management 6457
has determined will be encumbered or disbursed; 6458

(e) "Income tax reduction impact reserve," which means an 6459
amount equal to the reduction projected by the director of budget 6460
and management in income tax revenue in the current fiscal year 6461

attributable to the previous reduction in the income tax rate made 6462
by the tax commissioner pursuant to division (B) of section 6463
5747.02 of the Revised Code. 6464

(4) "Estimated general revenue fund appropriation and 6465
transfer requirement" means the most recent adjusted 6466
appropriations made by the general assembly from the general 6467
revenue fund and includes both of the following: 6468

(a) Appropriations made and transfers of appropriations from 6469
the first fiscal year to the second fiscal year of the biennium in 6470
provisions of acts of the general assembly signed by the governor 6471
but not yet effective; 6472

(b) Transfers of appropriations from the first fiscal year to 6473
the second fiscal year of the biennium approved by the controlling 6474
board. 6475

(5) "Estimated general revenue fund revenue" means the most 6476
recent such estimate available to the director of budget and 6477
management. 6478

(B)(1) Not later than the thirty-first day of July each year, 6479
the director of budget and management shall determine the surplus 6480
revenue that existed on the preceding thirtieth day of June and 6481
transfer from the general revenue fund, to the extent of the 6482
unobligated, unencumbered balance on the preceding thirtieth day 6483
of June in excess of one-half of one per cent of the general 6484
revenue fund revenues in the preceding fiscal year, the following: 6485

(a) First, to the budget stabilization fund, any amount 6486
necessary for the balance of the budget stabilization fund to 6487
equal eight and one-half per cent of the general revenue fund 6488
revenues of the preceding fiscal year; 6489

(b) Then, to the income tax reduction fund, which is hereby 6490
created in the state treasury, an amount equal to the surplus 6491
revenue. 6492

(2) Not later than the thirty-first day of July each year, 6493
the director shall determine the percentage that the balance in 6494
the income tax reduction fund is of the amount of revenue that the 6495
director estimates will be received from the tax levied under 6496
section 5747.02 of the Revised Code in the current fiscal year 6497
without regard to any reduction under division (B) of that 6498
section. If that percentage exceeds thirty-five one hundredths of 6499
one per cent, the director shall certify the percentage to the tax 6500
commissioner not later than the thirty-first day of July. 6501

(C) The director of budget and management shall transfer 6502
money in the income tax reduction fund to the general revenue 6503
fund, the local government fund, and the public library fund as 6504
necessary to offset revenue reductions resulting from the 6505
reductions in taxes required under division (B) of section 5747.02 6506
of the Revised Code in the respective amounts and percentages 6507
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 6508
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 6509
transferred had been collected as taxes under Chapter 5747. of the 6510
Revised Code. If no reductions in taxes are made under that 6511
division that affect revenue received in the current fiscal year, 6512
the director shall not transfer money from the income tax 6513
reduction fund to the general revenue fund, the local government 6514
fund, and the public library fund. 6515

Sec. 131.51. ~~(A) On or before July 5, 2013, the tax 6516~~
~~commissioner shall compute the following amounts and certify those 6517~~
~~amounts to the director of budget and management: 6518~~

~~(1) A percentage calculated by multiplying one hundred by the 6519~~
~~quotient obtained by dividing the total amount credited to the 6520~~
~~local government fund in fiscal year 2013 by the total amount of 6521~~
~~tax revenue credited to the general revenue fund in fiscal year 6522~~
~~2013. The percentage shall be rounded to the nearest one hundredth 6523~~

~~of one per cent.~~ 6524

~~(2) A percentage calculated by multiplying one hundred by the 6525
quotient obtained by dividing the total amount credited to the 6526
public library fund in fiscal year 2013 by the total amount of tax 6527
revenue credited to the general revenue fund in fiscal year 2013. 6528
The percentage shall be rounded to the nearest one-hundredth of 6529
one per cent.~~ 6530

~~(B)~~ On or before the seventh day of each month, the director 6531
of budget and management shall credit to the local government fund 6532
~~an amount equal to the product obtained by multiplying the 6533
percentage calculated under division (A)(1) of this section by one 6534
and sixty-six one-hundredths per cent of the total tax revenue 6535
credited to the general revenue fund during the preceding month. 6536
In determining the total tax revenue credited to the general 6537
revenue fund during the preceding month, the director shall 6538
include amounts transferred from the fund during the preceding 6539
month under this division and division ~~(C)~~(B) of this section. 6540
Money shall be distributed from the local government fund as 6541
required under ~~section~~ sections 5747.50, 5747.503, and 5747.504 of 6542
the Revised Code during the same month in which it is credited to 6543
the fund.~~ 6544

~~(C)~~(B) On or before the seventh day of each month, the 6545
director of budget and management shall credit to the public 6546
library fund ~~an amount equal to the product obtained by 6547
multiplying the percentage calculated under division (A)(2) of 6548
this section by one and sixty-six one-hundredths per cent of the 6549
total tax revenue credited to the general revenue fund during the 6550
preceding month. In determining the total tax revenue credited to 6551
the general revenue fund during the preceding month, the director 6552
shall include amounts transferred from the fund during the 6553
preceding month under this division and division ~~(B)~~(A) of this 6554
section. Money shall be distributed from the public library fund 6555~~

as required under section 5747.47 of the Revised Code during the 6556
same month in which it is credited to the fund. 6557

~~(D)~~~~(C)~~ The director of budget and management shall develop a 6558
schedule identifying the specific tax revenue sources to be used 6559
to make the monthly transfers required under divisions ~~(B)~~~~(A)~~ and 6560
~~(C)~~~~(B)~~ of this section. The director may, from time to time, 6561
revise the schedule as the director considers necessary. 6562

Sec. 133.022. (A) As used in this section: 6563

(1) "Large local educational agency" and "qualified school 6564
construction bond" have the same meaning as in section 54F of the 6565
Internal Revenue Code, 26 U.S.C. 54F. 6566

(2) "National limit" means, as applicable, the limitation on 6567
the aggregate amount of qualified school construction bonds that 6568
may be issued by the states each calendar year under section 54F 6569
of the Internal Revenue Code. 6570

(3) "State portion" means the portion of the national limit 6571
allocated to this state pursuant to section 54F of the Internal 6572
Revenue Code. 6573

(B)(1) To provide for the orderly and prompt issuance of 6574
qualified school construction bonds, the Ohio ~~school~~ facilities 6575
construction commission, in consultation with the director of 6576
budget and management, shall allocate the state portion among 6577
those issuers authorized to issue qualified school construction 6578
bonds. The Ohio ~~school~~ facilities construction commission may also 6579
accept from any large local educational agency the allocation 6580
received by that agency under section 54F(d)(2) of the Internal 6581
Revenue Code and reallocate it to any issuer or issuers authorized 6582
to issue obligations, including any large local educational 6583
agency. 6584

(2) The factors to be considered when making allocations of 6585

the state portion or reallocations of any amounts received by a 6586
large local educational agency include the following: 6587

(a) The interests of the state with regard to education and 6588
economic development; 6589

(b) The need and ability of each issuer to issue obligations. 6590

(3) The Ohio ~~school~~ facilities construction commission, in 6591
consultation with the director of budget and management, shall 6592
establish procedures for making allocations, including those from 6593
any carryover of the state portion, and shall adopt guidelines to 6594
carry out the purposes of this section. 6595

Sec. 133.06. (A) A school district shall not incur, without a 6596
vote of the electors, net indebtedness that exceeds an amount 6597
equal to one-tenth of one per cent of its tax valuation, except as 6598
provided in divisions (G) and (H) of this section and in division 6599
(D) of section 3313.372 of the Revised Code, or as prescribed in 6600
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6601
division (J) of this section. 6602

(B) Except as provided in divisions (E), (F), and (I) of this 6603
section, a school district shall not incur net indebtedness that 6604
exceeds an amount equal to nine per cent of its tax valuation. 6605

(C) A school district shall not submit to a vote of the 6606
electors the question of the issuance of securities in an amount 6607
that will make the district's net indebtedness after the issuance 6608
of the securities exceed an amount equal to four per cent of its 6609
tax valuation, unless the superintendent of public instruction, 6610
acting under policies adopted by the state board of education, and 6611
the tax commissioner, acting under written policies of the 6612
commissioner, consent to the submission. A request for the 6613
consents shall be made at least one hundred twenty days prior to 6614
the election at which the question is to be submitted. 6615

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section

3313.37 of the Revised Code to acquire computers and related hardware; 6646
6647

(7) Debt incurred under section 3318.042 of the Revised Code. 6648

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section. 6649
6650

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following: 6651
6652
6653

(a) The student population is not being adequately serviced by the existing permanent improvements of the district. 6654
6655

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs. 6656
6657
6658
6659

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following: 6660
6661
6662

(a) The history of and a projection of the growth of the tax valuation; 6663
6664

(b) The projected needs; 6665

(c) The estimated cost of permanent improvements proposed to meet such projected needs. 6666
6667

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following: 6668
6669
6670

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs. 6671
6672
6673

(b) The projection of the potential average growth of tax 6674

valuation during the next five years, according to the information 6675
certified to the superintendent and any other information the 6676
superintendent obtains, indicates a likelihood of potential 6677
average growth of tax valuation of the district during the next 6678
five years of an average of not less than one and one-half per 6679
cent per year. The findings and certification of the 6680
superintendent shall be conclusive. 6681

(4) An approved special needs district may incur net 6682
indebtedness by the issuance of securities in accordance with the 6683
provisions of this chapter in an amount that does not exceed an 6684
amount equal to the greater of the following: 6685

(a) Twelve per cent of the sum of its tax valuation plus an 6686
amount that is the product of multiplying that tax valuation by 6687
the percentage by which the tax valuation has increased over the 6688
tax valuation on the first day of the sixtieth month preceding the 6689
month in which its board determines to submit to the electors the 6690
question of issuing the proposed securities; 6691

(b) Twelve per cent of the sum of its tax valuation plus an 6692
amount that is the product of multiplying that tax valuation by 6693
the percentage, determined by the superintendent of public 6694
instruction, by which that tax valuation is projected to increase 6695
during the next ten years. 6696

(F) A school district may issue securities for emergency 6697
purposes, in a principal amount that does not exceed an amount 6698
equal to three per cent of its tax valuation, as provided in this 6699
division. 6700

(1) A board of education, by resolution, may declare an 6701
emergency if it determines both of the following: 6702

(a) School buildings or other necessary school facilities in 6703
the district have been wholly or partially destroyed, or condemned 6704
by a constituted public authority, or that such buildings or 6705

facilities are partially constructed, or so constructed or planned 6706
as to require additions and improvements to them before the 6707
buildings or facilities are usable for their intended purpose, or 6708
that corrections to permanent improvements are necessary to remove 6709
or prevent health or safety hazards. 6710

(b) Existing fiscal and net indebtedness limitations make 6711
adequate replacement, additions, or improvements impossible. 6712

(2) Upon the declaration of an emergency, the board of 6713
education may, by resolution, submit to the electors of the 6714
district pursuant to section 133.18 of the Revised Code the 6715
question of issuing securities for the purpose of paying the cost, 6716
in excess of any insurance or condemnation proceeds received by 6717
the district, of permanent improvements to respond to the 6718
emergency need. 6719

(3) The procedures for the election shall be as provided in 6720
section 133.18 of the Revised Code, except that: 6721

(a) The form of the ballot shall describe the emergency 6722
existing, refer to this division as the authority under which the 6723
emergency is declared, and state that the amount of the proposed 6724
securities exceeds the limitations prescribed by division (B) of 6725
this section; 6726

(b) The resolution required by division (B) of section 133.18 6727
of the Revised Code shall be certified to the county auditor and 6728
the board of elections at least one hundred days prior to the 6729
election; 6730

(c) The county auditor shall advise and, not later than 6731
ninety-five days before the election, confirm that advice by 6732
certification to, the board of education of the information 6733
required by division (C) of section 133.18 of the Revised Code; 6734

(d) The board of education shall then certify its resolution 6735
and the information required by division (D) of section 133.18 of 6736

the Revised Code to the board of elections not less than ninety 6737
days prior to the election. 6738

(4) Notwithstanding division (B) of section 133.21 of the 6739
Revised Code, the first principal payment of securities issued 6740
under this division may be set at any date not later than sixty 6741
months after the earliest possible principal payment otherwise 6742
provided for in that division. 6743

(G)(1) The board of education may contract with an architect, 6744
professional engineer, or other person experienced in the design 6745
and implementation of energy conservation measures for an analysis 6746
and recommendations pertaining to installations, modifications of 6747
installations, or remodeling that would significantly reduce 6748
energy consumption in buildings owned by the district. The report 6749
shall include estimates of all costs of such installations, 6750
modifications, or remodeling, including costs of design, 6751
engineering, installation, maintenance, repairs, measurement and 6752
verification of energy savings, and debt service, forgone residual 6753
value of materials or equipment replaced by the energy 6754
conservation measure, as defined by the Ohio ~~school~~ facilities 6755
construction commission, a baseline analysis of actual energy 6756
consumption data for the preceding three years with the utility 6757
baseline based on only the actual energy consumption data for the 6758
preceding twelve months, and estimates of the amounts by which 6759
energy consumption and resultant operational and maintenance 6760
costs, as defined by the commission, would be reduced. 6761

If the board finds after receiving the report that the amount 6762
of money the district would spend on such installations, 6763
modifications, or remodeling is not likely to exceed the amount of 6764
money it would save in energy and resultant operational and 6765
maintenance costs over the ensuing fifteen years, the board may 6766
submit to the commission a copy of its findings and a request for 6767
approval to incur indebtedness to finance the making or 6768

modification of installations or the remodeling of buildings for 6769
the purpose of significantly reducing energy consumption. 6770

The ~~school~~ facilities construction commission, in 6771
consultation with the auditor of state, may deny a request under 6772
this division by the board of education of any school district 6773
that is in a state of fiscal watch pursuant to division (A) of 6774
section 3316.03 of the Revised Code, if it determines that the 6775
expenditure of funds is not in the best interest of the school 6776
district. 6777

No district board of education of a school district that is 6778
in a state of fiscal emergency pursuant to division (B) of section 6779
3316.03 of the Revised Code shall submit a request without 6780
submitting evidence that the installations, modifications, or 6781
remodeling have been approved by the district's financial planning 6782
and supervision commission established under section 3316.05 of 6783
the Revised Code. 6784

No board of education of a school district that, for three or 6785
more consecutive years, has been declared to be in a state of 6786
academic emergency under section 3302.03 of the Revised Code, as 6787
that section existed prior to March 22, 2013, and has failed to 6788
meet adequate yearly progress, or has met any condition set forth 6789
in division (A) of section 3302.10 of the Revised Code shall 6790
submit a request without first receiving approval to incur 6791
indebtedness from the district's academic distress commission 6792
established under that section, for so long as such commission 6793
continues to be required for the district. 6794

(2) The ~~school~~ facilities construction commission shall 6795
approve the board's request provided that the following conditions 6796
are satisfied: 6797

(a) The commission determines that the board's findings are 6798
reasonable. 6799

(b) The request for approval is complete. 6800

(c) The installations, modifications, or remodeling are 6801
consistent with any project to construct or acquire classroom 6802
facilities, or to reconstruct or make additions to existing 6803
classroom facilities under sections 3318.01 to 3318.20 or sections 6804
3318.40 to 3318.45 of the Revised Code. 6805

Upon receipt of the commission's approval, the district may 6806
issue securities without a vote of the electors in a principal 6807
amount not to exceed nine-tenths of one per cent of its tax 6808
valuation for the purpose of making such installations, 6809
modifications, or remodeling, but the total net indebtedness of 6810
the district without a vote of the electors incurred under this 6811
and all other sections of the Revised Code, except section 6812
3318.052 of the Revised Code, shall not exceed one per cent of the 6813
district's tax valuation. 6814

(3) So long as any securities issued under this division 6815
remain outstanding, the board of education shall monitor the 6816
energy consumption and resultant operational and maintenance costs 6817
of buildings in which installations or modifications have been 6818
made or remodeling has been done pursuant to this division. Except 6819
as provided in division (G)(4) of this section, the board shall 6820
maintain and annually update a report in a form and manner 6821
prescribed by the ~~school~~ facilities construction commission 6822
documenting the reductions in energy consumption and resultant 6823
operational and maintenance cost savings attributable to such 6824
installations, modifications, or remodeling. The resultant 6825
operational and maintenance cost savings shall be certified by the 6826
school district treasurer. The report shall be submitted annually 6827
to the commission. 6828

(4) If the ~~school~~ facilities construction commission verifies 6829
that the certified annual reports submitted to the commission by a 6830
board of education under division (G)(3) of this section fulfill 6831

the guarantee required under division (B) of section 3313.372 of 6832
the Revised Code for three consecutive years, the board of 6833
education shall no longer be subject to the annual reporting 6834
requirements of division (G)(3) of this section. 6835

(H) With the consent of the superintendent of public 6836
instruction, a school district may incur without a vote of the 6837
electors net indebtedness that exceeds the amounts stated in 6838
divisions (A) and (G) of this section for the purpose of paying 6839
costs of permanent improvements, if and to the extent that both of 6840
the following conditions are satisfied: 6841

(1) The fiscal officer of the school district estimates that 6842
receipts of the school district from payments made under or 6843
pursuant to agreements entered into pursuant to section 725.02, 6844
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 6845
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 6846
Revised Code, or distributions under division (C) of section 6847
5709.43 or division (B) of section 5709.47 of the Revised Code, or 6848
any combination thereof, are, after accounting for any appropriate 6849
coverage requirements, sufficient in time and amount, and are 6850
committed by the proceedings, to pay the debt charges on the 6851
securities issued to evidence that indebtedness and payable from 6852
those receipts, and the taxing authority of the district confirms 6853
the fiscal officer's estimate, which confirmation is approved by 6854
the superintendent of public instruction; 6855

(2) The fiscal officer of the school district certifies, and 6856
the taxing authority of the district confirms, that the district, 6857
at the time of the certification and confirmation, reasonably 6858
expects to have sufficient revenue available for the purpose of 6859
operating such permanent improvements for their intended purpose 6860
upon acquisition or completion thereof, and the superintendent of 6861
public instruction approves the taxing authority's confirmation. 6862

The maximum maturity of securities issued under division (H) 6863

of this section shall be the lesser of twenty years or the maximum
maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the
issuance of securities in accordance with the provisions of this
chapter in excess of the limit specified in division (B) or (C) of
this section when necessary to raise the school district portion
of the basic project cost and any additional funds necessary to
participate in a project under Chapter 3318. of the Revised Code,
including the cost of items designated by the ~~school~~ facilities
construction commission as required locally funded initiatives,
the cost of other locally funded initiatives in an amount that
does not exceed fifty per cent of the district's portion of the
basic project cost, and the cost for site acquisition. The
commission shall notify the superintendent of public instruction
whenever a school district will exceed either limit pursuant to
this division.

(J) A school district whose portion of the basic project cost
of its classroom facilities project under sections 3318.01 to
3318.20 of the Revised Code is greater than or equal to one
hundred million dollars may incur without a vote of the electors
net indebtedness in an amount up to two per cent of its tax
valuation through the issuance of general obligation securities in
order to generate all or part of the amount of its portion of the
basic project cost if the controlling board has approved the
~~school~~ facilities construction commission's conditional approval
of the project under section 3318.04 of the Revised Code. The
school district board and the Ohio ~~school~~ facilities construction
commission shall include the dedication of the proceeds of such
securities in the agreement entered into under section 3318.08 of
the Revised Code. No state moneys shall be released for a project
to which this section applies until the proceeds of any bonds
issued under this section that are dedicated for the payment of

the school district portion of the project are first deposited 6896
into the school district's project construction fund. 6897

Sec. 133.061. (A) This section applies only to a school 6898
district that satisfies all of the following conditions: 6899

(1) The district, prior to ~~the effective date of this section~~ 6900
June 30, 2007, undertook a classroom facilities project under 6901
section 3318.37 of the Revised Code. 6902

(2) The district will undertake a subsequent classroom 6903
facilities project under section 3318.37 of the Revised Code that 6904
will consist of a single building housing grades six through 6905
twelve. 6906

(3) The district's project described in division (A)(2) of 6907
this section will include locally funded initiatives that are not 6908
required by the Ohio ~~school~~ facilities construction commission. 6909

(4) The district's project described in division (A)(2) of 6910
this section will commence within two years after ~~the effective~~ 6911
~~date of this section~~ June 30, 2007. 6912

(B) Notwithstanding any other provision of law to the 6913
contrary, a school district to which this section applies may 6914
incur net indebtedness by the issuance of securities in accordance 6915
with the provisions of this chapter in excess of the limit 6916
specified in division (B) or (C) of section 133.06 of the Revised 6917
Code when necessary to raise the school district portion of the 6918
basic project cost and any additional funds necessary to 6919
participate in the classroom facilities project described in 6920
division (A)(2) of this section, including the cost of items 6921
designated by the Ohio ~~school~~ facilities construction commission 6922
as required locally funded initiatives, the cost for site 6923
acquisition, and the cost of the locally funded initiatives that 6924
are not required by the commission described in division (A)(3) of 6925

this section, as long as the district's total net indebtedness 6926
after the issuance of those securities does not exceed one hundred 6927
twenty-five per cent of the limit prescribed in division (B) of 6928
section 133.06 of the Revised Code and the electors of the 6929
district approve the issuance of those securities. 6930

The ~~school~~ facilities construction commission shall notify 6931
the superintendent of public instruction whenever a school 6932
district will exceed either limit pursuant to this section. 6933

Sec. 149.43. (A) As used in this section: 6934

(1) "Public record" means records kept by any public office, 6935
including, but not limited to, state, county, city, village, 6936
township, and school district units, and records pertaining to the 6937
delivery of educational services by an alternative school in this 6938
state kept by the nonprofit or for-profit entity operating the 6939
alternative school pursuant to section 3313.533 of the Revised 6940
Code. "Public record" does not mean any of the following: 6941

(a) Medical records; 6942

(b) Records pertaining to probation and parole proceedings or 6943
to proceedings related to the imposition of community control 6944
sanctions and post-release control sanctions; 6945

(c) Records pertaining to actions under section 2151.85 and 6946
division (C) of section 2919.121 of the Revised Code and to 6947
appeals of actions arising under those sections; 6948

(d) Records pertaining to adoption proceedings, including the 6949
contents of an adoption file maintained by the department of 6950
health under sections 3705.12 to 3705.124 of the Revised Code; 6951

(e) Information in a record contained in the putative father 6952
registry established by section 3107.062 of the Revised Code, 6953
regardless of whether the information is held by the department of 6954
job and family services or, pursuant to section 3111.69 of the 6955

Revised Code, the office of child support in the department or a	6956
child support enforcement agency;	6957
(f) Records specified in division (A) of section 3107.52 of	6958
the Revised Code;	6959
(g) Trial preparation records;	6960
(h) Confidential law enforcement investigatory records;	6961
(i) Records containing information that is confidential under	6962
section 2710.03 or 4112.05 of the Revised Code;	6963
(j) DNA records stored in the DNA database pursuant to	6964
section 109.573 of the Revised Code;	6965
(k) Inmate records released by the department of	6966
rehabilitation and correction to the department of youth services	6967
or a court of record pursuant to division (E) of section 5120.21	6968
of the Revised Code;	6969
(l) Records maintained by the department of youth services	6970
pertaining to children in its custody released by the department	6971
of youth services to the department of rehabilitation and	6972
correction pursuant to section 5139.05 of the Revised Code;	6973
(m) Intellectual property records;	6974
(n) Donor profile records;	6975
(o) Records maintained by the department of job and family	6976
services pursuant to section 3121.894 of the Revised Code;	6977
(p) Peace officer, parole officer, probation officer,	6978
bailiff, prosecuting attorney, assistant prosecuting attorney,	6979
correctional employee, community-based correctional facility	6980
employee, youth services employee, firefighter, EMT, investigator	6981
of the bureau of criminal identification and investigation, or	6982
federal law enforcement officer residential and familial	6983
information;	6984

(q) In the case of a county hospital operated pursuant to 6985
Chapter 339. of the Revised Code or a municipal hospital operated 6986
pursuant to Chapter 749. of the Revised Code, information that 6987
constitutes a trade secret, as defined in section 1333.61 of the 6988
Revised Code; 6989

(r) Information pertaining to the recreational activities of 6990
a person under the age of eighteen; 6991

(s) In the case of a child fatality review board acting under 6992
sections 307.621 to 307.629 of the Revised Code or a review 6993
conducted pursuant to guidelines established by the director of 6994
health under section 3701.70 of the Revised Code, records provided 6995
to the board or director, statements made by board members during 6996
meetings of the board or by persons participating in the 6997
director's review, and all work products of the board or director, 6998
and in the case of a child fatality review board, child fatality 6999
review data submitted by the board to the department of health or 7000
a national child death review database, other than the report 7001
prepared pursuant to division (A) of section 307.626 of the 7002
Revised Code; 7003

(t) Records provided to and statements made by the executive 7004
director of a public children services agency or a prosecuting 7005
attorney acting pursuant to section 5153.171 of the Revised Code 7006
other than the information released under that section; 7007

(u) Test materials, examinations, or evaluation tools used in 7008
an examination for licensure as a nursing home administrator that 7009
the board of executives of long-term services and supports 7010
administers under section 4751.04 of the Revised Code or contracts 7011
under that section with a private or government entity to 7012
administer; 7013

(v) Records the release of which is prohibited by state or 7014
federal law; 7015

(w) Proprietary information of or relating to any person that 7016
is submitted to or compiled by the Ohio venture capital authority 7017
created under section 150.01 of the Revised Code; 7018

(x) Financial statements and data any person submits for any 7019
purpose to the Ohio housing finance agency or the controlling 7020
board in connection with applying for, receiving, or accounting 7021
for financial assistance from the agency, and information that 7022
identifies any individual who benefits directly or indirectly from 7023
financial assistance from the agency; 7024

(y) Records listed in section 5101.29 of the Revised Code; 7025

(z) Discharges recorded with a county recorder under section 7026
317.24 of the Revised Code, as specified in division (B)(2) of 7027
that section; 7028

(aa) Usage information including names and addresses of 7029
specific residential and commercial customers of a municipally 7030
owned or operated public utility; 7031

(bb) Records described in division (C) of section 187.04 of 7032
the Revised Code that are not designated to be made available to 7033
the public as provided in that division; 7034

(cc) Information and records that are made confidential, 7035
privileged, and not subject to disclosure under divisions (B) and 7036
(C) of section 2949.221 of the Revised Code; 7037

(dd) Personal information, as defined in section 149.45 of 7038
the Revised Code; 7039

(ee) The confidential name, address, and other personally 7040
identifiable information of a program participant in the address 7041
confidentiality program established under sections 111.41 to 7042
111.47 of the Revised Code, including the contents of any 7043
application for absent voter's ballots, absent voter's ballot 7044
identification envelope statement of voter, or provisional ballot 7045

affirmation completed by a program participant who has a 7046
confidential voter registration record, and records or portions of 7047
records pertaining to that program that identify the number of 7048
program participants that reside within a precinct, ward, 7049
township, municipal corporation, county, or any other geographic 7050
area smaller than the state. As used in this division, 7051
"confidential address" and "program participant" have the meaning 7052
defined in section 111.41 of the Revised Code. 7053

(ff) Orders for active military service of an individual 7054
serving or with previous service in the armed forces of the United 7055
States, including a reserve component, or the Ohio organized 7056
militia, except that, such order becomes a public record on the 7057
day that is fifteen years after the published date or effective 7058
date of the call to order; 7059

(gg) In the case of a drug overdose fatality review committee 7060
acting under sections 307.631 to 307.639 of the Revised Code, 7061
information, documents, or reports presented to the committee, 7062
statements made by committee members during meetings of the 7063
committee, all work products of the committee, and data submitted 7064
by the committee to the department of health, other than the 7065
report prepared pursuant to section 307.636 of the Revised Code. 7066

(2) "Confidential law enforcement investigatory record" means 7067
any record that pertains to a law enforcement matter of a 7068
criminal, quasi-criminal, civil, or administrative nature, but 7069
only to the extent that the release of the record would create a 7070
high probability of disclosure of any of the following: 7071

(a) The identity of a suspect who has not been charged with 7072
the offense to which the record pertains, or of an information 7073
source or witness to whom confidentiality has been reasonably 7074
promised; 7075

(b) Information provided by an information source or witness 7076

to whom confidentiality has been reasonably promised, which 7077
information would reasonably tend to disclose the source's or 7078
witness's identity; 7079

(c) Specific confidential investigatory techniques or 7080
procedures or specific investigatory work product; 7081

(d) Information that would endanger the life or physical 7082
safety of law enforcement personnel, a crime victim, a witness, or 7083
a confidential information source. 7084

(3) "Medical record" means any document or combination of 7085
documents, except births, deaths, and the fact of admission to or 7086
discharge from a hospital, that pertains to the medical history, 7087
diagnosis, prognosis, or medical condition of a patient and that 7088
is generated and maintained in the process of medical treatment. 7089

(4) "Trial preparation record" means any record that contains 7090
information that is specifically compiled in reasonable 7091
anticipation of, or in defense of, a civil or criminal action or 7092
proceeding, including the independent thought processes and 7093
personal trial preparation of an attorney. 7094

(5) "Intellectual property record" means a record, other than 7095
a financial or administrative record, that is produced or 7096
collected by or for faculty or staff of a state institution of 7097
higher learning in the conduct of or as a result of study or 7098
research on an educational, commercial, scientific, artistic, 7099
technical, or scholarly issue, regardless of whether the study or 7100
research was sponsored by the institution alone or in conjunction 7101
with a governmental body or private concern, and that has not been 7102
publicly released, published, or patented. 7103

(6) "Donor profile record" means all records about donors or 7104
potential donors to a public institution of higher education 7105
except the names and reported addresses of the actual donors and 7106
the date, amount, and conditions of the actual donation. 7107

(7) "Peace officer, parole officer, probation officer, 7108
bailiff, prosecuting attorney, assistant prosecuting attorney, 7109
correctional employee, community-based correctional facility 7110
employee, youth services employee, firefighter, EMT, investigator 7111
of the bureau of criminal identification and investigation, or 7112
federal law enforcement officer residential and familial 7113
information" means any information that discloses any of the 7114
following about a peace officer, parole officer, probation 7115
officer, bailiff, prosecuting attorney, assistant prosecuting 7116
attorney, correctional employee, community-based correctional 7117
facility employee, youth services employee, firefighter, EMT, 7118
investigator of the bureau of criminal identification and 7119
investigation, or federal law enforcement officer: 7120

(a) The address of the actual personal residence of a peace 7121
officer, parole officer, probation officer, bailiff, assistant 7122
prosecuting attorney, correctional employee, community-based 7123
correctional facility employee, youth services employee, 7124
firefighter, EMT, an investigator of the bureau of criminal 7125
identification and investigation, or federal law enforcement 7126
officer, except for the state or political subdivision in which 7127
the peace officer, parole officer, probation officer, bailiff, 7128
assistant prosecuting attorney, correctional employee, 7129
community-based correctional facility employee, youth services 7130
employee, firefighter, EMT, investigator of the bureau of criminal 7131
identification and investigation, or federal law enforcement 7132
officer resides; 7133

(b) Information compiled from referral to or participation in 7134
an employee assistance program; 7135

(c) The social security number, the residential telephone 7136
number, any bank account, debit card, charge card, or credit card 7137
number, or the emergency telephone number of, or any medical 7138
information pertaining to, a peace officer, parole officer, 7139

probation officer, bailiff, prosecuting attorney, assistant 7140
prosecuting attorney, correctional employee, community-based 7141
correctional facility employee, youth services employee, 7142
firefighter, EMT, investigator of the bureau of criminal 7143
identification and investigation, or federal law enforcement 7144
officer; 7145

(d) The name of any beneficiary of employment benefits, 7146
including, but not limited to, life insurance benefits, provided 7147
to a peace officer, parole officer, probation officer, bailiff, 7148
prosecuting attorney, assistant prosecuting attorney, correctional 7149
employee, community-based correctional facility employee, youth 7150
services employee, firefighter, EMT, investigator of the bureau of 7151
criminal identification and investigation, or federal law 7152
enforcement officer by the peace officer's, parole officer's, 7153
probation officer's, bailiff's, prosecuting attorney's, assistant 7154
prosecuting attorney's, correctional employee's, community-based 7155
correctional facility employee's, youth services employee's, 7156
firefighter's, EMT's, investigator of the bureau of criminal 7157
identification and investigation's, or federal law enforcement 7158
officer's employer; 7159

(e) The identity and amount of any charitable or employment 7160
benefit deduction made by the peace officer's, parole officer's, 7161
probation officer's, bailiff's, prosecuting attorney's, assistant 7162
prosecuting attorney's, correctional employee's, community-based 7163
correctional facility employee's, youth services employee's, 7164
firefighter's, EMT's, investigator of the bureau of criminal 7165
identification and investigation's, or federal law enforcement 7166
officer's employer from the peace officer's, parole officer's, 7167
probation officer's, bailiff's, prosecuting attorney's, assistant 7168
prosecuting attorney's, correctional employee's, community-based 7169
correctional facility employee's, youth services employee's, 7170
firefighter's, EMT's, investigator of the bureau of criminal 7171

identification and investigation's, or federal law enforcement 7172
officer's compensation unless the amount of the deduction is 7173
required by state or federal law; 7174

(f) The name, the residential address, the name of the 7175
employer, the address of the employer, the social security number, 7176
the residential telephone number, any bank account, debit card, 7177
charge card, or credit card number, or the emergency telephone 7178
number of the spouse, a former spouse, or any child of a peace 7179
officer, parole officer, probation officer, bailiff, prosecuting 7180
attorney, assistant prosecuting attorney, correctional employee, 7181
community-based correctional facility employee, youth services 7182
employee, firefighter, EMT, investigator of the bureau of criminal 7183
identification and investigation, or federal law enforcement 7184
officer; 7185

(g) A photograph of a peace officer who holds a position or 7186
has an assignment that may include undercover or plain clothes 7187
positions or assignments as determined by the peace officer's 7188
appointing authority. 7189

As used in divisions (A)(7) and (B)(9) of this section, 7190
"peace officer" has the same meaning as in section 109.71 of the 7191
Revised Code and also includes the superintendent and troopers of 7192
the state highway patrol; it does not include the sheriff of a 7193
county or a supervisory employee who, in the absence of the 7194
sheriff, is authorized to stand in for, exercise the authority of, 7195
and perform the duties of the sheriff. 7196

As used in divisions (A)(7) and (B)(9) of this section, 7197
"correctional employee" means any employee of the department of 7198
rehabilitation and correction who in the course of performing the 7199
employee's job duties has or has had contact with inmates and 7200
persons under supervision. 7201

As used in divisions (A)(7) and (B)(9) of this section, 7202

"youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to 7234
a person under the age of eighteen; 7235

(d) Any additional information sought or required about a 7236
person under the age of eighteen for the purpose of allowing that 7237
person to participate in any recreational activity conducted or 7238
sponsored by a public office or to use or obtain admission 7239
privileges to any recreational facility owned or operated by a 7240
public office. 7241

(9) "Community control sanction" has the same meaning as in 7242
section 2929.01 of the Revised Code. 7243

(10) "Post-release control sanction" has the same meaning as 7244
in section 2967.01 of the Revised Code. 7245

(11) "Redaction" means obscuring or deleting any information 7246
that is exempt from the duty to permit public inspection or 7247
copying from an item that otherwise meets the definition of a 7248
"record" in section 149.011 of the Revised Code. 7249

(12) "Designee" and "elected official" have the same meanings 7250
as in section 109.43 of the Revised Code. 7251

(B)(1) Upon request and subject to division (B)(8) of this 7252
section, all public records responsive to the request shall be 7253
promptly prepared and made available for inspection to any person 7254
at all reasonable times during regular business hours. Subject to 7255
division (B)(8) of this section, upon request, a public office or 7256
person responsible for public records shall make copies of the 7257
requested public record available at cost and within a reasonable 7258
period of time. If a public record contains information that is 7259
exempt from the duty to permit public inspection or to copy the 7260
public record, the public office or the person responsible for the 7261
public record shall make available all of the information within 7262
the public record that is not exempt. When making that public 7263
record available for public inspection or copying that public 7264

record, the public office or the person responsible for the public 7265
record shall notify the requester of any redaction or make the 7266
redaction plainly visible. A redaction shall be deemed a denial of 7267
a request to inspect or copy the redacted information, except if 7268
federal or state law authorizes or requires a public office to 7269
make the redaction. 7270

(2) To facilitate broader access to public records, a public 7271
office or the person responsible for public records shall organize 7272
and maintain public records in a manner that they can be made 7273
available for inspection or copying in accordance with division 7274
(B) of this section. A public office also shall have available a 7275
copy of its current records retention schedule at a location 7276
readily available to the public. If a requester makes an ambiguous 7277
or overly broad request or has difficulty in making a request for 7278
copies or inspection of public records under this section such 7279
that the public office or the person responsible for the requested 7280
public record cannot reasonably identify what public records are 7281
being requested, the public office or the person responsible for 7282
the requested public record may deny the request but shall provide 7283
the requester with an opportunity to revise the request by 7284
informing the requester of the manner in which records are 7285
maintained by the public office and accessed in the ordinary 7286
course of the public office's or person's duties. 7287

(3) If a request is ultimately denied, in part or in whole, 7288
the public office or the person responsible for the requested 7289
public record shall provide the requester with an explanation, 7290
including legal authority, setting forth why the request was 7291
denied. If the initial request was provided in writing, the 7292
explanation also shall be provided to the requester in writing. 7293
The explanation shall not preclude the public office or the person 7294
responsible for the requested public record from relying upon 7295
additional reasons or legal authority in defending an action 7296

commenced under division (C) of this section. 7297

(4) Unless specifically required or authorized by state or 7298
federal law or in accordance with division (B) of this section, no 7299
public office or person responsible for public records may limit 7300
or condition the availability of public records by requiring 7301
disclosure of the requester's identity or the intended use of the 7302
requested public record. Any requirement that the requester 7303
disclose the requester's identity or the intended use of the 7304
requested public record constitutes a denial of the request. 7305

(5) A public office or person responsible for public records 7306
may ask a requester to make the request in writing, may ask for 7307
the requester's identity, and may inquire about the intended use 7308
of the information requested, but may do so only after disclosing 7309
to the requester that a written request is not mandatory and that 7310
the requester may decline to reveal the requester's identity or 7311
the intended use and when a written request or disclosure of the 7312
identity or intended use would benefit the requester by enhancing 7313
the ability of the public office or person responsible for public 7314
records to identify, locate, or deliver the public records sought 7315
by the requester. 7316

(6) If any person chooses to obtain a copy of a public record 7317
in accordance with division (B) of this section, the public office 7318
or person responsible for the public record may require that 7319
person to pay in advance the cost involved in providing the copy 7320
of the public record in accordance with the choice made by the 7321
person seeking the copy under this division. The public office or 7322
the person responsible for the public record shall permit that 7323
person to choose to have the public record duplicated upon paper, 7324
upon the same medium upon which the public office or person 7325
responsible for the public record keeps it, or upon any other 7326
medium upon which the public office or person responsible for the 7327
public record determines that it reasonably can be duplicated as 7328

an integral part of the normal operations of the public office or 7329
person responsible for the public record. When the person seeking 7330
the copy makes a choice under this division, the public office or 7331
person responsible for the public record shall provide a copy of 7332
it in accordance with the choice made by the person seeking the 7333
copy. Nothing in this section requires a public office or person 7334
responsible for the public record to allow the person seeking a 7335
copy of the public record to make the copies of the public record. 7336

(7)(a) Upon a request made in accordance with division (B) of 7337
this section and subject to division (B)(6) of this section, a 7338
public office or person responsible for public records shall 7339
transmit a copy of a public record to any person by United States 7340
mail or by any other means of delivery or transmission within a 7341
reasonable period of time after receiving the request for the 7342
copy. The public office or person responsible for the public 7343
record may require the person making the request to pay in advance 7344
the cost of postage if the copy is transmitted by United States 7345
mail or the cost of delivery if the copy is transmitted other than 7346
by United States mail, and to pay in advance the costs incurred 7347
for other supplies used in the mailing, delivery, or transmission. 7348

(b) Any public office may adopt a policy and procedures that 7349
it will follow in transmitting, within a reasonable period of time 7350
after receiving a request, copies of public records by United 7351
States mail or by any other means of delivery or transmission 7352
pursuant to division (B)(7) of this section. A public office that 7353
adopts a policy and procedures under division (B)(7) of this 7354
section shall comply with them in performing its duties under that 7355
division. 7356

(c) In any policy and procedures adopted under division 7357
(B)(7) of this section: 7358

(i) A public office may limit the number of records requested 7359
by a person that the office will physically deliver by United 7360

States mail or by another delivery service to ten per month, 7361
unless the person certifies to the office in writing that the 7362
person does not intend to use or forward the requested records, or 7363
the information contained in them, for commercial purposes; 7364

(ii) A public office that chooses to provide some or all of 7365
its public records on a web site that is fully accessible to and 7366
searchable by members of the public at all times, other than 7367
during acts of God outside the public office's control or 7368
maintenance, and that charges no fee to search, access, download, 7369
or otherwise receive records provided on the web site, may limit 7370
to ten per month the number of records requested by a person that 7371
the office will deliver in a digital format, unless the requested 7372
records are not provided on the web site and unless the person 7373
certifies to the office in writing that the person does not intend 7374
to use or forward the requested records, or the information 7375
contained in them, for commercial purposes. 7376

(iii) For purposes of division (B)(7) of this section, 7377
"commercial" shall be narrowly construed and does not include 7378
reporting or gathering news, reporting or gathering information to 7379
assist citizen oversight or understanding of the operation or 7380
activities of government, or nonprofit educational research. 7381

(8) A public office or person responsible for public records 7382
is not required to permit a person who is incarcerated pursuant to 7383
a criminal conviction or a juvenile adjudication to inspect or to 7384
obtain a copy of any public record concerning a criminal 7385
investigation or prosecution or concerning what would be a 7386
criminal investigation or prosecution if the subject of the 7387
investigation or prosecution were an adult, unless the request to 7388
inspect or to obtain a copy of the record is for the purpose of 7389
acquiring information that is subject to release as a public 7390
record under this section and the judge who imposed the sentence 7391
or made the adjudication with respect to the person, or the 7392

judge's successor in office, finds that the information sought in 7393
the public record is necessary to support what appears to be a 7394
justiciable claim of the person. 7395

(9)(a) Upon written request made and signed by a journalist 7396
on or after December 16, 1999, a public office, or person 7397
responsible for public records, having custody of the records of 7398
the agency employing a specified peace officer, parole officer, 7399
probation officer, bailiff, prosecuting attorney, assistant 7400
prosecuting attorney, correctional employee, community-based 7401
correctional facility employee, youth services employee, 7402
firefighter, EMT, investigator of the bureau of criminal 7403
identification and investigation, or federal law enforcement 7404
officer shall disclose to the journalist the address of the actual 7405
personal residence of the peace officer, parole officer, probation 7406
officer, bailiff, prosecuting attorney, assistant prosecuting 7407
attorney, correctional employee, community-based correctional 7408
facility employee, youth services employee, firefighter, EMT, 7409
investigator of the bureau of criminal identification and 7410
investigation, or federal law enforcement officer and, if the 7411
peace officer's, parole officer's, probation officer's, bailiff's, 7412
prosecuting attorney's, assistant prosecuting attorney's, 7413
correctional employee's, community-based correctional facility 7414
employee's, youth services employee's, firefighter's, EMT's, 7415
investigator of the bureau of criminal identification and 7416
investigation's, or federal law enforcement officer's spouse, 7417
former spouse, or child is employed by a public office, the name 7418
and address of the employer of the peace officer's, parole 7419
officer's, probation officer's, bailiff's, prosecuting attorney's, 7420
assistant prosecuting attorney's, correctional employee's, 7421
community-based correctional facility employee's, youth services 7422
employee's, firefighter's, EMT's, investigator of the bureau of 7423
criminal identification and investigation's, or federal law 7424
enforcement officer's spouse, former spouse, or child. The request 7425

shall include the journalist's name and title and the name and 7426
address of the journalist's employer and shall state that 7427
disclosure of the information sought would be in the public 7428
interest. 7429

(b) Division (B)(9)(a) of this section also applies to 7430
journalist requests for customer information maintained by a 7431
municipally owned or operated public utility, other than social 7432
security numbers and any private financial information such as 7433
credit reports, payment methods, credit card numbers, and bank 7434
account information. 7435

(c) As used in division (B)(9) of this section, "journalist" 7436
means a person engaged in, connected with, or employed by any news 7437
medium, including a newspaper, magazine, press association, news 7438
agency, or wire service, a radio or television station, or a 7439
similar medium, for the purpose of gathering, processing, 7440
transmitting, compiling, editing, or disseminating information for 7441
the general public. 7442

(C)(1) If a person allegedly is aggrieved by the failure of a 7443
public office or the person responsible for public records to 7444
promptly prepare a public record and to make it available to the 7445
person for inspection in accordance with division (B) of this 7446
section or by any other failure of a public office or the person 7447
responsible for public records to comply with an obligation in 7448
accordance with division (B) of this section, the person allegedly 7449
aggrieved may do only one of the following, and not both: 7450

(a) File a complaint with the clerk of the court of claims or 7451
the clerk of the court of common pleas under section 2743.75 of 7452
the Revised Code; 7453

(b) Commence a mandamus action to obtain a judgment that 7454
orders the public office or the person responsible for the public 7455
record to comply with division (B) of this section, that awards 7456

court costs and reasonable attorney's fees to the person that 7457
instituted the mandamus action, and, if applicable, that includes 7458
an order fixing statutory damages under division (C)(2) of this 7459
section. The mandamus action may be commenced in the court of 7460
common pleas of the county in which division (B) of this section 7461
allegedly was not complied with, in the supreme court pursuant to 7462
its original jurisdiction under Section 2 of Article IV, Ohio 7463
Constitution, or in the court of appeals for the appellate 7464
district in which division (B) of this section allegedly was not 7465
complied with pursuant to its original jurisdiction under Section 7466
3 of Article IV, Ohio Constitution. 7467

(2) If a requester transmits a written request by hand 7468
delivery or certified mail to inspect or receive copies of any 7469
public record in a manner that fairly describes the public record 7470
or class of public records to the public office or person 7471
responsible for the requested public records, except as otherwise 7472
provided in this section, the requester shall be entitled to 7473
recover the amount of statutory damages set forth in this division 7474
if a court determines that the public office or the person 7475
responsible for public records failed to comply with an obligation 7476
in accordance with division (B) of this section. 7477

The amount of statutory damages shall be fixed at one hundred 7478
dollars for each business day during which the public office or 7479
person responsible for the requested public records failed to 7480
comply with an obligation in accordance with division (B) of this 7481
section, beginning with the day on which the requester files a 7482
mandamus action to recover statutory damages, up to a maximum of 7483
one thousand dollars. The award of statutory damages shall not be 7484
construed as a penalty, but as compensation for injury arising 7485
from lost use of the requested information. The existence of this 7486
injury shall be conclusively presumed. The award of statutory 7487
damages shall be in addition to all other remedies authorized by 7488

this section. 7489

The court may reduce an award of statutory damages or not 7490
award statutory damages if the court determines both of the 7491
following: 7492

(a) That, based on the ordinary application of statutory law 7493
and case law as it existed at the time of the conduct or 7494
threatened conduct of the public office or person responsible for 7495
the requested public records that allegedly constitutes a failure 7496
to comply with an obligation in accordance with division (B) of 7497
this section and that was the basis of the mandamus action, a 7498
well-informed public office or person responsible for the 7499
requested public records reasonably would believe that the conduct 7500
or threatened conduct of the public office or person responsible 7501
for the requested public records did not constitute a failure to 7502
comply with an obligation in accordance with division (B) of this 7503
section; 7504

(b) That a well-informed public office or person responsible 7505
for the requested public records reasonably would believe that the 7506
conduct or threatened conduct of the public office or person 7507
responsible for the requested public records would serve the 7508
public policy that underlies the authority that is asserted as 7509
permitting that conduct or threatened conduct. 7510

(3) In a mandamus action filed under division (C)(1) of this 7511
section, the following apply: 7512

(a)(i) If the court orders the public office or the person 7513
responsible for the public record to comply with division (B) of 7514
this section, the court shall determine and award to the relator 7515
all court costs, which shall be construed as remedial and not 7516
punitive. 7517

(ii) If the court makes a determination described in division 7518
(C)(3)(b)(iii) of this section, the court shall determine and 7519

award to the relator all court costs, which shall be construed as 7520
remedial and not punitive. 7521

(b) If the court renders a judgment that orders the public 7522
office or the person responsible for the public record to comply 7523
with division (B) of this section or if the court determines any 7524
of the following, the court may award reasonable attorney's fees 7525
to the relator, subject to the provisions of division (C)(4) of 7526
this section: 7527

(i) The public office or the person responsible for the 7528
public records failed to respond affirmatively or negatively to 7529
the public records request in accordance with the time allowed 7530
under division (B) of this section. 7531

(ii) The public office or the person responsible for the 7532
public records promised to permit the relator to inspect or 7533
receive copies of the public records requested within a specified 7534
period of time but failed to fulfill that promise within that 7535
specified period of time. 7536

(iii) The public office or the person responsible for the 7537
public records acted in bad faith when the office or person 7538
voluntarily made the public records available to the relator for 7539
the first time after the relator commenced the mandamus action, 7540
but before the court issued any order concluding whether or not 7541
the public office or person was required to comply with division 7542
(B) of this section. No discovery may be conducted on the issue of 7543
the alleged bad faith of the public office or person responsible 7544
for the public records. This division shall not be construed as 7545
creating a presumption that the public office or the person 7546
responsible for the public records acted in bad faith when the 7547
office or person voluntarily made the public records available to 7548
the relator for the first time after the relator commenced the 7549
mandamus action, but before the court issued any order described 7550
in this division. 7551

(c) The court shall not award attorney's fees to the relator 7552
if the court determines both of the following: 7553

(i) That, based on the ordinary application of statutory law 7554
and case law as it existed at the time of the conduct or 7555
threatened conduct of the public office or person responsible for 7556
the requested public records that allegedly constitutes a failure 7557
to comply with an obligation in accordance with division (B) of 7558
this section and that was the basis of the mandamus action, a 7559
well-informed public office or person responsible for the 7560
requested public records reasonably would believe that the conduct 7561
or threatened conduct of the public office or person responsible 7562
for the requested public records did not constitute a failure to 7563
comply with an obligation in accordance with division (B) of this 7564
section; 7565

(ii) That a well-informed public office or person responsible 7566
for the requested public records reasonably would believe that the 7567
conduct or threatened conduct of the public office or person 7568
responsible for the requested public records would serve the 7569
public policy that underlies the authority that is asserted as 7570
permitting that conduct or threatened conduct. 7571

(4) All of the following apply to any award of reasonable 7572
attorney's fees awarded under division (C)(3)(b) of this section: 7573

(a) The fees shall be construed as remedial and not punitive. 7574

(b) The fees awarded shall not exceed the total of the 7575
reasonable attorney's fees incurred before the public record was 7576
made available to the relator and the fees described in division 7577
(C)(4)(c) of this section. 7578

(c) Reasonable attorney's fees shall include reasonable fees 7579
incurred to produce proof of the reasonableness and amount of the 7580
fees and to otherwise litigate entitlement to the fees. 7581

(d) The court may reduce the amount of fees awarded if the 7582

court determines that, given the factual circumstances involved 7583
with the specific public records request, an alternative means 7584
should have been pursued to more effectively and efficiently 7585
resolve the dispute that was subject to the mandamus action filed 7586
under division (C)(1) of this section. 7587

(5) If the court does not issue a writ of mandamus under 7588
division (C) of this section and the court determines at that time 7589
that the bringing of the mandamus action was frivolous conduct as 7590
defined in division (A) of section 2323.51 of the Revised Code, 7591
the court may award to the public office all court costs, 7592
expenses, and reasonable attorney's fees, as determined by the 7593
court. 7594

(D) Chapter 1347. of the Revised Code does not limit the 7595
provisions of this section. 7596

(E)(1) To ensure that all employees of public offices are 7597
appropriately educated about a public office's obligations under 7598
division (B) of this section, all elected officials or their 7599
appropriate designees shall attend training approved by the 7600
attorney general as provided in section 109.43 of the Revised 7601
Code. In addition, all public offices shall adopt a public records 7602
policy in compliance with this section for responding to public 7603
records requests. In adopting a public records policy under this 7604
division, a public office may obtain guidance from the model 7605
public records policy developed and provided to the public office 7606
by the attorney general under section 109.43 of the Revised Code. 7607
Except as otherwise provided in this section, the policy may not 7608
limit the number of public records that the public office will 7609
make available to a single person, may not limit the number of 7610
public records that it will make available during a fixed period 7611
of time, and may not establish a fixed period of time before it 7612
will respond to a request for inspection or copying of public 7613
records, unless that period is less than eight hours. 7614

(2) The public office shall distribute the public records 7615
policy adopted by the public office under division (E)(1) of this 7616
section to the employee of the public office who is the records 7617
custodian or records manager or otherwise has custody of the 7618
records of that office. The public office shall require that 7619
employee to acknowledge receipt of the copy of the public records 7620
policy. The public office shall create a poster that describes its 7621
public records policy and shall post the poster in a conspicuous 7622
place in the public office and in all locations where the public 7623
office has branch offices. The public office may post its public 7624
records policy on the internet web site of the public office if 7625
the public office maintains an internet web site. A public office 7626
that has established a manual or handbook of its general policies 7627
and procedures for all employees of the public office shall 7628
include the public records policy of the public office in the 7629
manual or handbook. 7630

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7631
to Chapter 119. of the Revised Code to reasonably limit the number 7632
of bulk commercial special extraction requests made by a person 7633
for the same records or for updated records during a calendar 7634
year. The rules may include provisions for charges to be made for 7635
bulk commercial special extraction requests for the actual cost of 7636
the bureau, plus special extraction costs, plus ten per cent. The 7637
bureau may charge for expenses for redacting information, the 7638
release of which is prohibited by law. 7639

(2) As used in division (F)(1) of this section: 7640

(a) "Actual cost" means the cost of depleted supplies, 7641
records storage media costs, actual mailing and alternative 7642
delivery costs, or other transmitting costs, and any direct 7643
equipment operating and maintenance costs, including actual costs 7644
paid to private contractors for copying services. 7645

(b) "Bulk commercial special extraction request" means a 7646

request for copies of a record for information in a format other 7647
than the format already available, or information that cannot be 7648
extracted without examination of all items in a records series, 7649
class of records, or database by a person who intends to use or 7650
forward the copies for surveys, marketing, solicitation, or resale 7651
for commercial purposes. "Bulk commercial special extraction 7652
request" does not include a request by a person who gives 7653
assurance to the bureau that the person making the request does 7654
not intend to use or forward the requested copies for surveys, 7655
marketing, solicitation, or resale for commercial purposes. 7656

(c) "Commercial" means profit-seeking production, buying, or 7657
selling of any good, service, or other product. 7658

(d) "Special extraction costs" means the cost of the time 7659
spent by the lowest paid employee competent to perform the task, 7660
the actual amount paid to outside private contractors employed by 7661
the bureau, or the actual cost incurred to create computer 7662
programs to make the special extraction. "Special extraction 7663
costs" include any charges paid to a public agency for computer or 7664
records services. 7665

(3) For purposes of divisions (F)(1) and (2) of this section, 7666
"surveys, marketing, solicitation, or resale for commercial 7667
purposes" shall be narrowly construed and does not include 7668
reporting or gathering news, reporting or gathering information to 7669
assist citizen oversight or understanding of the operation or 7670
activities of government, or nonprofit educational research. 7671

(G) A request by a defendant, counsel of a defendant, or any 7672
agent of a defendant in a criminal action that public records 7673
related to that action be made available under this section shall 7674
be considered a demand for discovery pursuant to the Criminal 7675
Rules, except to the extent that the Criminal Rules plainly 7676
indicate a contrary intent. The defendant, counsel of the 7677
defendant, or agent of the defendant making a request under this 7678

division shall serve a copy of the request on the prosecuting 7679
attorney, director of law, or other chief legal officer 7680
responsible for prosecuting the action. 7681

Sec. 151.03. This section applies to obligations as defined 7682
in this section. 7683

(A) As used in this section: 7684

(1) "Costs of capital facilities" includes related direct 7685
administrative expenses and allocable portions of direct costs of 7686
the using school district and the Ohio ~~school~~ facilities 7687
construction commission. 7688

(2) "Net state lottery proceeds" means the amount determined 7689
by the director of budget and management to be an excess amount to 7690
the credit of the state lottery fund and to be transferred to the 7691
lottery profits education fund, and moneys from time to time in 7692
the lottery profits education fund, all as provided for and 7693
referred to in section 3770.06 of the Revised Code. 7694

(3) "Ohio ~~school~~ facilities construction commission" and 7695
"school district" have the same meanings as in section 3318.01 of 7696
the Revised Code. 7697

(4) "Obligations" means obligations as defined in section 7698
151.01 of the Revised Code issued to pay costs of capital 7699
facilities for a system of common schools throughout the state. 7700

(5) "Using school district" means the school district, or two 7701
or more school districts acting jointly, that are the ultimate 7702
users of the capital facilities for a system of common schools 7703
financed with net proceeds of obligations. 7704

(B) The issuing authority shall issue obligations to pay 7705
costs of capital facilities for a system of common schools 7706
throughout the state pursuant to Section 2n of Article VIII, Ohio 7707
Constitution, section 151.01 of the Revised Code, and this 7708

section. The issuing authority, upon the certification by the Ohio 7709
~~school~~ facilities construction commission to it of the amount of 7710
moneys needed in the school building program assistance fund 7711
created by section 3318.25 of the Revised Code for purposes of 7712
that fund, shall issue obligations in the amount determined to be 7713
required by the issuing authority. 7714

(C) Net proceeds of obligations shall be deposited into the 7715
school building program assistance fund created by section 3318.25 7716
of the Revised Code. 7717

(D) There is hereby created in the state treasury the "common 7718
schools capital facilities bond service fund." All moneys received 7719
by the state and required by the bond proceedings, consistent with 7720
sections 151.01 and 151.03 of the Revised Code, to be deposited, 7721
transferred, or credited to the bond service fund, and all other 7722
moneys transferred or allocated to or received for the purposes of 7723
that fund, shall be deposited and credited to the bond service 7724
fund, subject to any applicable provisions of the bond proceedings 7725
but without necessity for any act of appropriation. During the 7726
period beginning with the date of the first issuance of 7727
obligations and continuing during the time that any obligations 7728
are outstanding in accordance with their terms, so long as moneys 7729
in the bond service fund are insufficient to pay debt service when 7730
due on those obligations payable from that fund (except the 7731
principal amounts of bond anticipation notes payable from the 7732
proceeds of renewal notes or bonds anticipated) and due in the 7733
particular fiscal year, a sufficient amount of revenues of the 7734
state, including net state lottery proceeds, is committed and, 7735
without necessity for further act of appropriation, shall be paid 7736
to the bond service fund for the purpose of paying that debt 7737
service when due. 7738

Sec. 153.02. (A) The executive director of the Ohio 7739

facilities construction commission, may debar a contractor from 7740
contract awards for public improvements as referred to in section 7741
153.01 of the Revised Code or for projects as defined in section 7742
3318.01 of the Revised Code, upon proof that the contractor has 7743
done any of the following: 7744

(1) Defaulted on a contract requiring the execution of a 7745
takeover agreement as set forth in division (B) of section 153.17 7746
of the Revised Code; 7747

(2) Knowingly failed during the course of a contract to 7748
maintain the coverage required by the bureau of workers' 7749
compensation; 7750

(3) Knowingly failed during the course of a contract to 7751
maintain the contractor's drug-free workplace program as required 7752
by the contract; 7753

(4) Knowingly failed during the course of a contract to 7754
maintain insurance required by the contract or otherwise by law, 7755
resulting in a substantial loss to the owner, as owner is referred 7756
to in section 153.01 of the Revised Code, or to the commission and 7757
school district board, as provided in division (F) of section 7758
3318.08 of the Revised Code; 7759

(5) Misrepresented the firm's qualifications in the selection 7760
process set forth in sections 153.65 to 153.71 or section 3318.10 7761
of the Revised Code; 7762

(6) Been convicted of a criminal offense related to the 7763
application for or performance of any public or private contract, 7764
including, but not limited to, embezzlement, theft, forgery, 7765
bribery, falsification or destruction of records, receiving stolen 7766
property, and any other offense that directly reflects on the 7767
contractor's business integrity; 7768

(7) Been convicted of a criminal offense under state or 7769

federal antitrust laws; 7770

(8) Deliberately or willfully submitted false or misleading 7771
information in connection with the application for or performance 7772
of a public contract; 7773

(9) Been debarred from bidding on or participating in a 7774
contract with any state or federal agency. 7775

(B) When the executive director debars a contractor that is a 7776
partnership, association, or corporation, the executive director 7777
also may debar any partner of the partnership or any officer or 7778
director of the association or corporation, as applicable. 7779

(C) When the executive director reasonably believes that 7780
grounds for debarment exist, the executive director shall send the 7781
contractor a notice of proposed debarment indicating the grounds 7782
for the proposed debarment and the procedure for requesting a 7783
hearing on the proposed debarment. The hearing shall be conducted 7784
in accordance with Chapter 119. of the Revised Code. If the 7785
contractor does not respond with a request for a hearing in the 7786
manner specified in Chapter 119. of the Revised Code, the 7787
executive director shall issue the debarment decision without a 7788
hearing and shall notify the contractor of the decision by 7789
certified mail, return receipt requested. 7790

~~(C)~~(D) The executive director shall determine the length of 7791
the debarment period and may rescind the debarment at any time 7792
upon notification to the contractor. During the period of 7793
debarment, the contractor is not eligible to bid for or 7794
participate in any contract for a public improvement as referred 7795
to in section 153.01 of the Revised Code or for a project as 7796
defined in section 3318.01 of the Revised Code. After the 7797
debarment period expires, the contractor shall be eligible to bid 7798
for and participate in such contracts. 7799

~~(D)~~(E) The executive director shall maintain a list of all 7800

contractors currently debarred under this section. Any 7801
governmental entity awarding a contract for construction of a 7802
public improvement or project may use a contractor's presence on 7803
the debarment list to determine whether a contractor is 7804
responsible or best under section 9.312 or any other section of 7805
the Revised Code in the award of a contract. 7806

(F) As used in this section, "contractor" means a 7807
construction contracting business, a subcontractor of a 7808
construction contracting business, a supplier of materials, or a 7809
manufacturer of materials. 7810

Sec. 154.11. The issuing authority may authorize and issue 7811
obligations for the refunding, including funding and retirement, 7812
of any obligations previously issued under this chapter and any 7813
other bonds or notes previously issued under Chapter 152. of the 7814
Revised Code to pay the costs of capital facilities. Such 7815
obligations may be issued in amounts sufficient for payment of the 7816
principal amount of the prior obligations, any redemption premiums 7817
thereon, principal maturities of any such obligations maturing 7818
prior to the redemption of the remaining obligations on a parity 7819
therewith, interest accrued or to accrue to the maturity dates or 7820
dates of redemption of such obligations, and any expenses incurred 7821
or to be incurred in connection with such issuance and such 7822
refunding, funding, and retirement. Subject to the bond 7823
proceedings therefor, the portion of proceeds of the sale of 7824
obligations issued under this section to be applied to bond 7825
service charges on the prior obligations shall be credited to the 7826
bond service fund for those prior obligations. Obligations 7827
authorized under this section shall be deemed to be issued for 7828
those purposes for which those prior obligations were issued and 7829
are subject to the provisions of Chapter 154. of the Revised Code 7830
pertaining to other obligations, except as otherwise indicated by 7831
this section and except for division (A) of section 154.02 of the 7832

Revised Code, provided that, unless otherwise authorized by the 7833
general assembly, any limitations imposed by the general assembly 7834
pursuant to that division with respect to bond service charges 7835
applicable to the prior obligations shall be applicable to the 7836
obligations issued under this section to refund, fund, or retire 7837
those prior obligations. 7838

Sec. 166.08. (A) As used in this chapter: 7839

(1) "Bond proceedings" means the resolution, order, trust 7840
agreement, indenture, lease, and other agreements, amendments and 7841
supplements to the foregoing, or any one or more or combination 7842
thereof, authorizing or providing for the terms and conditions 7843
applicable to, or providing for the security or liquidity of, 7844
obligations issued pursuant to this section, and the provisions 7845
contained in such obligations. 7846

(2) "Bond service charges" means principal, including 7847
mandatory sinking fund requirements for retirement of obligations, 7848
and interest, and redemption premium, if any, required to be paid 7849
by the state on obligations. 7850

(3) "Bond service fund" means the applicable fund and 7851
accounts therein created for and pledged to the payment of bond 7852
service charges, which may be, or may be part of, the economic 7853
development bond service fund created by division (S) of this 7854
section including all moneys and investments, and earnings from 7855
investments, credited and to be credited thereto. 7856

(4) "Issuing authority" means the treasurer of state, or the 7857
officer who by law performs the functions of such officer. 7858

(5) "Obligations" means bonds, notes, or other evidence of 7859
obligation including interest coupons pertaining thereto, issued 7860
pursuant to this section. 7861

(6) "Pledged receipts" means all receipts of the state 7862

representing the gross profit on the sale of spirituous liquor, as 7863
referred to in division (B)(4) of section 4301.10 of the Revised 7864
Code, after paying all costs and expenses of the division of 7865
liquor control and providing an adequate working capital reserve 7866
for the division of liquor control as provided in that division, 7867
but excluding the sum required by the second paragraph of section 7868
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 7869
paid into the state treasury; moneys accruing to the state from 7870
the lease, sale, or other disposition, or use, of project 7871
facilities, and from the repayment, including interest, of loans 7872
made from proceeds received from the sale of obligations; accrued 7873
interest received from the sale of obligations; income from the 7874
investment of the special funds; and any gifts, grants, donations, 7875
and pledges, and receipts therefrom, available for the payment of 7876
bond service charges. 7877

(7) "Special funds" or "funds" means, except where the 7878
context does not permit, the bond service fund, and any other 7879
funds, including reserve funds, created under the bond 7880
proceedings, and the economic development bond service fund 7881
created by division (S) of this section to the extent provided in 7882
the bond proceedings, including all moneys and investments, and 7883
earnings from investment, credited and to be credited thereto. 7884

(B) Subject to the limitations provided in section 166.11 of 7885
the Revised Code, the issuing authority, upon the certification by 7886
the director of development or, ~~with respect to eligible advanced~~ 7887
~~energy projects prior to the effective date of this amendment,~~ 7888
upon certification by the Ohio air quality development authority 7889
regarding eligible advanced energy projects, to the issuing 7890
authority of the amount of moneys or additional moneys needed in 7891
the facilities establishment fund, the loan guarantee fund, the 7892
innovation Ohio loan fund, the innovation Ohio loan guarantee 7893
fund, the research and development loan fund, the logistics and 7894

distribution infrastructure fund, the advanced energy research and 7895
development fund, or the advanced energy research and development 7896
taxable fund, as applicable, for the purpose of paying, or making 7897
loans for, allowable costs from the facilities establishment fund, 7898
allowable innovation costs from the innovation Ohio loan fund, 7899
allowable costs from the research and development loan fund, 7900
allowable costs from the logistics and distribution infrastructure 7901
fund, allowable costs from the advanced energy research and 7902
development fund, or allowable costs from the advanced energy 7903
research and development taxable fund, as applicable, or needed 7904
for capitalized interest, for funding reserves, and for paying 7905
costs and expenses incurred in connection with the issuance, 7906
carrying, securing, paying, redeeming, or retirement of the 7907
obligations or any obligations refunded thereby, including payment 7908
of costs and expenses relating to letters of credit, lines of 7909
credit, insurance, put agreements, standby purchase agreements, 7910
indexing, marketing, remarketing and administrative arrangements, 7911
interest swap or hedging agreements, and any other credit 7912
enhancement, liquidity, remarketing, renewal, or refunding 7913
arrangements, all of which are authorized by this section, or 7914
providing moneys for the loan guarantee fund or the innovation 7915
Ohio loan guarantee fund, as provided in this chapter or needed 7916
for the purposes of funds established in accordance with or 7917
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 7918
122.561, 122.57, and 122.80 of the Revised Code which are within 7919
the authorization of Section 13 of Article VIII, Ohio 7920
Constitution, or, prior to the effective date of this amendment, 7921
with respect to certain eligible advanced energy projects, Section 7922
2p of Article VIII, Ohio Constitution, shall issue obligations of 7923
the state under this section in the required amount; provided that 7924
such obligations may be issued to satisfy the covenants in 7925
contracts of guarantee made under section 166.06 or 166.15 of the 7926
Revised Code, notwithstanding limitations otherwise applicable to 7927

the issuance of obligations under this section. The proceeds of 7928
such obligations, except for the portion to be deposited in 7929
special funds, including reserve funds, as may be provided in the 7930
bond proceedings, shall as provided in the bond proceedings be 7931
deposited by the director of development to the facilities 7932
establishment fund, the loan guarantee fund, the innovation Ohio 7933
loan guarantee fund, the innovation Ohio loan fund, the research 7934
and development loan fund, or the logistics and distribution 7935
infrastructure fund, or be deposited by the Ohio air quality 7936
development authority prior to the effective date of this 7937
amendment to the advanced energy research and development fund or 7938
the advanced energy research and development taxable fund. Bond 7939
proceedings for project financing obligations may provide that the 7940
proceeds derived from the issuance of such obligations shall be 7941
deposited into such fund or funds provided for in the bond 7942
proceedings and, to the extent provided for in the bond 7943
proceedings, such proceeds shall be deemed to have been deposited 7944
into the facilities establishment fund and transferred to such 7945
fund or funds. The issuing authority may appoint trustees, paying 7946
agents, and transfer agents and may retain the services of 7947
financial advisors, accounting experts, and attorneys, and retain 7948
or contract for the services of marketing, remarketing, indexing, 7949
and administrative agents, other consultants, and independent 7950
contractors, including printing services, as are necessary in the 7951
issuing authority's judgment to carry out this section. The costs 7952
of such services are allowable costs payable from the facilities 7953
establishment fund or the research and development loan fund, 7954
allowable innovation costs payable from the innovation Ohio loan 7955
fund, ~~or~~ allowable costs payable from the logistics and 7956
distribution infrastructure fund, or allowable costs payable prior 7957
to the effective date of this amendment from the advanced energy 7958
research and development fund, or the advanced energy research and 7959
development taxable fund, as applicable. 7960

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, or from payment of the principal of or interest on loans made, or fees charged for guarantees made, or from any money or property received by the director, treasurer of state, or the state under Chapter 122. of the Revised Code, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the director. The right of such holders and owners to payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section, subject to any applicable limitation under section 166.11

of the Revised Code. The purpose of such obligations may be stated 7994
in the bond proceedings in terms describing the general purpose or 7995
purposes to be served. The bond proceedings also shall provide, 7996
subject to the provisions of any other applicable bond 7997
proceedings, for the pledge of all, or such part as the issuing 7998
authority may determine, of the pledged receipts and the 7999
applicable special fund or funds to the payment of bond service 8000
charges, which pledges may be made either prior or subordinate to 8001
other expenses, claims, or payments, and may be made to secure the 8002
obligations on a parity with obligations theretofore or thereafter 8003
issued, if and to the extent provided in the bond proceedings. The 8004
pledged receipts and special funds so pledged and thereafter 8005
received by the state are immediately subject to the lien of such 8006
pledge without any physical delivery thereof or further act, and 8007
the lien of any such pledges is valid and binding against all 8008
parties having claims of any kind against the state or any 8009
governmental agency of the state, irrespective of whether such 8010
parties have notice thereof, and shall create a perfected security 8011
interest for all purposes of Chapter 1309. of the Revised Code, 8012
without the necessity for separation or delivery of funds or for 8013
the filing or recording of the bond proceedings by which such 8014
pledge is created or any certificate, statement or other document 8015
with respect thereto; and the pledge of such pledged receipts and 8016
special funds is effective and the money therefrom and thereof may 8017
be applied to the purposes for which pledged without necessity for 8018
any act of appropriation. Every pledge, and every covenant and 8019
agreement made with respect thereto, made in the bond proceedings 8020
may therein be extended to the benefit of the owners and holders 8021
of obligations authorized by this section, and to any trustee 8022
therefor, for the further security of the payment of the bond 8023
service charges. 8024

(E) The bond proceedings may contain additional provisions as 8025
to: 8026

(1) The redemption of obligations prior to maturity at the	8027
option of the issuing authority at such price or prices and under	8028
such terms and conditions as are provided in the bond proceedings;	8029
(2) Other terms of the obligations;	8030
(3) Limitations on the issuance of additional obligations;	8031
(4) The terms of any trust agreement or indenture securing	8032
the obligations or under which the same may be issued;	8033
(5) The deposit, investment and application of special funds,	8034
and the safeguarding of moneys on hand or on deposit, without	8035
regard to Chapter 131. or 135. of the Revised Code, but subject to	8036
any special provisions of this chapter, with respect to particular	8037
funds or moneys, provided that any bank or trust company which	8038
acts as depository of any moneys in the special funds may furnish	8039
such indemnifying bonds or may pledge such securities as required	8040
by the issuing authority;	8041
(6) Any or every provision of the bond proceedings being	8042
binding upon such officer, board, commission, authority, agency,	8043
department, or other person or body as may from time to time have	8044
the authority under law to take such actions as may be necessary	8045
to perform all or any part of the duty required by such provision;	8046
(7) Any provision that may be made in a trust agreement or	8047
indenture;	8048
(8) Any other or additional agreements with the holders of	8049
the obligations, or the trustee therefor, relating to the	8050
obligations or the security therefor, including the assignment of	8051
mortgages or other security obtained or to be obtained for loans	8052
under section 122.43, 166.07, or 166.16 of the Revised Code.	8053
(F) The obligations may have the great seal of the state or a	8054
facsimile thereof affixed thereto or printed thereon. The	8055
obligations and any coupons pertaining to obligations shall be	8056

signed or bear the facsimile signature of the issuing authority. 8057
Any obligations or coupons may be executed by the person who, on 8058
the date of execution, is the proper issuing authority although on 8059
the date of such bonds or coupons such person was not the issuing 8060
authority. If the issuing authority whose signature or a facsimile 8061
of whose signature appears on any such obligation or coupon ceases 8062
to be the issuing authority before delivery thereof, such 8063
signature or facsimile is nevertheless valid and sufficient for 8064
all purposes as if the former issuing authority had remained the 8065
issuing authority until such delivery; and if the seal to be 8066
affixed to obligations has been changed after a facsimile of the 8067
seal has been imprinted on such obligations, such facsimile seal 8068
shall continue to be sufficient as to such obligations and 8069
obligations issued in substitution or exchange therefor. 8070

(G) All obligations are negotiable instruments and securities 8071
under Chapter 1308. of the Revised Code, subject to the provisions 8072
of the bond proceedings as to registration. The obligations may be 8073
issued in coupon or in registered form, or both, as the issuing 8074
authority determines. Provision may be made for the registration 8075
of any obligations with coupons attached thereto as to principal 8076
alone or as to both principal and interest, their exchange for 8077
obligations so registered, and for the conversion or reconversion 8078
into obligations with coupons attached thereto of any obligations 8079
registered as to both principal and interest, and for reasonable 8080
charges for such registration, exchange, conversion, and 8081
reconversion. 8082

(H) Obligations may be sold at public sale or at private 8083
sale, as determined in the bond proceedings. 8084

Obligations issued to provide moneys for the loan guarantee 8085
fund or the innovation Ohio loan guarantee fund may, as determined 8086
by the issuing authority, be sold at private sale, and without 8087
publication of a notice of sale. 8088

(I) Pending preparation of definitive obligations, the 8089
issuing authority may issue interim receipts or certificates which 8090
shall be exchanged for such definitive obligations. 8091

(J) In the discretion of the issuing authority, obligations 8092
may be secured additionally by a trust agreement or indenture 8093
between the issuing authority and a corporate trustee which may be 8094
any trust company or bank having a place of business within the 8095
state. Any such agreement or indenture may contain the resolution 8096
or order authorizing the issuance of the obligations, any 8097
provisions that may be contained in any bond proceedings, and 8098
other provisions which are customary or appropriate in an 8099
agreement or indenture of such type, including, but not limited 8100
to: 8101

(1) Maintenance of each pledge, trust agreement, indenture, 8102
or other instrument comprising part of the bond proceedings until 8103
the state has fully paid the bond service charges on the 8104
obligations secured thereby, or provision therefor has been made; 8105

(2) In the event of default in any payments required to be 8106
made by the bond proceedings, or any other agreement of the 8107
issuing authority made as a part of the contract under which the 8108
obligations were issued, enforcement of such payments or agreement 8109
by mandamus, the appointment of a receiver, suit in equity, action 8110
at law, or any combination of the foregoing; 8111

(3) The rights and remedies of the holders of obligations and 8112
of the trustee, and provisions for protecting and enforcing them, 8113
including limitations on rights of individual holders of 8114
obligations; 8115

(4) The replacement of any obligations that become mutilated 8116
or are destroyed, lost, or stolen; 8117

(5) Such other provisions as the trustee and the issuing 8118
authority agree upon, including limitations, conditions, or 8119

qualifications relating to any of the foregoing. 8120

(K) Any holders of obligations or trustees under the bond 8121
proceedings, except to the extent that their rights are restricted 8122
by the bond proceedings, may by any suitable form of legal 8123
proceedings, protect and enforce any rights under the laws of this 8124
state or granted by such bond proceedings. Such rights include the 8125
right to compel the performance of all duties of the issuing 8126
authority, the director of development, the Ohio air quality 8127
development authority, or the division of liquor control required 8128
by this chapter or the bond proceedings; to enjoin unlawful 8129
activities; and in the event of default with respect to the 8130
payment of any bond service charges on any obligations or in the 8131
performance of any covenant or agreement on the part of the 8132
issuing authority, the director of development, the Ohio air 8133
quality development authority, or the division of liquor control 8134
in the bond proceedings, to apply to a court having jurisdiction 8135
of the cause to appoint a receiver to receive and administer the 8136
pledged receipts and special funds, other than those in the 8137
custody of the treasurer of state, which are pledged to the 8138
payment of the bond service charges on such obligations or which 8139
are the subject of the covenant or agreement, with full power to 8140
pay, and to provide for payment of bond service charges on, such 8141
obligations, and with such powers, subject to the direction of the 8142
court, as are accorded receivers in general equity cases, 8143
excluding any power to pledge additional revenues or receipts or 8144
other income or moneys of the issuing authority or the state or 8145
governmental agencies of the state to the payment of such 8146
principal and interest and excluding the power to take possession 8147
of, mortgage, or cause the sale or otherwise dispose of any 8148
project facilities. 8149

Each duty of the issuing authority and the issuing 8150
authority's officers and employees, and of each governmental 8151

agency and its officers, members, or employees, undertaken 8152
pursuant to the bond proceedings or any agreement or lease, 8153
lease-purchase agreement, or loan made under authority of this 8154
chapter, and in every agreement by or with the issuing authority, 8155
is hereby established as a duty of the issuing authority, and of 8156
each such officer, member, or employee having authority to perform 8157
such duty, specifically enjoined by the law resulting from an 8158
office, trust, or station within the meaning of section 2731.01 of 8159
the Revised Code. 8160

The person who is at the time the issuing authority, or the 8161
issuing authority's officers or employees, are not liable in their 8162
personal capacities on any obligations issued by the issuing 8163
authority or any agreements of or with the issuing authority. 8164

(L) The issuing authority may authorize and issue obligations 8165
for the refunding, including funding and retirement, and advance 8166
refunding with or without payment or redemption prior to maturity, 8167
of any obligations previously issued by the issuing authority. 8168
Such obligations may be issued in amounts sufficient for payment 8169
of the principal amount of the prior obligations, any redemption 8170
premiums thereon, principal maturities of any such obligations 8171
maturing prior to the redemption of the remaining obligations on a 8172
parity therewith, interest accrued or to accrue to the maturity 8173
dates or dates of redemption of such obligations, and any 8174
allowable costs including expenses incurred or to be incurred in 8175
connection with such issuance and such refunding, funding, and 8176
retirement. Subject to the bond proceedings therefor, the portion 8177
of proceeds of the sale of obligations issued under this division 8178
to be applied to bond service charges on the prior obligations 8179
shall be credited to an appropriate account held by the trustee 8180
for such prior or new obligations or to the appropriate account in 8181
the bond service fund for such obligations. Obligations authorized 8182
under this division shall be deemed to be issued for those 8183

purposes for which such prior obligations were issued and are 8184
subject to the provisions of this section pertaining to other 8185
obligations, except as otherwise provided in this section; 8186
provided that, unless otherwise authorized by the general 8187
assembly, any limitations imposed by the general assembly pursuant 8188
to this section with respect to bond service charges applicable to 8189
the prior obligations shall be applicable to the obligations 8190
issued under this division to refund, fund, advance refund or 8191
retire such prior obligations. 8192

(M) The authority to issue obligations under this section 8193
includes authority to issue obligations in the form of bond 8194
anticipation notes and to renew the same from time to time by the 8195
issuance of new notes. The holders of such notes or interest 8196
coupons pertaining thereto shall have a right to be paid solely 8197
from the pledged receipts and special funds that may be pledged to 8198
the payment of the bonds anticipated, or from the proceeds of such 8199
bonds or renewal notes, or both, as the issuing authority provides 8200
in the resolution or order authorizing such notes. Such notes may 8201
be additionally secured by covenants of the issuing authority to 8202
the effect that the issuing authority and the state will do such 8203
or all things necessary for the issuance of such bonds or renewal 8204
notes in appropriate amount, and apply the proceeds thereof to the 8205
extent necessary, to make full payment of the principal of and 8206
interest on such notes at the time or times contemplated, as 8207
provided in such resolution or order. For such purpose, the 8208
issuing authority may issue bonds or renewal notes in such 8209
principal amount and upon such terms as may be necessary to 8210
provide funds to pay when required the principal of and interest 8211
on such notes, notwithstanding any limitations prescribed by or 8212
for purposes of this section. Subject to this division, all 8213
provisions for and references to obligations in this section are 8214
applicable to notes authorized under this division. 8215

The issuing authority in the bond proceedings authorizing the
issuance of bond anticipation notes shall set forth for such bonds
an estimated interest rate and a schedule of principal payments
for such bonds and the annual maturity dates thereof, and for
purposes of any limitation on bond service charges prescribed
under division (A) of section 166.11 of the Revised Code, the
amount of bond service charges on such bond anticipation notes is
deemed to be the bond service charges for the bonds anticipated
thereby as set forth in the bond proceedings applicable to such
notes, but this provision does not modify any authority in this
section to pledge receipts and special funds to, and covenant to
issue bonds to fund, the payment of principal of and interest and
any premium on such notes.

(N) Obligations issued under this section are lawful
investments for banks, societies for savings, savings and loan
associations, deposit guarantee associations, trust companies,
trustees, fiduciaries, insurance companies, including domestic for
life and domestic not for life, trustees or other officers having
charge of sinking and bond retirement or other special funds of
political subdivisions and taxing districts of this state, the
commissioners of the sinking fund of the state, the administrator
of workers' compensation, the state teachers retirement system,
the public employees retirement system, the school employees
retirement system, and the Ohio police and fire pension fund,
notwithstanding any other provisions of the Revised Code or rules
adopted pursuant thereto by any governmental agency of the state
with respect to investments by them, and are also acceptable as
security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond
proceedings, moneys to the credit of or in the special funds
established by or pursuant to this section may be invested by or
on behalf of the issuing authority only in notes, bonds, or other

obligations of the United States, or of any agency or 8248
instrumentality of the United States, obligations guaranteed as to 8249
principal and interest by the United States, obligations of this 8250
state or any political subdivision of this state, and certificates 8251
of deposit of any national bank located in this state and any 8252
bank, as defined in section 1101.01 of the Revised Code, subject 8253
to inspection by the superintendent of banks. If the law or the 8254
instrument creating a trust pursuant to division (J) of this 8255
section expressly permits investment in direct obligations of the 8256
United States or an agency of the United States, unless expressly 8257
prohibited by the instrument, such moneys also may be invested in 8258
no-front-end-load money market mutual funds consisting exclusively 8259
of obligations of the United States or an agency of the United 8260
States and in repurchase agreements, including those issued by the 8261
fiduciary itself, secured by obligations of the United States or 8262
an agency of the United States; and in common trust funds 8263
established in accordance with section 1111.20 of the Revised Code 8264
and consisting exclusively of any such securities, notwithstanding 8265
division (A)(4) of that section. The income from such investments 8266
shall be credited to such funds as the issuing authority 8267
determines, and such investments may be sold at such times as the 8268
issuing authority determines or authorizes. 8269

(P) Provision may be made in the applicable bond proceedings 8270
for the establishment of separate accounts in the bond service 8271
fund and for the application of such accounts only to the 8272
specified bond service charges on obligations pertinent to such 8273
accounts and bond service fund and for other accounts therein 8274
within the general purposes of such fund. Unless otherwise 8275
provided in any applicable bond proceedings, moneys to the credit 8276
of or in the several special funds established pursuant to this 8277
section shall be disbursed on the order of the treasurer of state, 8278
provided that no such order is required for the payment from the 8279
bond service fund when due of bond service charges on obligations. 8280

(Q) The issuing authority may pledge all, or such portion as 8281
the issuing authority determines, of the pledged receipts to the 8282
payment of bond service charges on obligations issued under this 8283
section, and for the establishment and maintenance of any 8284
reserves, as provided in the bond proceedings, and make other 8285
provisions therein with respect to pledged receipts as authorized 8286
by this chapter, which provisions are controlling notwithstanding 8287
any other provisions of law pertaining thereto. 8288

(R) The issuing authority may covenant in the bond 8289
proceedings, and any such covenants are controlling 8290
notwithstanding any other provision of law, that the state and 8291
applicable officers and governmental agencies of the state, 8292
including the general assembly, so long as any obligations are 8293
outstanding, shall: 8294

(1) Maintain statutory authority for and cause to be charged 8295
and collected wholesale and retail prices for spirituous liquor 8296
sold by the state or its agents so that the pledged receipts are 8297
sufficient in amount to meet bond service charges, and the 8298
establishment and maintenance of any reserves and other 8299
requirements provided for in the bond proceedings, and, as 8300
necessary, to meet covenants contained in contracts of guarantee 8301
made under section 166.06 of the Revised Code; 8302

(2) Take or permit no action, by statute or otherwise, that 8303
would impair the exemption from federal income taxation of the 8304
interest on the obligations. 8305

(S) There is hereby created the economic development bond 8306
service fund, which shall be in the custody of the treasurer of 8307
state but shall be separate and apart from and not a part of the 8308
state treasury. All moneys received by or on account of the 8309
issuing authority or state agencies and required by the applicable 8310
bond proceedings, consistent with this section, to be deposited, 8311
transferred, or credited to a bond service fund or the economic 8312

development bond service fund, and all other moneys transferred or 8313
allocated to or received for the purposes of the fund, shall be 8314
deposited and credited to such fund and to any separate accounts 8315
therein, subject to applicable provisions of the bond proceedings, 8316
but without necessity for any act of appropriation. During the 8317
period beginning with the date of the first issuance of 8318
obligations and continuing during such time as any such 8319
obligations are outstanding, and so long as moneys in the 8320
pertinent bond service funds are insufficient to pay all bond 8321
services charges on such obligations becoming due in each year, a 8322
sufficient amount of the gross profit on the sale of spirituous 8323
liquor included in pledged receipts are committed and shall be 8324
paid to the bond service fund or economic development bond service 8325
fund in each year for the purpose of paying the bond service 8326
charges becoming due in that year without necessity for further 8327
act of appropriation for such purpose and notwithstanding anything 8328
to the contrary in Chapter 4301. of the Revised Code. The economic 8329
development bond service fund is a trust fund and is hereby 8330
pledged to the payment of bond service charges to the extent 8331
provided in the applicable bond proceedings, and payment thereof 8332
from such fund shall be made or provided for by the treasurer of 8333
state in accordance with such bond proceedings without necessity 8334
for any act of appropriation. 8335

(T) The obligations, the transfer thereof, and the income 8336
therefrom, including any profit made on the sale thereof, shall at 8337
all times be free from taxation within the state. 8338

Sec. 166.11. (A) The aggregate amount of debt service payable 8339
in any calendar year on project financing obligations issued under 8340
section 166.08 of the Revised Code, exclusive of make-whole call 8341
redemptions or other optional prepayments, shall not exceed fifty 8342
million dollars. The aggregate principal amount of obligations, 8343
exclusive of project financing obligations, that may be issued 8344

under section 166.08 of the Revised Code is six hundred thirty 8345
million dollars, plus the principal amount of any such obligations 8346
retired by payment, the amounts held or obligations pledged for 8347
the payment of the principal amount of any such obligations 8348
outstanding, amounts in special funds held as reserves to meet 8349
bond service charges, and amounts of obligations issued to provide 8350
moneys required to meet payments from the loan guarantee fund 8351
created in section 166.06 of the Revised Code and the innovation 8352
Ohio loan guarantee fund created in section 166.15 of the Revised 8353
Code. Of that six hundred thirty million dollars, not more than 8354
eighty-four million principal amount of obligations may be issued 8355
for eligible advanced energy projects and not more than one 8356
hundred million principal amount of obligations may be issued for 8357
eligible logistics and distribution projects. No portion of the 8358
eighty-four million principal amount for eligible advanced energy 8359
projects may be issued after the effective date of this amendment. 8360
The terms of the obligations issued under section 166.08 of the 8361
Revised Code, other than obligations issued to meet guarantees 8362
that cannot be satisfied from amounts then held in the loan 8363
guarantee fund or the innovation Ohio loan guarantee fund, shall 8364
be such that the aggregate amount of moneys used from profit from 8365
the sale of spirituous liquor, and not from other sources, in any 8366
fiscal year shall not exceed sixty-three million dollars. For 8367
purposes of the preceding sentence, "other sources" include the 8368
annual investment income on special funds to the extent it will be 8369
available for payment of any bond service charges in lieu of use 8370
of profit from the sale of spirituous liquor, and shall be 8371
estimated on the basis of the expected funding of those special 8372
funds and assumed investment earnings thereon at a rate equal to 8373
the weighted average yield on investments of those special funds 8374
determined as of any date within sixty days immediately preceding 8375
the date of issuance of the bonds in respect of which the 8376
determination is being made. Amounts received in any fiscal year 8377

under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 8378
shall not be included when determining the sixty-three million 8379
dollar limit. The determinations required by this division shall 8380
be made by the treasurer of state at the time of issuance of an 8381
issue of obligations and shall be conclusive for purposes of such 8382
issue of obligations from and after their issuance and delivery. 8383

(B) The aggregate amount of the guaranteed portion of the 8384
unpaid principal of loans guaranteed under sections 166.06 and 8385
166.15 of the Revised Code and the unpaid principal of loans made 8386
under sections 166.07, 166.16, and 166.21 of the Revised Code may 8387
not at any time exceed eight hundred million dollars. Of that 8388
eight hundred million dollars, the aggregate amount of the 8389
guaranteed portion of the unpaid principal of loans guaranteed 8390
under sections 166.06 and 166.15 of the Revised Code shall not at 8391
any time exceed two hundred million dollars. However, the 8392
limitations established under this division do not apply to loans 8393
made with proceeds from the issuance and sale of project financing 8394
obligations. 8395

Sec. 173.01. The department of aging shall: 8396

(A) Be the designated state agency to administer programs of 8397
the federal government relating to the aged, requiring action 8398
within the state, that are not the specific responsibility of 8399
another state agency under federal or state statutes. The 8400
department shall be the sole state agency to administer funds 8401
granted by the federal government under the "Older Americans Act 8402
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 8403
shall not supplant or take over for the counties or municipal 8404
corporations or from other state agencies or facilities any of the 8405
specific responsibilities borne by them on November 23, 1973. The 8406
department shall cooperate with such federal and state agencies, 8407
counties, and municipal corporations and private agencies or 8408

facilities within the state in furtherance of the purposes as set 8409
forth in this chapter. 8410

(B) Administer state funds appropriated for its use for 8411
administration and for grants and may use appropriated state funds 8412
as state match for federal grants. All federal funds received 8413
shall be reported to the director of budget and management. 8414

(C) Review all proposed plans, programs, and rules primarily 8415
affecting persons sixty years of age or older, and shall be sent a 8416
copy of all proposed and final rules, as well as proposals for 8417
plans and programs that primarily affect persons sixty years of 8418
age or older and notices of all hearings on such rules, plans, and 8419
programs. Any state agency proposing a plan, program, or rule that 8420
primarily affects persons sixty years of age or older shall submit 8421
a copy of such proposal to the department for its written 8422
comments. No such proposed plan, program, or rule shall take 8423
effect until the department's comments have been requested. The 8424
department shall review the proposal and submit a written comment 8425
on such proposal to the agency making the proposal, within thirty 8426
days from the date the department receives the proposal. If the 8427
department does not agree that the proposed plan, program, or rule 8428
shall take effect as proposed, the department shall set forth in 8429
writing its reasons and its suggestions for changes in the 8430
proposed plan, program, or rule. If the agency making the proposal 8431
does not choose to comply with the suggestions of the department, 8432
the agency making the proposal shall send the department, no later 8433
than thirty days before the proposal becomes final, written notice 8434
of its intention not to comply with such suggestions and its 8435
reason for such noncompliance. 8436

This section does not apply to plans or revisions adopted 8437
under section 5101.46 of the Revised Code. 8438

(D) Plan, initiate, coordinate, and evaluate statewide 8439
programs, services, and activities for elderly people; 8440

(E) Disseminate information concerning the problems of 8441
elderly people and establish and maintain a central clearinghouse 8442
of information on public programs at all levels of government that 8443
would be of interest or benefit to the elderly; 8444

(F) Report annually to the governor and the general assembly 8445
on the department's programs; 8446

(G) Have authority to contract with public or private groups 8447
to perform services for the department; 8448

(H) ~~Conduct investigations under section 3721.17 of the~~ 8449
~~Revised Code;~~ 8450

~~(I) Hire investigators to conduct investigations of alleged~~ 8451
~~violations of sections 3721.10 to 3721.17 of the Revised Code~~ 8452
~~pursuant to section 3721.17 of the Revised Code;~~ 8453

~~(J) Adopt rules under Chapter 119. of the Revised Code to~~ 8454
~~govern investigations conducted under section 3721.17 of the~~ 8455
~~Revised Code;~~ 8456

~~(K)~~ Adopt rules ~~pursuant to~~ in accordance with Chapter 119. 8457
of the Revised Code to govern the operation of services and 8458
facilities for the elderly that are provided, operated, contracted 8459
for, or supported by the department, and determine that those 8460
services and facilities are operated in conformity with the rules; 8461

~~(L)~~(I) Determine the needs of the elderly and represent their 8462
interests at all levels of government; 8463

~~(M)~~(J) Establish and operate a state long-term care ombudsman 8464
program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of 8465
the "Older Americans Act of 1965," ~~as amended by the~~ 8466
~~"Comprehensive Older Americans Act Amendments of 1978," 92 Stat.~~ 8467
~~1524, 42 U.S.C.A. 3027, and amendments thereto~~ 42 U.S.C. 3027 and 8468
3058. 8469

Sec. 173.14. As used in sections 173.14 to ~~173.27~~ 173.28 of 8470

the Revised Code: 8471

(A)(1) Except as otherwise provided in division (A)(2) of 8472
this section, "long-term care facility" includes any residential 8473
facility that provides personal care services for more than 8474
twenty-four hours for one or more unrelated adults, including all 8475
of the following: 8476

(a) A "nursing home," "residential care facility," or "home 8477
for the aging," as those terms are defined in section 3721.01 of 8478
the Revised Code; 8479

(b) A facility authorized to provide extended care services 8480
under Title XVIII of the "Social Security Act," 49 Stat. 620 8481
(1935), 42 U.S.C. 301, as amended, including a long-term acute 8482
care hospital that provides medical and rehabilitative care to 8483
patients who require an average length of stay greater than 8484
twenty-five days and is classified by the centers for medicare and 8485
medicaid services as a long-term care hospital pursuant to 42 8486
C.F.R. 412.23(e); 8487

(c) A county home or district home operated pursuant to 8488
Chapter 5155. of the Revised Code; 8489

(d) A residential facility licensed under section 5119.34 of 8490
the Revised Code that provides accommodations, supervision, and 8491
personal care services for three to sixteen unrelated adults or 8492
accommodations and personal care services for only one or two 8493
adults who are receiving payments under the residential state 8494
supplement program established under section 5119.41 of the 8495
Revised Code; 8496

(e) A facility approved by the veterans administration under 8497
section 104(a) of the "Veterans Health Care Amendments of 1983," 8498
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 8499
the placement and care of veterans. 8500

(2) "Long-term care facility" does not include a residential 8501

facility licensed under section 5123.19 of the Revised Code.	8502
(B) "Resident" means a resident of a long-term care facility	8503
and, where appropriate, includes a prospective, previous, or	8504
deceased resident of a long-term care facility.	8505
(C) "Community-based long-term care services" means health	8506
and social services provided to persons in their own homes or in	8507
community care settings, and includes any of the following:	8508
(1) Case management;	8509
(2) Home health care;	8510
(3) Homemaker services;	8511
(4) Chore services;	8512
(5) Respite care;	8513
(6) Adult day care;	8514
(7) Home-delivered meals;	8515
(8) Personal care;	8516
(9) Physical, occupational, and speech therapy;	8517
(10) Transportation;	8518
(11) Any other health and social services provided to persons	8519
that allow them to retain their independence in their own homes or	8520
in community care settings.	8521
(D) "Recipient" means a recipient of community-based	8522
long-term care services and, where appropriate, includes a	8523
prospective, previous, or deceased recipient of community-based	8524
long-term care services.	8525
(E) "Sponsor" means an adult relative, friend, or guardian	8526
who has an interest in or responsibility for the welfare of a	8527
resident or a recipient.	8528
(F) "Personal care services" has the same meaning as in	8529

section 3721.01 of the Revised Code. 8530

(G) "Regional long-term care ombudsman program" means an 8531
entity, either public or private and nonprofit, designated as a 8532
regional long-term care ombudsman program by the state long-term 8533
care ombudsman. 8534

(H) "Representative of the office of the state long-term care 8535
ombudsman program" means the state long-term care ombudsman or a 8536
member of the ombudsman's staff, or a person certified as a 8537
representative of the office under section 173.21 of the Revised 8538
Code. 8539

(I) "Area agency on aging" means an area agency on aging 8540
established under the "Older Americans Act of 1965," 79 Stat. 219, 8541
42 U.S.C.A. 3001, as amended. 8542

(J) "Long-term care provider" means a long-term care facility 8543
or a provider of community-based long-term care services. 8544

(K) "Advocacy visit" means a visit by a representative of the 8545
office of the state long-term care ombudsman program to a 8546
long-term care provider, a resident, or a recipient when the 8547
purpose of the visit is one or more of the following: 8548

(1) To establish a regular presence that creates awareness of 8549
the availability of the office of the long-term care ombudsman 8550
program; 8551

(2) To increase awareness of the services the office 8552
provides; 8553

(3) To address any other matter not related to the 8554
representative's investigation of a specific complaint. 8555

An advocacy visit may unexpectedly involve addressing 8556
uncomplicated complaints or lead to an investigation of a 8557
complaint when needed. 8558

Sec. 173.15. The state long-term care ombudsman program 8559
established by the department of aging pursuant to division ~~(M)~~(J) 8560
of section 173.01 of the Revised Code shall be known as "the 8561
office of the state long-term care ombudsman program." It shall 8562
consist of the state long-term care ombudsman ~~and his,~~ the 8563
ombudsman's staff, and regional long-term care ombudsman programs. 8564
In establishing and operating the office, the department shall 8565
consider the views of area agencies on aging, individuals age 8566
sixty or older, and agencies and other entities that provide 8567
services to individuals age sixty and older. 8568

The department of aging shall appoint the state ombudsman, 8569
who shall serve at the pleasure of the department. The department 8570
shall appoint as state ombudsman an individual who has no conflict 8571
of interest with the position and is capable of administering the 8572
office impartially, has an understanding of long-term care issues, 8573
and has experience related to the concerns of residents and 8574
recipients, such as experience in the fields of aging, health 8575
care, and long-term care; work with community programs and health 8576
care providers; and work with and involvement in volunteer 8577
programs. No individual or entity whose interests are in conflict 8578
with the responsibilities of the state ombudsman shall be involved 8579
in ~~his~~ the ombudsman's appointment. 8580

The department shall ensure that no employee or 8581
representative of the office and no individual involved in the 8582
designation of the head of any regional long-term care ombudsman 8583
program has any interest that is, or may be, in conflict with the 8584
interests and concerns of the office and shall ensure that 8585
mechanisms are in place to remedy any conflicts. 8586

For purposes of this section, conflicts of interest may 8587
include, but are not limited to, employment by a long-term care 8588
~~facility or a provider of community-based long-term care services~~ 8589

within two years prior to being employed by or associated with the 8590
office of the state long-term care ombudsman program, affiliation 8591
with or financial interest in a long-term care ~~facility or a~~ 8592
~~provider of community-based long-term care services,~~ and 8593
affiliation with or financial interest in a membership 8594
organization of long-term care providers. 8595

Sec. 173.17. (A) The state long-term care ombudsman shall do 8596
all of the following: 8597

(1) Appoint a staff and direct and administer the work of the 8598
staff; 8599

~~(2) Supervise the nursing home investigative unit established~~ 8600
~~under division (I) of section 173.01 of the Revised Code;~~ 8601

~~(3)~~ Oversee the performance and operation of the office of 8602
the state long-term care ombudsman program, including the 8603
operation of regional long-term care ombudsman programs; 8604

~~(4)~~(3) Establish and maintain a statewide uniform reporting 8605
system to collect and analyze information relating to complaints 8606
and conditions in long-term care facilities and complaints 8607
regarding the provision of community-based long-term care services 8608
for the purpose of identifying and resolving significant problems; 8609

~~(5)~~(4) Provide for public forums to discuss concerns and 8610
problems relating to action, inaction, or decisions that may 8611
adversely affect the health, safety, welfare, or rights of 8612
residents ~~and, recipients of services by providers of long-term~~ 8613
~~care~~ and their representatives with respect to services by 8614
long-term care providers, public agencies and entities, and social 8615
service agencies. This may include any of the following: 8616
conducting public hearings; sponsoring workshops and conferences; 8617
holding meetings for the purpose of obtaining information about 8618
residents and recipients, discussing and publicizing their needs, 8619

and advocating solutions to their problems; and promoting the 8620
development of citizen organizations. 8621

~~(6)~~(5) Encourage, cooperate with, and assist in the 8622
development and operation of services to provide current, 8623
objective, and verified information about long-term care; 8624

~~(7)~~(6) Develop and implement, with the assistance of regional 8625
programs, a continuing program to publicize, through the media and 8626
civic organizations, the office, its purposes, and its methods of 8627
operation; 8628

~~(8)~~(7) Maintain written descriptions of the duties and 8629
qualifications of representatives of the office; 8630

~~(9)~~(8) Evaluate and make known concerns and issues regarding 8631
long-term care by doing all of the following: 8632

(a) Preparing an annual report containing information and 8633
findings regarding the types of problems experienced by residents 8634
and recipients and the complaints made by or on behalf of 8635
residents and recipients. The report shall include recommendations 8636
for policy, regulatory, and legislative changes to solve problems, 8637
resolve complaints, and improve the quality of care and life for 8638
residents and recipients ~~and. The report~~ shall be submitted to the 8639
governor, the speaker of the house of representatives, the 8640
president of the senate, the ~~directors~~ director of health ~~and, the~~ 8641
medicaid director, the director of job and family services, the 8642
director of mental health and addiction services, and the 8643
~~commissioner of the administration on~~ assistant secretary for 8644
aging of the United States department of health and human 8645
services. 8646

(b) Monitoring and analyzing the development and 8647
implementation of federal, state, and local laws, rules, and 8648
policies regarding long-term care services in this state and 8649
recommending to officials changes the office considers appropriate 8650

in ~~these~~ those laws, rules, and policies; 8651

(c) Providing information and making recommendations to 8652
public agencies, members of the general assembly, and others 8653
regarding problems and concerns of residents and recipients. 8654

~~(10)~~(9) Conduct training for employees and volunteers on the 8655
ombudsman's staff and for representatives of the office employed 8656
by regional programs; 8657

~~(11)~~(10) Monitor the training of representatives of the 8658
office who provide volunteer services to regional programs, and 8659
provide technical assistance to the regional programs in 8660
conducting the training; 8661

~~(12)~~(11) Issue certificates attesting to the successful 8662
completion of training and specifying the level of responsibility 8663
for which a representative of the office who has completed 8664
training is qualified; 8665

~~(13)~~(12) Register as a residents' rights advocate with the 8666
department of health under division (B) of section 3701.07 of the 8667
Revised Code; 8668

(13) Conduct advocacy visits and authorize other 8669
representatives of the office of the state long-term care 8670
ombudsman program to conduct advocacy visits; 8671

(14) Perform other duties specified by the department of 8672
aging. 8673

(B) The state ombudsman may delegate to any member of the 8674
ombudsman's staff any of the ombudsman's authority or duties ~~under~~ 8675
set forth in sections 173.14 to 173.26 173.28 of the Revised Code 8676
~~to any member of the ombudsman's staff other than any authority or~~ 8677
duty required by federal law to be exercised or performed by the 8678
ombudsman. The state ombudsman is responsible for any authority or 8679
duties the ombudsman delegates. 8680

Sec. 173.19. (A) The office of the state long-term care 8681
ombudsman program, through the state long-term care ombudsman and 8682
the regional long-term care ombudsman programs, shall receive, 8683
investigate, and attempt to resolve complaints made by residents, 8684
recipients, sponsors, ~~providers of~~ long-term care providers, or 8685
any person acting on behalf of a resident or recipient, relating 8686
to either of the following: 8687

(1) The health, safety, welfare, or civil rights of a 8688
resident or recipient or any violation of a resident's rights 8689
described in sections 3721.10 to 3721.17 of the Revised Code; 8690

(2) Any action or inaction or decision by ~~a provider of~~ 8691
~~long-term care or representative of a provider, a governmental~~ 8692
~~entity, or a private social service agency~~ any of the following 8693
that may adversely affect the health, safety, welfare, or rights 8694
of a resident or recipient: a long-term care provider or a 8695
representative of a long-term care provider; a medicaid managed 8696
care organization, as defined in section 5167.01 of the Revised 8697
Code; a government entity; or a private social service agency. 8698

(B) The department of aging shall adopt rules in accordance 8699
with Chapter 119. of the Revised Code regarding the handling of 8700
complaints received under this section, including procedures for 8701
conducting investigations of complaints. The rules shall include 8702
procedures to ensure that no representative of the office 8703
investigates any complaint involving a ~~provider of~~ long-term care 8704
provider with which the representative was once employed or 8705
associated. 8706

The state ombudsman and regional programs shall establish 8707
procedures for handling complaints consistent with the 8708
department's rules. Complaints shall be dealt with in accordance 8709
with the procedures established under this division. 8710

(C) The office of the state long-term care ombudsman program 8711

may decline to investigate any complaint if it determines any of 8712
the following: 8713

(1) That the complaint is frivolous, vexatious, or not made 8714
in good faith; 8715

(2) That the complaint was made so long after the occurrence 8716
of the incident on which it is based that it is no longer 8717
reasonable to conduct an investigation; 8718

(3) That an adequate investigation cannot be conducted 8719
because of insufficient funds, insufficient staff, lack of staff 8720
expertise, or any other reasonable factor that would result in an 8721
inadequate investigation despite a good faith effort; 8722

(4) That an investigation by the office would create a real 8723
or apparent conflict of interest. 8724

(D) If a regional long-term care ombudsman program declines 8725
to investigate a complaint, it shall refer the complaint to the 8726
state long-term care ombudsman. 8727

(E) Each complaint to be investigated by a regional program 8728
shall be assigned to a representative of the office of the state 8729
long-term care ombudsman program. If the representative determines 8730
that the complaint is valid, the representative shall assist the 8731
parties in attempting to resolve it. If the representative is 8732
unable to resolve it, the representative shall refer the complaint 8733
to the state ombudsman. 8734

In order to carry out the duties of sections 173.14 to ~~173.26~~ 8735
173.28 of the Revised Code, a representative has the right to 8736
private communication with residents and their sponsors and access 8737
to long-term care facilities, including the right to tour resident 8738
areas unescorted and the right to tour facilities unescorted as 8739
reasonably necessary to the investigation of a complaint. Access 8740
to facilities shall be during reasonable hours or, during 8741
investigation of a complaint, at other times appropriate to the 8742

complaint. 8743

When community-based long-term care services are provided at 8744
a location other than the recipient's home, a representative has 8745
the right to private communication with the recipient and the 8746
recipient's sponsors and access to the community-based long-term 8747
care site, including the right to tour the site unescorted. Access 8748
to the site shall be during reasonable hours or, during the 8749
investigation of a complaint, at other times appropriate to the 8750
complaint. 8751

(F) The state ombudsman shall determine whether complaints 8752
referred to the ombudsman under division (D) or (E) of this 8753
section warrant investigation. The ombudsman's determination in 8754
this matter is final. 8755

(G) No long-term care provider or other entity, no person 8756
employed by a long-term care provider or other entity, and no 8757
other individual shall do either of the following: 8758

(1) Knowingly deny a representative of the office of the 8759
state long-term care ombudsman program the right to private 8760
communication or access described in division (E) of this section; 8761

(2) Engage in willful interference. 8762

As used in division (G)(2) of this section, "willful 8763
interference" means any action or inaction that is intended to 8764
prevent, interfere with, or impede a representative of the office 8765
of the state long-term care ombudsman program from exercising any 8766
of the rights or performing any of the duties of an ombudsman set 8767
forth in sections 173.14 to 173.28 of the Revised Code. 8768

Sec. 173.20. (A) If consent is given and unless otherwise 8769
prohibited by law, a representative of the office of the state 8770
long-term care ombudsman program shall have access to any records, 8771
including medical records, of a resident or a recipient that are 8772

reasonably necessary for investigation of a complaint. Consent may 8773
be given in any of the following ways: 8774

(1) In writing by the resident or recipient; 8775

(2) Orally by the resident or recipient, witnessed in writing 8776
at the time it is given by one other person, ~~and, if the records~~ 8777
~~involved are being maintained by a long-term care provider, also~~ 8778
~~by an employee of the long-term care provider designated under~~ 8779
~~division (E)(1) of this section;~~ 8780

(3) In writing by the guardian of the resident or recipient; 8781

(4) In writing by the attorney in fact of the resident or 8782
recipient, if the resident or recipient has authorized the 8783
attorney in fact to give such consent; 8784

(5) In writing by the executor or administrator of the estate 8785
of a deceased resident or recipient. 8786

(B) If consent to access to records is not refused by a 8787
resident or recipient or the resident's or recipient's legal 8788
representative but cannot be obtained and any of the following 8789
circumstances exist, a representative of the office of the state 8790
long-term care ombudsman program, on approval of the state 8791
long-term care ombudsman, may inspect the records of a resident or 8792
a recipient, including medical records, that are reasonably 8793
necessary for investigation of a complaint: 8794

(1) The resident or recipient is unable to express written or 8795
oral consent and there is no guardian or attorney in fact; 8796

(2) There is a guardian or attorney in fact, but the guardian 8797
or attorney in fact cannot be contacted within three working days; 8798

(3) There is a guardianship or durable power of attorney, but 8799
its existence is unknown by the long-term care provider and the 8800
representative of the office at the time of the investigation; 8801

(4) There is no executor or administrator of the estate of a 8802

deceased resident or recipient. 8803

(C) If a representative of the office of the state long-term 8804
care ombudsman program has been refused access to records by a 8805
guardian or attorney in fact, but has reasonable cause to believe 8806
that the guardian or attorney in fact is not acting in the best 8807
interests of the resident or recipient, the representative may, on 8808
approval of the state long-term care ombudsman, inspect the 8809
records of the resident or recipient, including medical records, 8810
that are reasonably necessary for investigation of a complaint. 8811

(D) A representative of the office of the state long-term 8812
care ombudsman program shall have access to any records of a 8813
long-term care provider reasonably necessary to an investigation 8814
conducted under this section, including but not limited to: 8815
incident reports, dietary records, policies and procedures of a 8816
facility required to be maintained under section 5165.06 of the 8817
Revised Code, admission agreements, staffing schedules, any 8818
document depicting the actual staffing pattern of the provider, 8819
any financial records that are matters of public record, resident 8820
council and grievance committee minutes, and any waiting list 8821
maintained by a facility in accordance with section 5165.08 of the 8822
Revised Code, or any similar records or lists maintained by a 8823
provider of community-based long-term care services. Pursuant to 8824
division (E){2} of this section, a representative shall be 8825
permitted to make or obtain copies of any of these records after 8826
giving the long-term care provider twenty-four hours' notice. A 8827
long-term care provider may impose a charge for providing copies 8828
of records under this division that does not exceed the actual and 8829
necessary expense of making the copies. 8830

~~The state ombudsman shall take whatever action is necessary 8831
to ensure that any copy of a record made or obtained under this 8832
division is returned to the long-term care provider no later than 8833
three years after the date the investigation for which the copy 8834~~

~~was made or obtained is completed.~~ 8835

~~(E)(1) Each long term care provider shall designate one or 8836
more of its employees to be responsible for witnessing the giving 8837
of oral consent under division (A) of this section. In the event 8838
that a designated employee is not available when a resident or 8839
recipient attempts to give oral consent, the provider shall 8840
designate another employee to witness the consent. 8841~~

~~(2) Each long-term care provider shall designate one or more 8842
of its employees to be responsible for releasing records for 8843
copying to representatives of the office of the state long-term 8844
care ombudsman program who request permission to make or obtain 8845
copies of records specified in division (D) of this section. In 8846
the event that a designated employee is not available when a 8847
representative of the office makes the request, the long-term care 8848
provider shall designate another employee to release the records 8849
for copying. 8850~~

~~(F) A long-term care provider or any employee of such a 8851
provider is immune from civil or criminal liability or action 8852
taken pursuant to a professional disciplinary procedure for the 8853
release or disclosure of records to a representative of the office 8854
pursuant to this section. 8855~~

~~(G) A state or local government agency or entity with records 8856
relevant to a complaint or investigation being conducted by a 8857
representative of the office shall provide the representative 8858
access to the records. 8859~~

~~(H) The state ombudsman, with the approval of the director of 8860
aging, may issue a subpoena to compel any person the ombudsman 8861
reasonably believes may be able to provide information to appear 8862
before the ombudsman or the ombudsman's designee and give sworn 8863
testimony and to produce documents, books, records, papers, or 8864
other evidence the state ombudsman believes is relevant to the 8865~~

investigation. On the refusal of a witness to be sworn or to 8866
answer any question put to the witness, or if a person disobeys a 8867
subpoena, the ombudsman shall apply to the Franklin county court 8868
of common pleas for a contempt order, as in the case of 8869
disobedience of the requirements of a subpoena issued from the 8870
court, or a refusal to testify in the court. 8871

(I) The state ombudsman may petition the court of common 8872
pleas in the county in which a long-term care facility is located 8873
to issue an injunction against any long-term care facility in 8874
violation of sections 3721.10 to 3721.17 of the Revised Code. 8875

(J) Any To the extent permitted by federal law, a 8876
representative of the office may report to an appropriate 8877
authority any suspected violation of Chapter 3721. of the Revised 8878
Code state law discovered during the course of an advocacy visit 8879
or investigation may be reported to the department of health. Any 8880
suspected criminal violation discovered during the course of an 8881
investigation shall be reported to the attorney general or other 8882
appropriate law enforcement authorities. 8883

(K) The department of aging shall adopt rules in accordance 8884
with Chapter 119. of the Revised Code for referral by the state 8885
ombudsman and regional long-term care ombudsman programs of 8886
complaints to other public agencies or entities. A public agency 8887
or entity to which a complaint is referred shall keep the state 8888
ombudsman or regional program handling the complaint advised and 8889
notified in writing in a timely manner of the disposition of the 8890
complaint to the extent permitted by law. 8891

Sec. 173.21. (A) The office of the state long-term care 8892
ombudsman program, through the state long-term care ombudsman and 8893
the regional long-term care ombudsman programs, shall require each 8894
representative of the office to complete a training and 8895
certification program in accordance with this section and to meet 8896

the continuing education requirements established under this 8897
section. 8898

(B) The department of aging shall adopt rules ~~under~~ in 8899
accordance with Chapter 119. of the Revised Code specifying the 8900
content of training programs for representatives of the office of 8901
the state long-term care ombudsman program. Training for 8902
representatives other than those who are volunteers providing 8903
services through regional long-term care ombudsman programs shall 8904
include instruction regarding federal, state, and local laws, 8905
rules, and policies on long-term care facilities and 8906
community-based long-term care services; investigative techniques; 8907
and other topics considered relevant by the department and shall 8908
consist of the following: 8909

(1) A minimum of forty clock hours of basic instruction, 8910
which shall be completed before the trainee is permitted to handle 8911
complaints without the supervision of a representative of the 8912
office certified under this section; 8913

(2) An additional sixty clock hours of instruction, which 8914
shall be completed within the first fifteen months of employment; 8915

(3) An internship of twenty clock hours, which shall be 8916
completed within the first twenty-four months of employment, 8917
including instruction in, and observation of, basic nursing care 8918
and long-term care provider operations and procedures. The 8919
internship shall be performed at a site that has been approved as 8920
an internship site by the state long-term care ombudsman. 8921

(4) One of the following, which shall be completed within the 8922
first twenty-four months of employment: 8923

(a) Observation of a survey conducted by the director of 8924
health to certify a nursing facility to participate in the 8925
medicaid program; 8926

(b) Observation of an inspection conducted by the director of 8927

mental health and addiction services to license a residential 8928
facility under section 5119.34 of the Revised Code that provides 8929
accommodations, supervision, and personal care services for three 8930
to sixteen unrelated adults. 8931

(5) Any other training considered appropriate by the 8932
department. 8933

(C) Any person who for a period of at least six months prior 8934
to June 11, 1990, served as an ombudsman through the long-term 8935
care ombudsman program established by the department of aging 8936
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 8937
be required to complete a training program. Such a person and 8938
persons who complete a training program shall take an examination 8939
administered by the department of aging. On attainment of a 8940
passing score, the person shall be certified by the department as 8941
a representative of the office. The department shall issue the 8942
person an identification card, which the representative shall show 8943
at the request of any person with whom the representative deals 8944
while performing the representative's duties and which shall be 8945
surrendered at the time the representative separates from the 8946
office. 8947

(D) The state ombudsman and each regional program shall 8948
conduct training programs for volunteers on their respective 8949
staffs in accordance with the rules of the department of aging 8950
adopted under division (B) of this section. Training programs may 8951
be conducted that train volunteers to complete some, but not all, 8952
of the duties of a representative of the office. Each regional 8953
office shall bear the cost of training its representatives who are 8954
volunteers. On completion of a training program, the 8955
representative shall take an examination administered by the 8956
department of aging. On attainment of a passing score, a volunteer 8957
shall be certified by the department as a representative 8958
authorized to perform services specified in the certification. The 8959

department shall issue an identification card, which the 8960
representative shall show at the request of any person with whom 8961
the representative deals while performing the representative's 8962
duties and which shall be surrendered at the time the 8963
representative separates from the office. Except as a supervised 8964
part of a training program, no volunteer shall perform any duty 8965
unless ~~he~~ the volunteer is certified as a representative having 8966
received appropriate training for that duty. 8967

(E) The state ombudsman shall provide technical assistance to 8968
regional programs conducting training programs for volunteers and 8969
shall monitor the training programs. 8970

(F) Prior to scheduling an observation of a certification 8971
survey or licensing inspection for purposes of division (B)(4) of 8972
this section, the state ombudsman shall obtain permission to have 8973
the survey or inspection observed from both ~~the director of health~~ 8974
~~and~~ the long-term care facility at which the survey or inspection 8975
is to take place and, as the case may be, the director of health 8976
or director of mental health and addiction services. 8977

(G) The department of aging shall establish continuing 8978
education requirements for representatives of the office. 8979

Sec. 173.22. (A) The collection, compilation, analysis, and 8980
dissemination of information by the office of the state long-term 8981
care ombudsman program shall be performed in a manner that 8982
protects complainants, individuals providing information about a 8983
complaint, public entities, and confidential records of residents 8984
or recipients. The identity of a resident or recipient, a 8985
complainant who is not a resident or recipient, or an individual 8986
providing information about a complaint shall not be disclosed 8987
without the written consent of the resident or recipient, 8988
complainant, or individual, or ~~his~~ a legal representative of any 8989
of the foregoing, or except as required by court order. 8990

The investigative files, ~~including any proprietary records of~~ 8991
~~a long-term care provider contained in the files,~~ of the office 8992
and any records contained in those files, including any 8993
proprietary records of a long-term care provider or records 8994
relating to advocacy visits, are not public records subject to 8995
inspection or copying under section 149.43 of the Revised Code and 8996
are exempt from the provisions of Chapter 1347. of the Revised 8997
Code. Information contained in investigative and other files 8998
maintained by the state long-term care ombudsman and regional 8999
long-term care ombudsman programs shall be disclosed only at the 9000
discretion of the state ombudsman ~~or the regional program~~ 9001
~~maintaining the records~~ or if disclosure is required by court 9002
order. 9003

(B) No report prepared by the state ombudsman or a regional 9004
program shall include any information that violates the 9005
confidentiality requirements of this section. Proprietary records 9006
of a specific long-term care provider are subject to the 9007
confidentiality requirements of this section. 9008

Sec. 173.24. (A) As used in this section, ~~"employee;~~ 9009

(1) "Employee" and "employer" have the same meanings as in 9010
section 4113.51 of the Revised Code. 9011

(2) "Retaliatory action" includes physical, mental, or verbal 9012
abuse; change of room assignment; withholding of services; failure 9013
to provide care in a timely manner; discharge; and termination of 9014
employment. 9015

(B) An employee providing information to or participating in 9016
good faith in registering a complaint with the office of the state 9017
long-term care ombudsman program or participating in the 9018
investigation of a complaint or in administrative or judicial 9019
proceedings resulting from a complaint registered with the office 9020
shall have the full protection against disciplinary or retaliatory 9021

action provided by division (G) of section 3721.17 and by sections 9022
4113.51 to 4113.53 of the Revised Code. 9023

(C) No long-term care provider or other entity, no person 9024
employed by a long-term care provider, or other entity, ~~or~~ 9025
~~employee of such other entity~~ and no other individual shall 9026
knowingly subject any resident ~~or~~, recipient, employee, 9027
representative of the office of the state long-term care ombudsman 9028
program, or another individual to any form of retaliation, 9029
reprisal, discipline, or discrimination for ~~providing~~ doing any of 9030
the following: 9031

(1) Providing information to the office ~~or for participating~~; 9032

(2) Participating in registering a complaint with the 9033
office; 9034

(3) Cooperating with or participating in the investigation of 9035
a complaint, by the office or in administrative or judicial 9036
proceedings resulting from a complaint registered with the office. 9037
~~Retaliatory actions include, but are not limited to, physical,~~ 9038
~~mental, or verbal abuse; change of room assignment; the~~ 9039
~~withholding of services; and failure to provide care in a timely~~ 9040
~~manner.~~ 9041

Sec. 173.27. (A) As used in this section: 9042

(1) "Applicant" means a person who is under final 9043
consideration for employment by a responsible party in a 9044
full-time, part-time, or temporary position that involves 9045
providing ombudsman services to residents and recipients. 9046
"Applicant" includes a person who is under final consideration for 9047
employment as the state long-term care ombudsman or the head of a 9048
regional long-term care ombudsman program. "Applicant" does not 9049
include a person seeking to provide ombudsman services to 9050
residents and recipients as a volunteer without receiving or 9051

expecting to receive any form of remuneration other than 9052
reimbursement for actual expenses. 9053

(2) "Criminal records check" has the same meaning as in 9054
section 109.572 of the Revised Code. 9055

(3) "Disqualifying offense" means any of the offenses listed 9056
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9057
the Revised Code. 9058

(4) "Employee" means a person employed by a responsible party 9059
in a full-time, part-time, or temporary position that involves 9060
providing ombudsman services to residents and recipients. 9061
"Employee" includes the person employed as the state long-term 9062
care ombudsman and a person employed as the head of a regional 9063
long-term care ombudsman program. "Employee" does not include a 9064
person who provides ombudsman services to residents and recipients 9065
as a volunteer without receiving or expecting to receive any form 9066
of remuneration other than reimbursement for actual expenses. 9067

(5) "Responsible party" means the following: 9068

(a) In the case of an applicant who is under final 9069
consideration for employment as the state long-term care ombudsman 9070
or the person employed as the state long-term care ombudsman, the 9071
director of aging; 9072

(b) In the case of any other applicant who is under final 9073
consideration for employment with the state long-term care 9074
ombudsman program or any other employee of the state long-term 9075
care ombudsman program, the state long-term care ombudsman; 9076

(c) In the case of an applicant who is under final 9077
consideration for employment with a regional long-term care 9078
ombudsman program (including as the head of the regional program) 9079
or an employee of a regional long-term care ombudsman program 9080
(including the head of a regional program), the regional long-term 9081
care ombudsman program. 9082

(B) A responsible party may not employ an applicant or 9083
continue to employ an employee in a position that involves 9084
providing ombudsman services to residents and recipients if any of 9085
the following apply: 9086

(1) A review of the databases listed in division (D) of this 9087
section reveals any of the following: 9088

(a) That the applicant or employee is included in one or more 9089
of the databases listed in divisions (D)(1) to (5) of this 9090
section; 9091

(b) That there is in the state nurse aide registry 9092
established under section 3721.32 of the Revised Code a statement 9093
detailing findings by the director of health that the applicant or 9094
employee abused, neglected, or ~~abused~~ exploited a long-term care 9095
facility or residential care facility resident or misappropriated 9096
property of such a resident; 9097

(c) That the applicant or employee is included in one or more 9098
of the databases, if any, specified in rules adopted under this 9099
section and the rules prohibit the responsible party from 9100
employing an applicant or continuing to employ an employee 9101
included in such a database in a position that involves providing 9102
ombudsman services to residents and recipients. 9103

(2) After the applicant or employee is provided, pursuant to 9104
division (E)(2)(a) of this section, a copy of the form prescribed 9105
pursuant to division (C)(1) of section 109.572 of the Revised Code 9106
and the standard impression sheet prescribed pursuant to division 9107
(C)(2) of that section, the applicant or employee fails to 9108
complete the form or provide the applicant's or employee's 9109
fingerprint impressions on the standard impression sheet. 9110

(3) Unless the applicant or employee meets standards 9111
specified in rules adopted under this section, the applicant or 9112
employee is found by a criminal records check required by this 9113

section to have been convicted of, pleaded guilty to, or been 9114
found eligible for intervention in lieu of conviction for a 9115
disqualifying offense. 9116

(C) A responsible party or a responsible party's designee 9117
shall inform each applicant of both of the following at the time 9118
of the applicant's initial application for employment in a 9119
position that involves providing ombudsman services to residents 9120
and recipients: 9121

(1) That a review of the databases listed in division (D) of 9122
this section will be conducted to determine whether the 9123
responsible party is prohibited by division (B)(1) of this section 9124
from employing the applicant in the position; 9125

(2) That, unless the database review reveals that the 9126
applicant may not be employed in the position, a criminal records 9127
check of the applicant will be conducted and the applicant is 9128
required to provide a set of the applicant's fingerprint 9129
impressions as part of the criminal records check. 9130

(D) As a condition of any applicant's being employed by a 9131
responsible party in a position that involves providing ombudsman 9132
services to residents and recipients, the responsible party or 9133
designee shall conduct a database review of the applicant in 9134
accordance with rules adopted under this section. If rules adopted 9135
under this section so require, the responsible party or designee 9136
shall conduct a database review of an employee in accordance with 9137
the rules as a condition of the responsible party continuing to 9138
employ the employee in a position that involves providing 9139
ombudsman services to residents and recipients. A database review 9140
shall determine whether the applicant or employee is included in 9141
any of the following: 9142

(1) The excluded parties list system that is maintained by 9143
the United States general services administration pursuant to 9144

subpart 9.4 of the federal acquisition regulation and available at 9145
the federal web site known as the system for award management; 9146

(2) The list of excluded individuals and entities maintained 9147
by the office of inspector general in the United States department 9148
of health and human services pursuant to section 1128 of the 9149
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 9150
amended, and section 1156 of the "Social Security Act," 96 Stat. 9151
388 (1982), 42 U.S.C. 1320c-5, as amended; 9152

(3) The registry of developmental disabilities employees 9153
established under section 5123.52 of the Revised Code; 9154

(4) The internet-based sex offender and child-victim offender 9155
database established under division (A)(11) of section 2950.13 of 9156
the Revised Code; 9157

(5) The internet-based database of inmates established under 9158
section 5120.66 of the Revised Code; 9159

(6) The state nurse aide registry established under section 9160
3721.32 of the Revised Code; 9161

(7) Any other database, if any, specified in rules adopted 9162
under this section. 9163

(E)(1) As a condition of any applicant's being employed by a 9164
responsible party in a position that involves providing ombudsman 9165
services to residents and recipients, the responsible party or 9166
designee shall request that the superintendent of the bureau of 9167
criminal identification and investigation conduct a criminal 9168
records check of the applicant. If rules adopted under this 9169
section so require, the responsible party or designee shall 9170
request that the superintendent conduct a criminal records check 9171
of an employee at times specified in the rules as a condition of 9172
the responsible party continuing to employ the employee in a 9173
position that involves providing ombudsman services to residents 9174
and recipients. However, the responsible party or designee is not 9175

required to request the criminal records check of the applicant or 9176
employee if the responsible party is prohibited by division (B)(1) 9177
of this section from employing the applicant or continuing to 9178
employ the employee in a position that involves providing 9179
ombudsman services to residents and recipients. If an applicant or 9180
employee for whom a criminal records check request is required by 9181
this section does not present proof of having been a resident of 9182
this state for the five-year period immediately prior to the date 9183
the criminal records check is requested or provide evidence that 9184
within that five-year period the superintendent has requested 9185
information about the applicant or employee from the federal 9186
bureau of investigation in a criminal records check, the 9187
responsible party or designee shall request that the 9188
superintendent obtain information from the federal bureau of 9189
investigation as part of the criminal records check. Even if an 9190
applicant or employee for whom a criminal records check request is 9191
required by this section presents proof of having been a resident 9192
of this state for the five-year period, the responsible party or 9193
designee may request that the superintendent include information 9194
from the federal bureau of investigation in the criminal records 9195
check. 9196

(2) A responsible party or designee shall do all of the 9197
following: 9198

(a) Provide to each applicant and employee for whom a 9199
criminal records check request is required by this section a copy 9200
of the form prescribed pursuant to division (C)(1) of section 9201
109.572 of the Revised Code and a standard impression sheet 9202
prescribed pursuant to division (C)(2) of that section; 9203

(b) Obtain the completed form and standard impression sheet 9204
from the applicant or employee; 9205

(c) Forward the completed form and standard impression sheet 9206
to the superintendent. 9207

(3) A responsible party shall pay to the bureau of criminal 9208
identification and investigation the fee prescribed pursuant to 9209
division (C)(3) of section 109.572 of the Revised Code for each 9210
criminal records check the responsible party or the responsible 9211
party's designee requests under this section. The responsible 9212
party may charge an applicant a fee not exceeding the amount the 9213
responsible party pays to the bureau under this section if the 9214
responsible party or designee notifies the applicant at the time 9215
of initial application for employment of the amount of the fee. 9216

(F)(1) A responsible party may employ conditionally an 9217
applicant for whom a criminal records check is required by this 9218
section prior to obtaining the results of the criminal records 9219
check if both of the following apply: 9220

(a) The responsible party is not prohibited by division 9221
(B)(1) of this section from employing the applicant in a position 9222
that involves providing ombudsman services to residents and 9223
recipients; 9224

(b) The responsible party or designee requests the criminal 9225
records check in accordance with division (E) of this section not 9226
later than five business days after the applicant begins 9227
conditional employment. 9228

(2) A responsible party shall terminate the employment of an 9229
applicant employed conditionally under division (F)(1) of this 9230
section if the results of the criminal records check, other than 9231
the results of any request for information from the federal bureau 9232
of investigation, are not obtained within the period ending sixty 9233
days after the date the request for the criminal records check is 9234
made. Regardless of when the results of the criminal records check 9235
are obtained, if the results indicate that the applicant has been 9236
convicted of, pleaded guilty to, or been found eligible for 9237
intervention in lieu of conviction for a disqualifying offense, 9238
the responsible party shall terminate the applicant's employment 9239

unless the applicant meets standards specified in rules adopted 9240
under this section that permit the responsible party to employ the 9241
applicant and the responsible party chooses to employ the 9242
applicant. Termination of employment under this division shall be 9243
considered just cause for discharge for purposes of division 9244
(D)(2) of section 4141.29 of the Revised Code if the applicant 9245
makes any attempt to deceive the responsible party or designee 9246
about the applicant's criminal record. 9247

(G) The report of any criminal records check conducted 9248
pursuant to a request made under this section is not a public 9249
record for the purposes of section 149.43 of the Revised Code and 9250
shall not be made available to any person other than the 9251
following: 9252

(1) The applicant or employee who is the subject of the 9253
criminal records check or the applicant's or employee's 9254
representative; 9255

(2) The responsible party or designee; 9256

(3) In the case of a criminal records check conducted for an 9257
applicant who is under final consideration for employment with a 9258
regional long-term care ombudsman program (including as the head 9259
of the regional program) or an employee of a regional long-term 9260
care ombudsman program (including the head of a regional program), 9261
the state long-term care ombudsman or a representative of the 9262
office of the state long-term care ombudsman program who is 9263
responsible for monitoring the regional program's compliance with 9264
this section; 9265

(4) A court, hearing officer, or other necessary individual 9266
involved in a case dealing with any of the following: 9267

(a) A denial of employment of the applicant or employee; 9268

(b) Employment or unemployment benefits of the applicant or 9269
employee; 9270

(c) A civil or criminal action regarding the medicaid program 9271
or a program the department of aging administers. 9272

(H) In a tort or other civil action for damages that is 9273
brought as the result of an injury, death, or loss to person or 9274
property caused by an applicant or employee who a responsible 9275
party employs in a position that involves providing ombudsman 9276
services to residents and recipients, all of the following shall 9277
apply: 9278

(1) If the responsible party employed the applicant or 9279
employee in good faith and reasonable reliance on the report of a 9280
criminal records check requested under this section, the 9281
responsible party shall not be found negligent solely because of 9282
its reliance on the report, even if the information in the report 9283
is determined later to have been incomplete or inaccurate. 9284

(2) If the responsible party employed the applicant in good 9285
faith on a conditional basis pursuant to division (F) of this 9286
section, the responsible party shall not be found negligent solely 9287
because it employed the applicant prior to receiving the report of 9288
a criminal records check requested under this section. 9289

(3) If the responsible party in good faith employed the 9290
applicant or employee because the applicant or employee meets 9291
standards specified in rules adopted under this section, the 9292
responsible party shall not be found negligent solely because the 9293
applicant or employee has been convicted of, pleaded guilty to, or 9294
been found eligible for intervention in lieu of conviction for a 9295
disqualifying offense. 9296

(I) The state long-term care ombudsman may not act as the 9297
director of aging's designee for the purpose of this section. The 9298
head of a regional long-term care ombudsman program may not act as 9299
the regional program's designee for the purpose of this section if 9300
the head is the employee for whom a database review or criminal 9301

records check is being conducted. 9302

(J) The director of aging shall adopt rules in accordance 9303
with Chapter 119. of the Revised Code to implement this section. 9304

(1) The rules may do the following: 9305

(a) Require employees to undergo database reviews and 9306
criminal records checks under this section; 9307

(b) If the rules require employees to undergo database 9308
reviews and criminal records checks under this section, exempt one 9309
or more classes of employees from the requirements; 9310

(c) For the purpose of division (D)(7) of this section, 9311
specify other databases that are to be checked as part of a 9312
database review conducted under this section. 9313

(2) The rules shall specify all of the following: 9314

(a) The procedures for conducting database reviews under this 9315
section; 9316

(b) If the rules require employees to undergo database 9317
reviews and criminal records checks under this section, the times 9318
at which the database reviews and criminal records checks are to 9319
be conducted; 9320

(c) If the rules specify other databases to be checked as 9321
part of the database reviews, the circumstances under which a 9322
responsible party is prohibited from employing an applicant or 9323
continuing to employ an employee who is found by a database review 9324
to be included in one or more of those databases; 9325

(d) Standards that an applicant or employee must meet for a 9326
responsible party to be permitted to employ the applicant or 9327
continue to employ the employee in a position that involves 9328
providing ombudsman services to residents and recipients if the 9329
applicant or employee is found by a criminal records check 9330
required by this section to have been convicted of, pleaded guilty 9331

to, or been found eligible for intervention in lieu of conviction 9332
for a disqualifying offense. 9333

Sec. 173.28. (A)~~(1)~~ As used in this ~~division~~ section, 9334
"incident" means the occurrence of a violation with respect to a 9335
resident or recipient, ~~as those terms are defined in section~~ 9336
~~173.14 of the Revised Code.~~ A violation is a separate incident for 9337
each day it occurs and for each resident who is subject to it. 9338

(B)~~(1)~~ In lieu of the fine that may be imposed under division 9339
(A) of section 173.99 of the Revised Code for a criminal offense, 9340
the director of aging may, under Chapter 119. of the Revised Code, 9341
fine a long-term care provider or other entity, ~~or~~ a person 9342
employed by a long-term care provider or other entity, or an 9343
individual for a violation of division (C) of section 173.24 of 9344
the Revised Code. The fine shall not exceed one thousand dollars 9345
per incident. 9346

(2) In lieu of the fine that may be imposed under division 9347
(C) of section 173.99 of the Revised Code for a criminal offense, 9348
the director may, under Chapter 119. of the Revised Code, fine a 9349
long-term care provider or other entity, ~~or~~ a person employed by a 9350
long-term care provider or other entity, or an individual for 9351
~~violating a violation of~~ division ~~(E)~~(G)~~(1) or (2)~~ of section 9352
173.19 of the Revised Code ~~by denying a representative of the~~ 9353
~~office of the state long-term care ombudsman program the access~~ 9354
~~required by that division.~~ The fine shall not exceed five hundred 9355
dollars for each day the violation continued. 9356

~~(B)~~(C) On request of the director, the attorney general shall 9357
bring and prosecute to judgment a civil action to collect any fine 9358
imposed under division ~~(A)~~(B)~~(1) or (2)~~ of this section that 9359
remains unpaid thirty days after the violator's final appeal is 9360
exhausted. 9361

~~(C)~~(D) All fines collected under this section shall be 9362

deposited into the state treasury to the credit of the state 9363
long-term care ombudsman program fund created under section 173.26 9364
of the Revised Code. 9365

Sec. 173.38. (A) As used in this section: 9366

(1) "Applicant" means a person who is under final 9367
consideration for employment with a responsible party in a 9368
full-time, part-time, or temporary direct-care position or is 9369
referred to a responsible party by an employment service for such 9370
a position. "Applicant" does not include a person being considered 9371
for a direct-care position as a volunteer. 9372

(2) "Area agency on aging" has the same meaning as in section 9373
173.14 of the Revised Code. 9374

(3) "Chief administrator of a responsible party" includes a 9375
consumer when the consumer is a responsible party. 9376

(4) "Community-based long-term care services" means 9377
community-based long-term care services, as defined in section 9378
173.14 of the Revised Code, that are provided under a program the 9379
department of aging administers. 9380

(5) "Consumer" means an individual who receives 9381
community-based long-term care services. 9382

(6) "Criminal records check" has the same meaning as in 9383
section 109.572 of the Revised Code. 9384

(7)(a) "Direct-care position" means an employment position in 9385
which an employee has either or both of the following: 9386

(i) In-person contact with one or more consumers; 9387

(ii) Access to one or more consumers' personal property or 9388
records. 9389

(b) "Direct-care position" does not include a person whose 9390
sole duties are transporting individuals under Chapter 306. of the 9391

Revised Code.	9392
(8) "Disqualifying offense" means any of the offenses listed	9393
or described in divisions (A)(3)(a) to (e) of section 109.572 of	9394
the Revised Code.	9395
(9) "Employee" means a person employed by a responsible party	9396
in a full-time, part-time, or temporary direct-care position and a	9397
person who works in such a position due to being referred to a	9398
responsible party by an employment service. "Employee" does not	9399
include a person who works in a direct-care position as a	9400
volunteer.	9401
(10) "PASSPORT administrative agency" has the same meaning as	9402
in section 173.42 of the Revised Code.	9403
(11) "Provider" has the same meaning as in section 173.39 of	9404
the Revised Code.	9405
(12) "Responsible party" means the following:	9406
(a) An area agency on aging in the case of either of the	9407
following:	9408
(i) A person who is an applicant because the person is under	9409
final consideration for employment with the agency in a full-time,	9410
part-time, or temporary direct-care position or is referred to the	9411
agency by an employment service for such a position;	9412
(ii) A person who is an employee because the person is	9413
employed by the agency in a full-time, part-time, or temporary	9414
direct-care position or works in such a position due to being	9415
referred to the agency by an employment service.	9416
(b) A PASSPORT administrative agency in the case of either of	9417
the following:	9418
(i) A person who is an applicant because the person is under	9419
final consideration for employment with the agency in a full-time,	9420
part-time, or temporary direct-care position or is referred to the	9421

agency by an employment service for such a position; 9422

(ii) A person who is an employee because the person is 9423
employed by the agency in a full-time, part-time, or temporary 9424
direct-care position or works in such a position due to being 9425
referred to the agency by an employment service. 9426

(c) A provider in the case of either of the following: 9427

(i) A person who is an applicant because the person is under 9428
final consideration for employment with the provider in a 9429
full-time, part-time, or temporary direct-care position or is 9430
referred to the provider by an employment service for such a 9431
position; 9432

(ii) A person who is an employee because the person is 9433
employed by the provider in a full-time, part-time, or temporary 9434
direct-care position or works in such a position due to being 9435
referred to the provider by an employment service. 9436

(d) A subcontractor in the case of either of the following: 9437

(i) A person who is an applicant because the person is under 9438
final consideration for employment with the subcontractor in a 9439
full-time, part-time, or temporary direct-care position or is 9440
referred to the subcontractor by an employment service for such a 9441
position; 9442

(ii) A person who is an employee because the person is 9443
employed by the subcontractor in a full-time, part-time, or 9444
temporary direct-care position or works in such a position due to 9445
being referred to the subcontractor by an employment service. 9446

(e) A consumer in the case of either of the following: 9447

(i) A person who is an applicant because the person is under 9448
final consideration for employment with the consumer in a 9449
full-time, part-time, or temporary direct-care position for which 9450
the consumer, as the employer of record, is to direct the person 9451

in the provision of community-based long-term care services the 9452
person is to provide the consumer or is referred to the consumer 9453
by an employment service for such a position; 9454

(ii) A person who is an employee because the person is 9455
employed by the consumer in a full-time, part-time, or temporary 9456
direct-care position for which the consumer, as the employer of 9457
record, directs the person in the provision of community-based 9458
long-term care services the person provides to the consumer or who 9459
works in such a position due to being referred to the consumer by 9460
an employment service. 9461

(13) "Subcontractor" has the meaning specified in rules 9462
adopted under this section. 9463

(14) "Volunteer" means a person who serves in a direct-care 9464
position without receiving or expecting to receive any form of 9465
remuneration other than reimbursement for actual expenses. 9466

(15) "Waiver agency" has the same meaning as in section 9467
5164.342 of the Revised Code. 9468

(B) This section does not apply to any individual who is 9469
subject to a database review or criminal records check under 9470
section 173.381 or 3701.881 of the Revised Code or to any 9471
individual who is subject to a criminal records check under 9472
section 3721.121 of the Revised Code. If a provider or 9473
subcontractor also is a waiver agency, the provider or 9474
subcontractor may provide for applicants and employees to undergo 9475
database reviews and criminal records checks in accordance with 9476
section 5164.342 of the Revised Code rather than this section. 9477

(C) No responsible party shall employ an applicant or 9478
continue to employ an employee in a direct-care position if any of 9479
the following apply: 9480

(1) A review of the databases listed in division (E) of this 9481
section reveals any of the following: 9482

(a) That the applicant or employee is included in one or more 9483
of the databases listed in divisions (E)(1) to (5) of this 9484
section; 9485

(b) That there is in the state nurse aide registry 9486
established under section 3721.32 of the Revised Code a statement 9487
detailing findings by the director of health that the applicant or 9488
employee abused, neglected, or ~~abused~~ exploited a long-term care 9489
facility or residential care facility resident or misappropriated 9490
property of such a resident; 9491

(c) That the applicant or employee is included in one or more 9492
of the databases, if any, specified in rules adopted under this 9493
section and the rules prohibit the responsible party from 9494
employing an applicant or continuing to employ an employee 9495
included in such a database in a direct-care position. 9496

(2) After the applicant or employee is provided, pursuant to 9497
division (F)(2)(a) of this section, a copy of the form prescribed 9498
pursuant to division (C)(1) of section 109.572 of the Revised Code 9499
and the standard impression sheet prescribed pursuant to division 9500
(C)(2) of that section, the applicant or employee fails to 9501
complete the form or provide the applicant's or employee's 9502
fingerprint impressions on the standard impression sheet. 9503

(3) Unless the applicant or employee meets standards 9504
specified in rules adopted under this section, the applicant or 9505
employee is found by a criminal records check required by this 9506
section to have been convicted of, pleaded guilty to, or been 9507
found eligible for intervention in lieu of conviction for a 9508
disqualifying offense. 9509

(D) Except as provided by division (G) of this section, the 9510
chief administrator of a responsible party shall inform each 9511
applicant of both of the following at the time of the applicant's 9512
initial application for employment or referral to the responsible 9513

party by an employment service for a direct-care position: 9514

(1) That a review of the databases listed in division (E) of 9515
this section will be conducted to determine whether the 9516
responsible party is prohibited by division (C)(1) of this section 9517
from employing the applicant in the direct-care position; 9518

(2) That, unless the database review reveals that the 9519
applicant may not be employed in the direct-care position, a 9520
criminal records check of the applicant will be conducted and the 9521
applicant is required to provide a set of the applicant's 9522
fingerprint impressions as part of the criminal records check. 9523

(E) As a condition of employing any applicant in a 9524
direct-care position, the chief administrator of a responsible 9525
party shall conduct a database review of the applicant in 9526
accordance with rules adopted under this section. If rules adopted 9527
under this section so require, the chief administrator of a 9528
responsible party shall conduct a database review of an employee 9529
in accordance with the rules as a condition of continuing to 9530
employ the employee in a direct-care position. However, a chief 9531
administrator is not required to conduct a database review of an 9532
applicant or employee if division (G) of this section applies. A 9533
database review shall determine whether the applicant or employee 9534
is included in any of the following: 9535

(1) The excluded parties list system that is maintained by 9536
the United States general services administration pursuant to 9537
subpart 9.4 of the federal acquisition regulation and available at 9538
the federal web site known as the system for award management; 9539

(2) The list of excluded individuals and entities maintained 9540
by the office of inspector general in the United States department 9541
of health and human services pursuant to the "Social Security 9542
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 9543

(3) The registry of developmental disabilities employees 9544

established under section 5123.52 of the Revised Code; 9545

(4) The internet-based sex offender and child-victim offender 9546
database established under division (A)(11) of section 2950.13 of 9547
the Revised Code; 9548

(5) The internet-based database of inmates established under 9549
section 5120.66 of the Revised Code; 9550

(6) The state nurse aide registry established under section 9551
3721.32 of the Revised Code; 9552

(7) Any other database, if any, specified in rules adopted 9553
under this section. 9554

(F)(1) As a condition of employing any applicant in a 9555
direct-care position, the chief administrator of a responsible 9556
party shall request that the superintendent of the bureau of 9557
criminal identification and investigation conduct a criminal 9558
records check of the applicant. If rules adopted under this 9559
section so require, the chief administrator of a responsible party 9560
shall request that the superintendent conduct a criminal records 9561
check of an employee at times specified in the rules as a 9562
condition of continuing to employ the employee in a direct-care 9563
position. However, the chief administrator is not required to 9564
request the criminal records check of the applicant or employee if 9565
division (G) of this section applies or the responsible party is 9566
prohibited by division (C)(1) of this section from employing the 9567
applicant or continuing to employ the employee in a direct-care 9568
position. If an applicant or employee for whom a criminal records 9569
check request is required by this section does not present proof 9570
of having been a resident of this state for the five-year period 9571
immediately prior to the date the criminal records check is 9572
requested or provide evidence that within that five-year period 9573
the superintendent has requested information about the applicant 9574
or employee from the federal bureau of investigation in a criminal 9575

records check, the chief administrator shall request that the 9576
superintendent obtain information from the federal bureau of 9577
investigation as part of the criminal records check. Even if an 9578
applicant or employee for whom a criminal records check request is 9579
required by this section presents proof of having been a resident 9580
of this state for the five-year period, the chief administrator 9581
may request that the superintendent include information from the 9582
federal bureau of investigation in the criminal records check. 9583

(2) The chief administrator shall do all of the following: 9584

(a) Provide to each applicant and employee for whom a 9585
criminal records check request is required by this section a copy 9586
of the form prescribed pursuant to division (C)(1) of section 9587
109.572 of the Revised Code and a standard impression sheet 9588
prescribed pursuant to division (C)(2) of that section; 9589

(b) Obtain the completed form and standard impression sheet 9590
from the applicant or employee; 9591

(c) Forward the completed form and standard impression sheet 9592
to the superintendent. 9593

(3) A responsible party shall pay to the bureau of criminal 9594
identification and investigation the fee prescribed pursuant to 9595
division (C)(3) of section 109.572 of the Revised Code for each 9596
criminal records check the responsible party requests under this 9597
section. A responsible party may charge an applicant a fee not 9598
exceeding the amount the responsible party pays to the bureau 9599
under this section if both of the following apply: 9600

(a) The responsible party notifies the applicant at the time 9601
of initial application for employment of the amount of the fee and 9602
that, unless the fee is paid, the applicant will not be considered 9603
for employment. 9604

(b) The medicaid program does not pay the responsible party 9605
for the fee it pays to the bureau under this section. 9606

(G) Divisions (D) to (F) of this section do not apply with 9607
regard to an applicant or employee if the applicant or employee is 9608
referred to a responsible party by an employment service that 9609
supplies full-time, part-time, or temporary staff for direct-care 9610
positions and both of the following apply: 9611

(1) The chief administrator of the responsible party receives 9612
from the employment service confirmation that a review of the 9613
databases listed in division (E) of this section was conducted of 9614
the applicant or employee. 9615

(2) The chief administrator of the responsible party receives 9616
from the employment service, applicant, or employee a report of 9617
the results of a criminal records check of the applicant or 9618
employee that has been conducted by the superintendent within the 9619
one-year period immediately preceding the following: 9620

(a) In the case of an applicant, the date of the applicant's 9621
referral by the employment service to the responsible party; 9622

(b) In the case of an employee, the date by which the 9623
responsible party would otherwise have to request a criminal 9624
records check of the employee under division (F) of this section. 9625

(H)(1) A responsible party may employ conditionally an 9626
applicant for whom a criminal records check request is required by 9627
this section prior to obtaining the results of the criminal 9628
records check if the responsible party is not prohibited by 9629
division (C)(1) of this section from employing the applicant in a 9630
direct-care position and either of the following applies: 9631

(a) The chief administrator of the responsible party requests 9632
the criminal records check in accordance with division (F) of this 9633
section not later than five business days after the applicant 9634
begins conditional employment. 9635

(b) The applicant is referred to the responsible party by an 9636
employment service, the employment service or the applicant 9637

provides the chief administrator of the responsible party a letter 9638
that is on the letterhead of the employment service, the letter is 9639
dated and signed by a supervisor or another designated official of 9640
the employment service, and the letter states all of the 9641
following: 9642

(i) That the employment service has requested the 9643
superintendent to conduct a criminal records check regarding the 9644
applicant; 9645

(ii) That the requested criminal records check is to include 9646
a determination of whether the applicant has been convicted of, 9647
pleaded guilty to, or been found eligible for intervention in lieu 9648
of conviction for a disqualifying offense; 9649

(iii) That the employment service has not received the 9650
results of the criminal records check as of the date set forth on 9651
the letter; 9652

(iv) That the employment service promptly will send a copy of 9653
the results of the criminal records check to the chief 9654
administrator of the responsible party when the employment service 9655
receives the results. 9656

(2) If a responsible party employs an applicant conditionally 9657
pursuant to division (H)(1)(b) of this section, the employment 9658
service, on its receipt of the results of the criminal records 9659
check, promptly shall send a copy of the results to the chief 9660
administrator of the responsible party. 9661

(3) A responsible party that employs an applicant 9662
conditionally pursuant to division (H)(1)(a) or (b) of this 9663
section shall terminate the applicant's employment if the results 9664
of the criminal records check, other than the results of any 9665
request for information from the federal bureau of investigation, 9666
are not obtained within the period ending sixty days after the 9667
date the request for the criminal records check is made. 9668

Regardless of when the results of the criminal records check are 9669
obtained, if the results indicate that the applicant has been 9670
convicted of, pleaded guilty to, or been found eligible for 9671
intervention in lieu of conviction for a disqualifying offense, 9672
the responsible party shall terminate the applicant's employment 9673
unless the applicant meets standards specified in rules adopted 9674
under this section that permit the responsible party to employ the 9675
applicant and the responsible party chooses to employ the 9676
applicant. Termination of employment under this division shall be 9677
considered just cause for discharge for purposes of division 9678
(D)(2) of section 4141.29 of the Revised Code if the applicant 9679
makes any attempt to deceive the responsible party about the 9680
applicant's criminal record. 9681

(I) The report of any criminal records check conducted 9682
pursuant to a request made under this section is not a public 9683
record for the purposes of section 149.43 of the Revised Code and 9684
shall not be made available to any person other than the 9685
following: 9686

(1) The applicant or employee who is the subject of the 9687
criminal records check or the applicant's or employee's 9688
representative; 9689

(2) The chief administrator of the responsible party 9690
requesting the criminal records check or the administrator's 9691
representative; 9692

(3) The administrator of any other facility, agency, or 9693
program that provides community-based long-term care services that 9694
is owned or operated by the same entity that owns or operates the 9695
responsible party that requested the criminal records check; 9696

(4) The employment service that requested the criminal 9697
records check; 9698

(5) The director of aging or a person authorized by the 9699

director to monitor a responsible party's compliance with this 9700
section; 9701

(6) The medicaid director and the staff of the department of 9702
medicaid who are involved in the administration of the medicaid 9703
program if any of the following apply: 9704

(a) In the case of a criminal records check requested by a 9705
provider or subcontractor, the provider or subcontractor also is a 9706
waiver agency; 9707

(b) In the case of a criminal records check requested by an 9708
employment service, the employment service makes the request for 9709
an applicant or employee the employment service refers to a 9710
provider or subcontractor that also is a waiver agency; 9711

(c) The criminal records check is requested by a consumer who 9712
is acting as a responsible party. 9713

(7) A court, hearing officer, or other necessary individual 9714
involved in a case dealing with any of the following: 9715

(a) A denial of employment of the applicant or employee; 9716

(b) Employment or unemployment benefits of the applicant or 9717
employee; 9718

(c) A civil or criminal action regarding the medicaid program 9719
or a program the department of aging administers. 9720

(J) In a tort or other civil action for damages that is 9721
brought as the result of an injury, death, or loss to person or 9722
property caused by an applicant or employee who a responsible 9723
party employs in a direct-care position, all of the following 9724
shall apply: 9725

(1) If the responsible party employed the applicant or 9726
employee in good faith and reasonable reliance on the report of a 9727
criminal records check requested under this section, the 9728
responsible party shall not be found negligent solely because of 9729

its reliance on the report, even if the information in the report 9730
is determined later to have been incomplete or inaccurate. 9731

(2) If the responsible party employed the applicant in good 9732
faith on a conditional basis pursuant to division (H) of this 9733
section, the responsible party shall not be found negligent solely 9734
because it employed the applicant prior to receiving the report of 9735
a criminal records check requested under this section. 9736

(3) If the responsible party in good faith employed the 9737
applicant or employee because the applicant or employee meets 9738
standards specified in rules adopted under this section, the 9739
responsible party shall not be found negligent solely because the 9740
applicant or employee has been convicted of, pleaded guilty to, or 9741
been found eligible for intervention in lieu of conviction for a 9742
disqualifying offense. 9743

(K) The director of aging shall adopt rules in accordance 9744
with Chapter 119. of the Revised Code to implement this section. 9745

(1) The rules may do the following: 9746

(a) Require employees to undergo database reviews and 9747
criminal records checks under this section; 9748

(b) If the rules require employees to undergo database 9749
reviews and criminal records checks under this section, exempt one 9750
or more classes of employees from the requirements; 9751

(c) For the purpose of division (E)(7) of this section, 9752
specify other databases that are to be checked as part of a 9753
database review conducted under this section. 9754

(2) The rules shall specify all of the following: 9755

(a) The meaning of the term "subcontractor"; 9756

(b) The procedures for conducting database reviews under this 9757
section; 9758

(c) If the rules require employees to undergo database 9759

reviews and criminal records checks under this section, the times 9760
at which the database reviews and criminal records checks are to 9761
be conducted; 9762

(d) If the rules specify other databases to be checked as 9763
part of the database reviews, the circumstances under which a 9764
responsible party is prohibited from employing an applicant or 9765
continuing to employ an employee who is found by a database review 9766
to be included in one or more of those databases; 9767

(e) Standards that an applicant or employee must meet for a 9768
responsible party to be permitted to employ the applicant or 9769
continue to employ the employee in a direct-care position if the 9770
applicant or employee is found by a criminal records check 9771
required by this section to have been convicted of, pleaded guilty 9772
to, or been found eligible for intervention in lieu of conviction 9773
for a disqualifying offense. 9774

Sec. 173.381. (A) As used in this section: 9775

(1) "Community-based long-term care services" means 9776
community-based long-term care services, as defined in section 9777
173.14 of the Revised Code, that are provided under a program the 9778
department of aging administers. 9779

(2) "Community-based long-term care services certificate" 9780
means a certificate issued under section 173.391 of the Revised 9781
Code. 9782

(3) "Community-based long-term care services contract or 9783
grant" means a contract or grant awarded under section 173.392 of 9784
the Revised Code. 9785

(4) "Criminal records check" has the same meaning as in 9786
section 109.572 of the Revised Code. 9787

(5) "Disqualifying offense" means any of the offenses listed 9788
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9789

the Revised Code. 9790

(6) "Provider" has the same meaning as in section 173.39 of 9791
the Revised Code. 9792

(7) "Self-employed provider" means a provider who works for 9793
the provider's self and has no employees. 9794

(B) This section does not apply to any individual who is 9795
subject to a database review or criminal records check under 9796
section 3701.881 of the Revised Code. 9797

(C)(1) The department of aging or its designee shall take the 9798
following actions when the circumstances specified in division 9799
(C)(2) of this section apply: 9800

(a) Refuse to issue a community-based long-term care services 9801
certificate to a self-employed provider; 9802

(b) Revoke a self-employed provider's community-based 9803
long-term care services certificate; 9804

(c) Refuse to award a community-based long-term care services 9805
contract or grant to a self-employed provider; 9806

(d) Terminate a self-employed provider's community-based 9807
long-term care services contract or grant awarded on or after 9808
September 15, 2014. 9809

(2) The following are the circumstances that require the 9810
department of aging or its designee to take action under division 9811
(C)(1) of this section: 9812

(a) A review of the databases listed in division (E) of this 9813
section reveals any of the following: 9814

(i) That the self-employed provider is included in one or 9815
more of the databases listed in divisions (E)(1) to (5) of this 9816
section; 9817

(ii) That there is in the state nurse aide registry 9818

established under section 3721.32 of the Revised Code a statement 9819
detailing findings by the director of health that the 9820
self-employed provider abused, neglected, or ~~abused~~ exploited a 9821
long-term care facility or residential care facility resident or 9822
misappropriated property of such a resident; 9823

(iii) That the self-employed provider is included in one or 9824
more of the databases, if any, specified in rules adopted under 9825
this section and the rules require the department or its designee 9826
to take action under division (C)(1) of this section if a 9827
self-employed provider is included in such a database. 9828

(b) After the self-employed provider is provided, pursuant to 9829
division (F)(2)(a) of this section, a copy of the form prescribed 9830
pursuant to division (C)(1) of section 109.572 of the Revised Code 9831
and the standard impression sheet prescribed pursuant to division 9832
(C)(2) of that section, the self-employed provider fails to 9833
complete the form or provide the self-employed provider's 9834
fingerprint impressions on the standard impression sheet. 9835

(c) Unless the self-employed provider meets standards 9836
specified in rules adopted under this section, the self-employed 9837
provider is found by a criminal records check required by this 9838
section to have been convicted of, pleaded guilty to, or been 9839
found eligible for intervention in lieu of conviction for a 9840
disqualifying offense. 9841

(D) The department of aging or its designee shall inform each 9842
self-employed provider of both of the following at the time of the 9843
self-employed provider's initial application for a community-based 9844
long-term care services certificate or initial bid for a 9845
community-based long-term care services contract or grant: 9846

(1) That a review of the databases listed in division (E) of 9847
this section will be conducted to determine whether the department 9848
or its designee is required by division (C) of this section to 9849

refuse to issue or award a community-based long-term care services 9850
certificate or community-based long-term care services contract or 9851
grant to the self-employed provider; 9852

(2) That, unless the database review reveals that the 9853
department or its designee is required to refuse to issue or award 9854
a community-based long-term care services certificate or 9855
community-based long-term care services contract or grant to the 9856
self-employed provider, a criminal records check of the 9857
self-employed provider will be conducted and the self-employed 9858
provider is required to provide a set of the self-employed 9859
provider's fingerprint impressions as part of the criminal records 9860
check. 9861

(E) As a condition of issuing or awarding a community-based 9862
long-term care services certificate or community-based long-term 9863
care services contract or grant to a self-employed provider, the 9864
department of aging or its designee shall conduct a database 9865
review of the self-employed provider in accordance with rules 9866
adopted under this section. If rules adopted under this section so 9867
require, the department or its designee shall conduct a database 9868
review of a self-employed provider in accordance with the rules as 9869
a condition of not revoking or terminating the self-employed 9870
provider's community-based long-term care services certificate or 9871
community-based long-term care services contract or grant. A 9872
database review shall determine whether the self-employed provider 9873
is included in any of the following: 9874

(1) The excluded parties list system that is maintained by 9875
the United States general services administration pursuant to 9876
subpart 9.4 of the federal acquisition regulation and available at 9877
the federal web site known as the system for award management; 9878

(2) The list of excluded individuals and entities maintained 9879
by the office of inspector general in the United States department 9880
of health and human services pursuant to the "Social Security 9881

Act," 42 U.S.C. 1320a-7 and 1320c-5; 9882

(3) The registry of developmental disabilities employees 9883
established under section 5123.52 of the Revised Code; 9884

(4) The internet-based sex offender and child-victim offender 9885
database established under division (A)(11) of section 2950.13 of 9886
the Revised Code; 9887

(5) The internet-based database of inmates established under 9888
section 5120.66 of the Revised Code; 9889

(6) The state nurse aide registry established under section 9890
3721.32 of the Revised Code; 9891

(7) Any other database, if any, specified in rules adopted 9892
under this section. 9893

(F)(1) As a condition of issuing or awarding a 9894
community-based long-term care services certificate or 9895
community-based long-term care services contract or grant to a 9896
self-employed provider, the department of aging or its designee 9897
shall request that the superintendent of the bureau of criminal 9898
identification and investigation conduct a criminal records check 9899
of the self-employed provider. If rules adopted under this section 9900
so require, the department or its designee shall request that the 9901
superintendent conduct a criminal records check of a self-employed 9902
provider at times specified in the rules as a condition of not 9903
revoking or terminating the self-employed provider's 9904
community-based long-term care services certificate or 9905
community-based long-term care services contract or grant. 9906
However, the department or its designee is not required to request 9907
the criminal records check of the self-employed provider if the 9908
department or its designee, because of circumstances specified in 9909
division (C)(2)(a) of this section, is required to refuse to issue 9910
or award a community-based long-term care services certificate or 9911
community-based long-term care services contract or grant to the 9912

self-employed provider or to revoke or terminate the self-employed 9913
provider's certificate or contract or grant. 9914

If a self-employed provider for whom a criminal records check 9915
request is required by this section does not present proof of 9916
having been a resident of this state for the five-year period 9917
immediately prior to the date the criminal records check is 9918
requested or provide evidence that within that five-year period 9919
the superintendent has requested information about the 9920
self-employed provider from the federal bureau of investigation in 9921
a criminal records check, the department or its designee shall 9922
request that the superintendent obtain information from the 9923
federal bureau of investigation as part of the criminal records 9924
check. Even if a self-employed provider for whom a criminal 9925
records check request is required by this section presents proof 9926
of having been a resident of this state for the five-year period, 9927
the department or its designee may request that the superintendent 9928
include information from the federal bureau of investigation in 9929
the criminal records check. 9930

(2) The department or its designee shall do all of the 9931
following: 9932

(a) Provide to each self-employed provider for whom a 9933
criminal records check request is required by this section a copy 9934
of the form prescribed pursuant to division (C)(1) of section 9935
109.572 of the Revised Code and a standard impression sheet 9936
prescribed pursuant to division (C)(2) of that section; 9937

(b) Obtain the completed form and standard impression sheet 9938
from the self-employed provider; 9939

(c) Forward the completed form and standard impression sheet 9940
to the superintendent. 9941

(3) The department or its designee shall pay to the bureau of 9942
criminal identification and investigation the fee prescribed 9943

pursuant to division (C)(3) of section 109.572 of the Revised Code 9944
for each criminal records check of a self-employed provider the 9945
department or its designee requests under this section. The 9946
department or its designee may charge the self-employed provider a 9947
fee that does not exceed the amount the department or its designee 9948
pays to the bureau. 9949

(G) The report of any criminal records check of a 9950
self-employed provider conducted pursuant to a request made under 9951
this section is not a public record for the purposes of section 9952
149.43 of the Revised Code and shall not be made available to any 9953
person other than the following: 9954

(1) The self-employed provider or the self-employed 9955
provider's representative; 9956

(2) The department of aging, the department's designee, or a 9957
representative of the department or its designee; 9958

(3) The medicaid director and the staff of the department of 9959
medicaid who are involved in the administration of the medicaid 9960
program if the self-employed provider is to provide, or provides, 9961
community-based long-term care services under a component of the 9962
medicaid program that the department of aging administers; 9963

(4) A court, hearing officer, or other necessary individual 9964
involved in a case dealing with any of the following: 9965

(a) A refusal to issue or award a community-based long-term 9966
services certificate or community-based long-term care services 9967
contract or grant to the self-employed provider; 9968

(b) A revocation or termination of the self-employed 9969
provider's community-based long-term care services certificate or 9970
community-based long-term care services contract or grant; 9971

(c) A civil or criminal action regarding a program the 9972
department of aging administers. 9973

(H) In a tort or other civil action for damages that is 9974
brought as the result of an injury, death, or loss to person or 9975
property caused by a self-employed provider, both of the following 9976
shall apply: 9977

(1) If the department of aging or its designee, in good faith 9978
and reasonable reliance on the report of a criminal records check 9979
requested under this section, issued or awarded a community-based 9980
long-term care services certificate or community-based long-term 9981
care services contract or grant to the self-employed provider or 9982
did not revoke or terminate the self-employed provider's 9983
certificate or contract or grant, the department and its designee 9984
shall not be found negligent solely because of its reliance on the 9985
report, even if the information in the report is determined later 9986
to have been incomplete or inaccurate. 9987

(2) If the department or its designee in good faith issued or 9988
awarded a community-based long-term care services certificate or 9989
community-based long-term care services contract or grant to the 9990
self-employed provider or did not revoke or terminate the 9991
self-employed provider's certificate or contract or grant because 9992
the self-employed provider meets standards specified in rules 9993
adopted under this section, the department and its designee shall 9994
not be found negligent solely because the self-employed provider 9995
has been convicted of, pleaded guilty to, or been found eligible 9996
for intervention in lieu of conviction for a disqualifying 9997
offense. 9998

(I) The director of aging shall adopt rules in accordance 9999
with Chapter 119. of the Revised Code to implement this section. 10000

(1) The rules may do the following: 10001

(a) Require self-employed providers who have been issued or 10002
awarded community-based long-term care services certificates or 10003
community-based long-term care services contracts or grants to 10004

undergo database reviews and criminal records checks under this	10005
section;	10006
(b) If the rules require self-employed providers who have	10007
been issued or awarded community-based long-term care services	10008
certificates or community-based long-term care services contracts	10009
or grants to undergo database reviews and criminal records checks	10010
under this section, exempt one or more classes of such	10011
self-employed providers from the requirements;	10012
(c) For the purpose of division (E)(7) of this section,	10013
specify other databases that are to be checked as part of a	10014
database review conducted under this section.	10015
(2) The rules shall specify all of the following:	10016
(a) The procedures for conducting database reviews under this	10017
section;	10018
(b) If the rules require self-employed providers who have	10019
been issued or awarded community-based long-term care services	10020
certificates or community-based long-term care services contracts	10021
or grants to undergo database reviews and criminal records checks	10022
under this section, the times at which the database reviews and	10023
criminal records checks are to be conducted;	10024
(c) If the rules specify other databases to be checked as	10025
part of the database reviews, the circumstances under which the	10026
department of aging or its designee is required to refuse to issue	10027
or award a community-based long-term care services certificate or	10028
community-based long-term care services contract or grant to a	10029
self-employed provider or to revoke or terminate a self-employed	10030
provider's certificate or contract or grant when the self-employed	10031
provider is found by a database review to be included in one or	10032
more of those databases;	10033
(d) Standards that a self-employed provider must meet for the	10034
department or its designee to be permitted to issue or award a	10035

community-based long-term care services certificate or 10036
community-based long-term care services contract or grant to the 10037
self-employed provider or not to revoke or terminate the 10038
self-employed provider's certificate or contract or grant if the 10039
self-employed provider is found by a criminal records check 10040
required by this section to have been convicted of, pleaded guilty 10041
to, or been found eligible for intervention in lieu of conviction 10042
for a disqualifying offense. 10043

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the 10044
Revised Code: 10045

(1) "Area agency on aging" means a public or private 10046
nonprofit entity designated under section 173.011 of the Revised 10047
Code to administer programs on behalf of the department of aging. 10048

(2) "Department of aging-administered medicaid waiver 10049
component" means each of the following: 10050

(a) The medicaid-funded component of the PASSPORT program 10051
created under section 173.52 of the Revised Code; 10052

~~(b) The choices program created under section 173.53 of the~~ 10053
~~Revised Code;~~ 10054

~~(c)~~ The medicaid-funded component of the assisted living 10055
program created under section 173.54 of the Revised Code; 10056

~~(d)~~(c) Any other medicaid waiver component, as defined in 10057
section 5166.01 of the Revised Code, that the department of aging 10058
administers pursuant to an interagency agreement with the 10059
department of medicaid under section 5162.35 of the Revised Code. 10060

(3) "Home and community-based services covered by medicaid 10061
components the department of aging administers" means all of the 10062
following: 10063

(a) Medicaid waiver services available to a participant in a 10064
department of aging-administered medicaid waiver component; 10065

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	10066 10067 10068 10069
(i) Home health services;	10070
(ii) Private duty nursing services;	10071
(iii) Durable medical equipment;	10072
(iv) Services of a clinical nurse specialist;	10073
(v) Services of a certified nurse practitioner.	10074
(c) Services available to a participant of the PACE program.	10075
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	10076 10077 10078 10079
(5) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	10080 10081
(6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	10082 10083 10084
(7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.	10085 10086 10087
(8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract.	10088 10089 10090 10091
(9) "Representative" means a person acting on behalf of an individual ~~specified in division (6) of this section~~ <u>who is the subject of a long-term care consultation</u> . A representative may be	10092 10093 10094

a family member, attorney, hospital social worker, or any other 10095
person chosen to act on behalf of the individual. 10096

(B) The department of aging shall develop a long-term care 10097
consultation program whereby individuals or their representatives 10098
are provided with long-term care consultations and receive through 10099
these professional consultations information about options 10100
available to meet long-term care needs and information about 10101
factors to consider in making long-term care decisions. The 10102
long-term care consultations ~~provided under the program~~ may be 10103
provided at any appropriate time, ~~as permitted or required under~~ 10104
~~this section and the rules adopted under it,~~ including either 10105
prior to or after the individual who is the subject of a 10106
consultation has been admitted to a nursing facility or granted 10107
assistance in receiving home and community-based services covered 10108
by medicaid components the department of aging administers. 10109

(C) The long-term care consultation program shall be 10110
administered by the department of aging, except that the 10111
department may have the program administered on a regional basis 10112
by one or more program administrators. The department and each 10113
program administrator shall administer the program in such a 10114
manner that all of the following are included: 10115

(1) Coordination and collaboration with respect to all 10116
available funding sources for long-term care services; 10117

(2) Assessments of individuals regarding their long-term care 10118
service needs; 10119

(3) Assessments of individuals regarding their on-going 10120
eligibility for long-term care services; 10121

(4) Procedures for assisting individuals in obtaining access 10122
to, and coordination of, health and supportive services, including 10123
department of aging-administered medicaid waiver components; 10124

(5) Priorities for using available resources efficiently and 10125

effectively.	10126
(D) The program's long-term care consultations shall be	10127
provided by individuals certified by the department under section	10128
173.422 of the Revised Code.	10129
(E) The information provided through a long-term care	10130
consultation shall be appropriate to the individual's needs and	10131
situation and shall address all of the following:	10132
(1) The availability of any long-term care options open to	10133
the individual;	10134
(2) Sources and methods of both public and private payment	10135
for long-term care services;	10136
(3) Factors to consider when choosing among the available	10137
programs, services, and benefits;	10138
(4) Opportunities and methods for maximizing independence and	10139
self-reliance, including support services provided by the	10140
individual's family, friends, and community.	10141
(F) An individual's long-term care consultation may include	10142
an assessment of the individual's functional capabilities. The	10143
consultation may incorporate portions of the determinations	10144
required under sections 5119.40, 5123.021, and 5165.03 of the	10145
Revised Code and may be provided concurrently with the assessment	10146
required under section 173.546 or 5165.04 of the Revised Code.	10147
~~(G)(1) Unless an exemption specified~~ <u>Except as provided in</u>	10148
~~division (I) of this section is applicable, each of the following~~	10149
~~shall be provided with a long-term care consultation:~~	10150
~~(a) An individual who applies or indicates an intention to~~	10151
~~apply for admission to a nursing facility, regardless of the~~	10152
~~source of payment to be used for the individual's care in a~~	10153
~~nursing facility;~~	10154
~~(b) An individual who requests a long-term care consultation;~~	10155

~~(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.~~ 10156
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~~(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.~~ 10159
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~~(H)(1) Except as provided in division (H)(2) or (3) of this section, a A long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:~~ 10166
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~~(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5165.04 of the Revised Code, the consultation shall be completed in accordance with within the applicable time frames specified in that section for providing a level of care determination based on the assessment.~~ 10169
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~~(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section.~~ 10176
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~~(2) An individual or the individual's representative may request that a long-term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section.~~ 10181
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~~(3) If a long-term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of~~ 10185
10186

~~this section, the department or program administrator may do any~~ 10187
~~of the following:~~ 10188

~~(a) In the case of an individual specified in division (G)(1)~~ 10189
~~of this section, exempt the individual from the consultation~~ 10190
~~pursuant to rules that may be adopted under division (L) of this~~ 10191
~~section;~~ 10192

~~(b) In the case of an applicant for admission to a nursing~~ 10193
~~facility, provide the consultation after the individual is~~ 10194
~~admitted to the nursing facility;~~ 10195

~~(c) In the case of a resident of a nursing facility, provide~~ 10196
~~the consultation as soon as practicable rules adopted under this~~ 10197
~~section.~~ 10198

(I) An individual is not required to be provided a long-term 10199
care consultation ~~under division (G)(1) of this section~~ if any of 10200
the following ~~apply~~ is the case: 10201

(1) The department or a program administrator has attempted 10202
to provide the consultation, but the individual or the 10203
individual's representative refuses to cooperate; 10204

(2) The individual is to receive care in a nursing facility 10205
under a contract for continuing care, as defined in section 173.13 10206
of the Revised Code; 10207

(3) The individual has a contractual right to admission to a 10208
nursing facility operated as part of a system of continuing care 10209
in conjunction with one or more facilities that provide a less 10210
intensive level of services, including a residential care facility 10211
licensed under Chapter 3721. of the Revised Code, a residential 10212
facility licensed under section 5119.34 of the Revised Code that 10213
provides accommodations, supervision, and personal care services 10214
for three to sixteen unrelated adults, or an independent living 10215
arrangement; 10216

(4) The individual is to receive continual care in a home for 10217
the aged exempt from taxation under section 5701.13 of the Revised 10218
Code; 10219

(5) The individual is seeking admission to a facility that is 10220
not a nursing facility with a provider agreement under section 10221
5165.07, 5165.511, or 5165.512 of the Revised Code; 10222

(6) ~~The individual is Pursuant to rules that may be adopted~~ 10223
~~under this section, the department or a program administrator has~~ 10224
~~exempted the individual from receiving the long-term care~~ 10225
~~consultation requirement by the department or the program~~ 10226
~~administrator pursuant to rules that may be adopted under division~~ 10227
~~(L) of this section.~~ 10228

(J) As part of the long-term care consultation program, the 10229
department or a program administrator ~~shall~~ may assist an 10230
individual or individual's representative in accessing all sources 10231
of care and services that are appropriate for the individual and 10232
for which the individual is eligible, including all available home 10233
and community-based services covered by medicaid components the 10234
department of aging administers. The assistance ~~shall~~ may include 10235
providing for the conduct of assessments or other evaluations and 10236
the development of individualized plans of care or services under 10237
section 173.424 of the Revised Code. 10238

(K) No nursing facility for which an operator has a provider 10239
agreement under section 5165.07, 5165.511, or 5165.512 of the 10240
Revised Code shall admit ~~any individual~~ as a resident any 10241
individual described in division (G) of this section, unless the 10242
nursing facility has received evidence that a long-term care 10243
consultation has been completed for the individual or division (I) 10244
of this section is applicable to the individual. 10245

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the~~ 10246
~~director considers necessary~~ for the implementation and 10247

administration of this section. The rules shall be adopted in 10248
accordance with Chapter 119. of the Revised Code ~~and. The rules~~ 10249
may specify any or all of the following: 10250

(1) Procedures for providing long-term care consultations 10251
~~pursuant to this section;~~ 10252

(2) Information to be provided through long-term care 10253
consultations regarding long-term care services that are 10254
available; 10255

(3) Criteria and procedures to be used to identify and 10256
recommend appropriate service options for an individual receiving 10257
a long-term care consultation; 10258

(4) Criteria for exempting individuals from ~~the~~ receiving a 10259
long-term care consultation ~~requirement~~; 10260

(5) Circumstances under which it may be appropriate to 10261
provide an individual's long-term care consultation after the 10262
individual's admission to a nursing facility rather than before 10263
admission; 10264

(6) Criteria for identifying ~~nursing facility residents who~~ 10265
~~would benefit from the provision of~~ individuals for whom a 10266
long-term care consultation is appropriate, including nursing 10267
facility residents who would benefit from the consultation; 10268

(7) A description of the types of information from a nursing 10269
facility that is needed under the long-term care consultation 10270
program to assist a resident with relocation from the facility; 10271

(8) Standards to prevent conflicts of interest relative to 10272
the referrals made by a person who performs a long-term care 10273
consultation, including standards that prohibit the person from 10274
being employed by a provider of long-term care services; 10275

(9) Procedures for providing notice and an opportunity for a 10276
hearing under division (N) of this section; 10277

<u>(10) Time frames for providing or completing a long-term care</u>	10278
<u>consultation;</u>	10279
<u>(11) Any other standards or procedures the director considers</u>	10280
<u>necessary for the program.</u>	10281
(M) To assist the department and each program administrator	10282
with identifying individuals ~~who are likely to benefit from~~ <u>for</u>	10283
<u>whom</u> a long-term care consultation <u>is appropriate</u> , the department	10284
and program administrator may ask to be given access to nursing	10285
facility resident assessment data collected through the use of the	10286
resident assessment instrument specified in rules authorized by	10287
section 5165.191 of the Revised Code for purposes of the medicaid	10288
program. Except when prohibited by state or federal law, the	10289
department of health, department of medicaid, or nursing facility	10290
holding the data shall grant access to the data on receipt of the	10291
request from the department of aging or program administrator.	10292
(N)(1) The director of aging, after providing notice and an	10293
opportunity for a hearing, may fine a nursing facility an amount	10294
determined by rules the director shall adopt in accordance with	10295
Chapter 119. of the Revised Code for any of the following reasons:	10296
(a) The nursing facility ~~admits an individual, without~~	10297
~~evidence that a long-term care consultation has been provided, as~~	10298
~~required by this section~~ <u>violates division (K) of this section;</u>	10299
(b) The nursing facility denies a person attempting to	10300
provide a long-term care consultation access to the facility or a	10301
resident of the facility;	10302
(c) The nursing facility denies the department of aging or <u>a</u>	10303
program administrator access to the facility or a resident of the	10304
facility, as the department or administrator considers necessary	10305
to administer the program.	10306
(2) In accordance with section 5162.66 of the Revised Code,	10307
all fines collected under division (N)(1) of this section shall be	10308

deposited into the state treasury to the credit of the residents 10309
protection fund. 10310

Sec. 173.424. If, under federal law, an individual's 10311
eligibility for the home and community-based services covered by 10312
medicaid components the department of aging administers is 10313
dependent on the conduct of an assessment or other evaluation of 10314
the individual's needs and capabilities and the development of an 10315
individualized plan of care or services, the department shall 10316
develop and implement all procedures necessary to comply with the 10317
federal law. The procedures ~~shall~~ may include the use of long-term 10318
care consultations. 10319

Sec. 173.48. (A)(1) The department of aging may charge annual 10320
fees to long-term care facilities for the publication of the Ohio 10321
long-term care consumer guide, as well as late penalties if 10322
applicable. The department may contract with any person or 10323
government entity to collect the fees on its behalf. All fees 10324
collected under this section shall be deposited in accordance with 10325
division (B) of this section. 10326

(2) ~~The~~ Except as provided in division (A)(3) of this 10327
section, the annual fees charged under this section shall not 10328
exceed the following amounts: 10329

(a) For each long-term care facility that is a nursing home, 10330
six hundred fifty dollars; 10331

(b) For each long-term care facility that is a residential 10332
care facility: 10333

(i) Until June 30, 2016, three hundred dollars; 10334

(ii) Beginning July 1, 2016, three hundred fifty dollars. 10335

(3) ~~Fees~~ The department, by rule adopted in accordance with 10336
Chapter 119. of the Revised Code, may establish deadlines for the 10337

payment of the annual fees charged under this section. If the 10338
annual fee is not received by the department within ninety days of 10339
any deadline established by the department, the rules may require 10340
a long-term care facility to pay a late penalty equal to and in 10341
addition to the amount of the annual fee charged under this 10342
section. 10343

(4) Unless prohibited by federal law, fees paid by a 10344
long-term care facility that is a nursing facility, including late 10345
penalties, shall be reimbursed through the medicaid program. 10346

(B) There is hereby created in the state treasury the 10347
long-term care consumer guide fund. Money collected from the fees 10348
charged for the publication of the Ohio long-term care consumer 10349
guide under division (A) of this section and any late penalties 10350
shall be credited to the fund. The department shall use money in 10351
the fund for costs associated with publishing the Ohio long-term 10352
care consumer guide, including, but not limited to, costs incurred 10353
in conducting or providing for the conduct of customer 10354
satisfaction surveys. 10355

Sec. 173.51. As used in sections 173.51 to 173.56 of the 10356
Revised Code: 10357

"Area agency on aging" has the same meaning as in section 10358
173.14 of the Revised Code. 10359

"Assisted living program" means the program that consists of 10360
a medicaid-funded component created under section 173.54 of the 10361
Revised Code and a state-funded component created under section 10362
173.543 of the Revised Code and provides assisted living services 10363
to individuals who meet the program's applicable eligibility 10364
requirements. 10365

"Assisted living services" means the following home and 10366
community-based services: personal care, homemaker, chore, 10367

attendant care, companion, medication oversight, and therapeutic 10368
social and recreational programming. 10369

"Assisted living waiver" means the federal medicaid waiver 10370
granted by the United States secretary of health and human 10371
services that authorizes the medicaid-funded component of the 10372
assisted living program. 10373

~~"Choices program" means the program created under section 10374~~
~~173.53 of the Revised Code. 10375~~

"County or district home" means a county or district home 10376
operated under Chapter 5155. of the Revised Code. 10377

"Long-term care consultation program" means the program the 10378
department of aging is required to develop under section 173.42 of 10379
the Revised Code. 10380

"Long-term care consultation program administrator" or 10381
"administrator" means the department of aging or, if the 10382
department contracts with an area agency on aging or other entity 10383
to administer the long-term care consultation program for a 10384
particular area, that agency or entity. 10385

"Medicaid waiver component" has the same meaning as in 10386
section 5166.01 of the Revised Code. 10387

"Nursing facility" has the same meaning as in section 5165.01 10388
of the Revised Code. 10389

"PASSPORT program" means the preadmission screening system 10390
providing options and resources today program (PASSPORT) that 10391
consists of a medicaid-funded component created under section 10392
173.52 of the Revised Code and a state-funded component created 10393
under section 173.522 of the Revised Code and provides home and 10394
community-based services as an alternative to nursing facility 10395
placement for individuals who are aged and disabled and meet the 10396
program's applicable eligibility requirements. 10397

"PASSPORT waiver" means the federal medicaid waiver granted 10398
by the United States secretary of health and human services that 10399
authorizes the medicaid-funded component of the PASSPORT program. 10400

"Representative" means a person acting on behalf of an 10401
applicant for the medicaid-funded component or state-funded 10402
component of the assisted living program. A representative may be 10403
a family member, attorney, hospital social worker, or any other 10404
person chosen to act on behalf of an applicant. 10405

"Residential care facility" has the same meaning as in 10406
section 3721.01 of the Revised Code. 10407

"Unified long-term services and support medicaid waiver 10408
component" means the medicaid waiver component authorized by 10409
section 5166.14 of the Revised Code. 10410

Sec. 173.541. To be eligible for the medicaid-funded 10411
component of the assisted living program, an individual must meet 10412
all of the following requirements: 10413

(A) Need an intermediate level of care as determined by an 10414
assessment conducted under section 173.546 of the Revised Code; 10415

(B) ~~While receiving assisted living services under the~~ 10416
~~medicaid-funded component, reside~~ Reside in a residential care 10417
~~facility~~ any of the following that ~~is~~ are authorized by a valid 10418
~~medicaid~~ provider agreement to participate in the ~~component,~~ 10419
~~including both of the following~~ assisted living program: 10420

(1) A residential care facility that is owned or operated by 10421
a metropolitan housing authority that has a contract with the 10422
United States department of housing and urban development to 10423
receive an operating subsidy or rental assistance for the 10424
residents of the facility; 10425

(2) A county or district home licensed as a residential care 10426
facility; 10427

<u>(3) Any other setting specified in rules adopted under</u>	10428
<u>section 173.54 of the Revised Code.</u>	10429
(C) Meet all other eligibility requirements for the	10430
medicaid-funded component <u>of the assisted living program</u>	10431
established in rules adopted under section 173.54 of the Revised	10432
Code.	10433
Sec. 173.544. To be eligible for the state-funded component	10434
of the assisted living program, an individual must meet all of the	10435
following requirements:	10436
(A) ~~The individual must need~~ <u>Need</u> an intermediate level of	10437
care as determined by an assessment conducted under section	10438
173.546 of the Revised Code ~~;~~ ;	10439
(B) ~~The individual must have~~ <u>Have</u> an application for the	10440
medicaid-funded component of the assisted living program (or, if	10441
the medicaid-funded component is terminated under division (C) of	10442
section 173.54 of the Revised Code, the unified long-term services	10443
and support medicaid waiver component) pending and the department	10444
or the department's designee must have determined that the	10445
individual meets the nonfinancial eligibility requirements of the	10446
medicaid-funded component (or, if the medicaid-funded component is	10447
terminated under division (C) of section 173.54 of the Revised	10448
Code, the unified long-term services and support medicaid waiver	10449
component) and not have reason to doubt that the individual meets	10450
the financial eligibility requirements of the medicaid-funded	10451
component (or, if the medicaid-funded component is terminated	10452
under division (C) of section 173.54 of the Revised Code, the	10453
unified long-term services and support medicaid waiver	10454
component) ~~;~~ ;	10455
(C) ~~While receiving assisted living services under the~~	10456
~~state-funded component, the individual must reside~~ <u>Reside</u> in a	10457
~~residential care facility any of the following that is~~ <u>are</u>	10458

authorized by a valid provider agreement to participate in the 10459
component, ~~including both of the following~~ assisted living 10460
program: 10461

(1) A residential care facility that is owned or operated by 10462
a metropolitan housing authority that has a contract with the 10463
United States department of housing and urban development to 10464
receive an operating subsidy or rental assistance for the 10465
residents of the facility; 10466

(2) A county or district home licensed as a residential care 10467
facility; 10468

(3) Any other setting specified in rules adopted under 10469
section 173.543 of the Revised Code. 10470

(D) ~~The individual must meet~~ Meet all other eligibility 10471
requirements for the state-funded component of the assisted living 10472
program established in rules adopted under section 173.543 of the 10473
Revised Code. 10474

Sec. 173.55. (A) As used in this section: 10475

(1) "Department of aging-administered medicaid waiver 10476
component" means ~~each~~ both of the following: 10477

(a) The medicaid-funded component of the PASSPORT program; 10478

(b) ~~The choices program;~~ 10479

~~(c)~~ The medicaid-funded component of the assisted living 10480
program. 10481

(2) "PACE program" means the component of the medicaid 10482
program the department of aging administers pursuant to section 10483
173.50 of the Revised Code. 10484

(B) If the department of aging determines that there are 10485
insufficient funds to enroll all individuals who have applied and 10486
been determined eligible for department of aging-administered 10487

medicaid waiver components and the PACE program, the department 10488
shall establish a unified waiting list for the components and 10489
program. Only individuals eligible for a department of 10490
aging-administered medicaid waiver component or the PACE program 10491
may be placed on the unified waiting list. An individual who may 10492
be enrolled in a department of aging-administered medicaid waiver 10493
component or the PACE program through a home first component 10494
established under section 173.501, 173.521, or 173.542 of the 10495
Revised Code may be so enrolled without being placed on the 10496
unified waiting list. 10497

Sec. 173.99. (A) ~~A long-term care provider, person employed~~ 10498
~~by a long-term care provider, other entity, or employee of such~~ 10499
~~other entity that~~ Whoever violates division (C) of section 173.24 10500
of the Revised Code is subject to a fine not to exceed one 10501
thousand dollars for each violation. 10502

(B) Whoever violates division (C) of section 173.23 of the 10503
Revised Code is guilty of registering a false complaint, a 10504
misdemeanor of the first degree. 10505

(C) ~~A long-term care provider, other entity, or person~~ 10506
~~employed by a long-term care provider or other entity that~~ Whoever 10507
violates division ~~(E)(G)(1) or (2)~~ of section 173.19 of the 10508
Revised Code ~~by denying a representative of the office of the~~ 10509
~~state long-term care ombudsman program the access required by that~~ 10510
~~division~~ is subject to a fine not to exceed five hundred dollars 10511
for each violation. 10512

(D) Whoever violates division (C) of section 173.44 of the 10513
Revised Code is subject to a fine of one hundred dollars. 10514

Sec. 183.51. (A) As used in this section and in the 10515
applicable bond proceedings unless otherwise provided: 10516

(1) "Bond proceedings" means the resolutions, orders, 10517

indentures, purchase and sale and trust and other agreements 10518
including any amendments or supplements to them, and credit 10519
enhancement facilities, and amendments and supplements to them, or 10520
any one or more or combination of them, authorizing, awarding, or 10521
providing for the terms and conditions applicable to or providing 10522
for the security or liquidity of, the particular obligations, and 10523
the provisions contained in those obligations. 10524

(2) "Bond service fund" means the bond service fund created 10525
in the bond proceedings for the obligations. 10526

(3) "Capital facilities" means, as applicable, capital 10527
facilities or projects as referred to in section 151.03 or 151.04 10528
of the Revised Code. 10529

(4) "Consent decree" means the consent decree and final 10530
judgment entered November 25, 1998, in the court of common pleas 10531
of Franklin county, Ohio, as the same may be amended or 10532
supplemented from time to time. 10533

(5) "Cost of capital facilities" has the same meaning as in 10534
section 151.01 of the Revised Code, as applicable. 10535

(6) "Credit enhancement facilities," "financing costs," and 10536
"interest" or "interest equivalent" have the same meanings as in 10537
section 133.01 of the Revised Code. 10538

(7) "Debt service" means principal, including any mandatory 10539
sinking fund or redemption requirements for retirement of 10540
obligations, interest and other accreted amounts, interest 10541
equivalent, and any redemption premium, payable on obligations. If 10542
not prohibited by the applicable bond proceedings, "debt service" 10543
may include costs relating to credit enhancement facilities that 10544
are related to and represent, or are intended to provide a source 10545
of payment of or limitation on, other debt service. 10546

(8) "Improvement fund" means, as applicable, the school 10547
building program assistance fund created in section 3318.25 of the 10548

Revised Code and the higher education improvement fund created in 10549
section 154.21 of the Revised Code. 10550

(9) "Issuing authority" means the buckeye tobacco settlement 10551
financing authority created in section 183.52 of the Revised Code. 10552

(10) "Net proceeds" means amounts received from the sale of 10553
obligations, excluding amounts used to refund or retire 10554
outstanding obligations, amounts required to be deposited into 10555
special funds pursuant to the applicable bond proceedings, and 10556
amounts to be used to pay financing costs. 10557

(11) "Obligations" means bonds, notes, or other evidences of 10558
obligation of the issuing authority, including any appertaining 10559
interest coupons, issued by the issuing authority under this 10560
section and Section 2i of Article VIII, Ohio Constitution, for the 10561
purpose of providing funds to the state, in exchange for the 10562
assignment and sale described in division (B) of this section, for 10563
the purpose of paying costs of capital facilities for: (a) housing 10564
branches and agencies of state government limited to facilities 10565
for a system of common schools throughout the state and (b) 10566
state-supported or state-assisted institutions of higher 10567
education. 10568

(12) "Pledged receipts" means, as and to the extent provided 10569
for in the applicable bond proceedings: 10570

(a) Pledged tobacco settlement receipts; 10571

(b) Accrued interest received from the sale of obligations; 10572

(c) Income from the investment of the special funds; 10573

(d) Additional or any other specific revenues or receipts 10574
lawfully available to be pledged, and pledged, pursuant to the 10575
bond proceedings, including but not limited to amounts received 10576
under credit enhancement facilities, to the payment of debt 10577
service. 10578

(13) "Pledged tobacco settlement receipts" means all amounts received by the issuing authority pursuant to division (B) of this section. 10579
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(14) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. "Principal amount" does not include any premium paid to the issuing authority by the initial purchaser of the obligations. "Principal amount" of a capital appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its original face amount and not its accreted value, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided in or for pursuant to the bond proceedings. 10582
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(15) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. "Special funds" does not include any improvement fund or investment earnings on amounts in any improvement fund, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds. 10596
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(B) The state may assign and sell to the issuing authority, and the issuing authority may accept and purchase, all or a portion of the amounts to be received by the state under the tobacco master settlement agreement for a purchase price payable by the issuing authority to the state consisting of the net 10606
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proceeds of obligations and any residual interest, if any. Any 10611
such assignment and sale shall be irrevocable in accordance with 10612
its terms during the period any obligations secured by amounts so 10613
assigned and sold are outstanding under the applicable bond 10614
proceedings, and shall constitute a contractual obligation to the 10615
holders or owners of those obligations. Any such assignment and 10616
sale shall also be treated as an absolute transfer and true sale 10617
for all purposes, and not as a pledge or other security interest. 10618
The characterization of any such assignment and sale as a true 10619
sale and absolute transfer shall not be negated or adversely 10620
affected by only a portion of the amounts to be received under the 10621
tobacco master settlement agreement being transferred, the 10622
acquisition or retention by the state of a residual interest, the 10623
participation of any state officer or employee as a member or 10624
officer of, or providing staff support to, the issuing authority, 10625
any responsibility of an officer or employee of the state for 10626
collecting the amounts to be received under the tobacco master 10627
settlement agreement or otherwise enforcing that agreement or 10628
retaining any legal title to or interest in any portion of the 10629
amounts to be received under that agreement for the purpose of 10630
these collection activities, any characterization of the issuing 10631
authority or its obligations for purposes of accounting, taxation, 10632
or securities regulation, or by any other factors whatsoever. A 10633
true sale shall exist under this section regardless of whether the 10634
issuing authority has any recourse against the state or any other 10635
term of the bond proceedings or the treatment or characterization 10636
of the transfer as a financing for any purpose. Upon and following 10637
the assignment and sale, the state shall not have any right, 10638
title, or interest in the portion of the receipts under the 10639
tobacco master settlement agreement so assigned and sold, other 10640
than any residual interest that may be described in the applicable 10641
bond proceedings for those obligations, and that portion, if any, 10642
shall be the property of the issuing authority and not of the 10643

state, and shall be paid directly to the issuing authority, and 10644
shall be owned, received, held, and disbursed by the issuing 10645
authority and not by the state. 10646

The state may covenant, pledge, and agree in the bond 10647
proceedings, with and for the benefit of the issuing authority, 10648
the holders and owners of obligations, and providers of any credit 10649
enhancement facilities, that it shall: (1) maintain statutory 10650
authority for, and cause to be collected and paid directly to the 10651
issuing authority or its assignee, the pledged receipts, (2) 10652
enforce the rights of the issuing authority to receive the 10653
receipts under the tobacco master settlement agreement assigned 10654
and sold to the issuing authority, (3) not materially impair the 10655
rights of the issuing authority to fulfill the terms of its 10656
agreements with the holders or owners of outstanding obligations 10657
under the bond proceedings, (4) not materially impair the rights 10658
and remedies of the holders or owners of outstanding obligations 10659
or materially impair the security for those outstanding 10660
obligations, and (5) enforce Chapter 1346. of the Revised Code, 10661
the tobacco master settlement agreement, and the consent decree to 10662
effectuate the collection of the pledged tobacco settlement 10663
receipts. The bond proceedings may provide or authorize the manner 10664
for determining material impairment of the security for any 10665
outstanding obligations, including by assessing and evaluating the 10666
pledged receipts in the aggregate. 10667

As further provided for in division (H) of this section, the 10668
bond proceedings may also include such other covenants, pledges, 10669
and agreements by the state to protect and safeguard the security 10670
and rights of the holders and owners of the obligations, and of 10671
the providers of any credit enhancement facilities, including, 10672
without limiting the generality of the foregoing, any covenant, 10673
pledge, or agreement customary in transactions involving the 10674
issuance of securities the debt service on which is payable from 10675

or secured by amounts received under the tobacco master settlement agreement. Notwithstanding any other provision of law, any covenant, pledge, and agreement of the state, if and when made in the bond proceedings, shall be controlling and binding upon, and enforceable against the state in accordance with its terms for so long as any obligations are outstanding under the applicable bond proceedings. The bond proceedings may also include limitations on the remedies available to the issuing authority, the holders and owners of the obligations, and the providers of any credit enhancement facilities, including, without limiting the generality of the foregoing, a provision that those remedies may be limited to injunctive relief in circumstances where there has been no prior determination by a court of competent jurisdiction that the state has not enforced Chapter 1346. of the Revised Code, the tobacco master settlement agreement, or the consent decree as may have been covenanted or agreed in the bond proceedings under division (B)(5) of this section.

Nothing in this section or the bond proceedings shall preclude or limit, or be construed to preclude or limit, the state from regulating or authorizing or permitting the regulation of smoking or from taxing and regulating the sale of cigarettes or other tobacco products, or from defending or prosecuting cases or other actions relating to the sale or use of cigarettes or other tobacco products. Except as otherwise may be agreed in writing by the attorney general, nothing in this section or the bond proceedings shall modify or limit, or be construed to modify or limit, the responsibility, power, judgment, and discretion of the attorney general to protect and discharge the duties, rights, and obligations of the state under the tobacco master settlement agreement, the consent decree, or Chapter 1346. of the Revised Code.

The governor and the director of budget and management, in

consultation with the attorney general, on behalf of the state, 10708
and any member or officer of the issuing authority as authorized 10709
by that issuing authority, on behalf of the issuing authority, may 10710
take any action and execute any documents, including any purchase 10711
and sale agreements, necessary to effect the assignment and sale 10712
and the acceptance of the assignment and title to the receipts 10713
including, providing irrevocable direction to the escrow agent 10714
acting under the tobacco master settlement agreement to transfer 10715
directly to the issuing authority the amounts to be received under 10716
that agreement that are subject to such assignment and sale. Any 10717
purchase and sale agreement or other bond proceedings may contain 10718
the terms and conditions established by the state and the issuing 10719
authority to carry out and effectuate the purposes of this 10720
section, including, without limitation, covenants binding the 10721
state in favor of the issuing authority and its assignees and the 10722
owners of the obligations. Any such purchase and sale agreement 10723
shall be sufficient to effectuate such purchase and sale without 10724
regard to any other laws governing other property sales or 10725
financial transactions by the state. 10726

Not later than two years following the date on which there 10727
are no longer any obligations outstanding under the bond 10728
proceedings, all assets of the issuing authority shall vest in the 10729
state, the issuing authority shall execute any necessary 10730
assignments or instruments, including any assignment of any right, 10731
title, or ownership to the state for receipt of amounts under the 10732
tobacco master settlement agreement, and the issuing authority 10733
shall be dissolved. 10734

(C) The issuing authority is authorized to issue and to sell 10735
obligations as provided in this section. The aggregate principal 10736
amount of obligations issued under this section shall not exceed 10737
six billion dollars, exclusive of obligations issued under 10738
division (M)(1) of this section to refund, renew, or advance 10739

refund other obligations issued or incurred. At least seventy-five 10740
per cent of the aggregate net proceeds of the obligations issued 10741
under the authority of this section, exclusive of obligations 10742
issued to refund, renew, or advance refund other obligations, 10743
shall be paid to the state for deposit into the school building 10744
program assistance fund created in section 3318.25 of the Revised 10745
Code. 10746

(D) Each issue of obligations shall be authorized by 10747
resolution or order of the issuing authority. The bond proceedings 10748
shall provide for or authorize the manner for determining the 10749
principal amount or maximum principal amount of obligations of an 10750
issue, the principal maturity or maturities, the interest rate or 10751
rates, the date of and the dates of payment of interest on the 10752
obligations, their denominations, and the place or places of 10753
payment of debt service which may be within or outside the state. 10754
Unless otherwise provided by law, the latest principal maturity 10755
may not be later than the earlier of the thirty-first day of 10756
December of the fiftieth calendar year after the year of issuance 10757
of the particular obligations or of the fiftieth calendar year 10758
after the year in which the original obligation to pay was issued 10759
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 10760
the Revised Code apply to the obligations. 10761

The purpose of the obligations may be stated in the bond 10762
proceedings in general terms, such as, as applicable, "paying 10763
costs of capital facilities for a system of common schools" and 10764
"paying costs of facilities for state-supported and state-assisted 10765
institutions of higher education." Unless otherwise provided in 10766
the bond proceedings or in division (C) of this section, the net 10767
proceeds from the issuance of the obligations shall be paid to the 10768
state for deposit into the applicable improvement fund. In 10769
addition to the investments authorized in Chapter 135. of the 10770
Revised Code, the net proceeds held in an improvement fund may be 10771

invested by the treasurer of state in guaranteed investment 10772
contracts with providers rated at the time of any investment in 10773
the three highest rating categories by two nationally recognized 10774
rating agencies, all subject to the terms and conditions set forth 10775
in those agreements or the bond proceedings. Notwithstanding 10776
anything to the contrary in Chapter 3318. of the Revised Code, net 10777
proceeds of obligations deposited into the school building program 10778
assistance fund created in section 3318.25 of the Revised Code may 10779
be used to pay basic project costs under that chapter at the times 10780
determined by the Ohio ~~school~~ facilities construction commission 10781
without regard to whether those expenditures are in proportion to 10782
the state's and the school district's respective shares of that 10783
basic project cost; provided that this shall not result in any 10784
change in the state or school district shares of the basic project 10785
costs as determined under that chapter. As used in the preceding 10786
sentence, "Ohio ~~school~~ facilities construction commission" and 10787
"basic project costs" have the same meanings as in section 3318.01 10788
of the Revised Code. 10789

(E) The issuing authority may, without need for any other 10790
approval, appoint or provide for the appointment of paying agents, 10791
bond registrars, securities depositories, credit enhancement 10792
providers or counterparties, clearing corporations, and transfer 10793
agents, and retain or contract for the services of underwriters, 10794
investment bankers, financial advisers, accounting experts, 10795
marketing, remarketing, indexing, and administrative agents, other 10796
consultants, and independent contractors, including printing 10797
services, as are necessary in the judgment of the issuing 10798
authority to carry out the issuing authority's functions under 10799
this section and section 183.52 of the Revised Code. The attorney 10800
general as counsel to the issuing authority shall represent the 10801
authority in the execution of its powers and duties, and shall 10802
institute and prosecute all actions on its behalf. The issuing 10803
authority, in consultation with the attorney general, shall select 10804

counsel, and the attorney general shall appoint the counsel 10805
selected, for the purposes of carrying out the functions under 10806
this section and related sections of the Revised Code. Financing 10807
costs are payable, as may be provided in the bond proceedings, 10808
from the proceeds of the obligations, from special funds, or from 10809
other moneys available for the purpose, including as to future 10810
financing costs, from the pledged receipts. 10811

(F) The issuing authority may irrevocably pledge and assign 10812
all, or such portion as the issuing authority determines, of the 10813
pledged receipts to the payment of the debt service charges on 10814
obligations issued under this section, and for the establishment 10815
and maintenance of any reserves, as provided in the bond 10816
proceedings, and make other provisions in the bond proceedings 10817
with respect to pledged receipts as authorized by this section, 10818
which provisions are controlling notwithstanding any other 10819
provisions of law pertaining to them. Any and all pledged receipts 10820
received by the issuing authority and required by the bond 10821
proceedings, consistent with this section, to be deposited, 10822
transferred, or credited to the bond service fund, and all other 10823
money transferred or allocated to or received for the purposes of 10824
that fund, shall be deposited and credited to the bond service 10825
fund created in the bond proceedings for the obligations, subject 10826
to any applicable provisions of those bond proceedings, but 10827
without necessity for any act of appropriation. Those pledged 10828
receipts shall immediately be subject to the lien of that pledge 10829
without any physical delivery thereof or further act, and shall 10830
not be subject to other court judgments. The lien of the pledge of 10831
those pledged receipts shall be valid and binding against all 10832
parties having claims of any kind against the issuing authority, 10833
irrespective of whether those parties have notice thereof. The 10834
pledge shall create a perfected security interest for all purposes 10835
of Chapter 1309. of the Revised Code and a perfected lien for 10836
purposes of any other interest, all without the necessity for 10837

separation or delivery of funds or for the filing or recording of 10838
the applicable bond proceedings by which that pledge is created or 10839
any certificate, statement, or other document with respect 10840
thereto. The pledge of the pledged receipts shall be effective and 10841
the money therefrom and thereof may be applied to the purposes for 10842
which pledged. 10843

(G) Obligations may be further secured, as determined by the 10844
issuing authority, by an indenture or a trust agreement between 10845
the issuing authority and a corporate trustee, which may be any 10846
trust company or bank having a place of business within the state. 10847
Any indenture or trust agreement may contain the resolution or 10848
order authorizing the issuance of the obligations, any provisions 10849
that may be contained in any bond proceedings, and other 10850
provisions that are customary or appropriate in an agreement of 10851
that type, including, but not limited to: 10852

(1) Maintenance of each pledge, indenture, trust agreement, 10853
or other instrument comprising part of the bond proceedings until 10854
the issuing authority has fully paid or provided for the payment 10855
of debt service on the obligations secured by it; 10856

(2) In the event of default in any payments required to be 10857
made by the bond proceedings, enforcement of those payments or 10858
agreements by mandamus, the appointment of a receiver, suit in 10859
equity, action at law, or any combination of them; 10860

(3) The rights and remedies of the holders or owners of 10861
obligations and of the trustee and provisions for protecting and 10862
enforcing them, including limitations on rights of individual 10863
holders and owners. 10864

(H) The bond proceedings may contain additional provisions 10865
customary or appropriate to the financing or to the obligations or 10866
to particular obligations including, but not limited to, 10867
provisions for: 10868

(1) The redemption of obligations prior to maturity at the option of the issuing authority or of the holder or upon the occurrence of certain conditions, and at a particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the issuing authority has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement facility, the enforcement of those payments by mandamus, a suit in equity, an action at law, or any combination of those remedial actions;

(7) The rights and remedies of the holders or owners of obligations or of book-entry interests in them, and of third parties under any credit enhancement facility, and provisions for protecting and enforcing those rights and remedies, including limitations on rights of individual holders or owners;

(8) The replacement of mutilated, destroyed, lost, or stolen obligations;

(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;

(10) Amendment of the bond proceedings;

(11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing or the activities of the issuing authority in connection therewith.

The bond proceedings shall make provision for the payment of the expenses of the enforcement activity of the attorney general referred to in division (B) of this section from the amounts from the tobacco master settlement agreement assigned and sold to the issuing authority under that division or from the proceeds of obligations, or a combination thereof, which may include provision for both annual payments and a special fund providing reserve amounts for the payment of those expenses.

The issuing authority shall not, and shall covenant in the bond proceedings that it shall not, be authorized to and shall not file a voluntary petition under the United States Bankruptcy Code, 11 U.S.C. 101 et seq., as amended, or voluntarily commence any similar bankruptcy proceeding under state law including, without limitation, consenting to the appointment of a receiver or trustee

or making a general or specific assignment for the benefit of 10931
creditors, and neither any public officer or any organization, 10932
entity, or other person shall authorize the issuing authority to 10933
be or become a debtor under the United States Bankruptcy Code or 10934
take any of those actions under the United States Bankruptcy Code 10935
or state law. The state hereby covenants, and the issuing 10936
authority shall covenant, with the holders or owners of the 10937
obligations, that the state shall not permit the issuing authority 10938
to file a voluntary petition under the United States Bankruptcy 10939
Code or take any of those actions under the United States 10940
Bankruptcy Code or state law during the period obligations are 10941
outstanding and for any additional period for which the issuing 10942
authority covenants in the bond proceedings, which additional 10943
period may, but need not, be a period of three hundred sixty-seven 10944
days or more. 10945

(I) The obligations requiring execution by or for the issuing 10946
authority shall be signed as provided in the bond proceedings, and 10947
may bear the official seal of the issuing authority or a facsimile 10948
thereof. Any obligation may be signed by the individual who, on 10949
the date of execution, is the authorized signer even though, on 10950
the date of the obligations, that individual is not an authorized 10951
signer. In case the individual whose signature or facsimile 10952
signature appears on any obligation ceases to be an authorized 10953
signer before delivery of the obligation, that signature or 10954
facsimile is nevertheless valid and sufficient for all purposes as 10955
if that individual had remained the authorized signer until 10956
delivery. 10957

(J) Obligations are investment securities under Chapter 1308. 10958
of the Revised Code. Obligations may be issued in bearer or in 10959
registered form, registrable as to principal alone or as to both 10960
principal and interest, or both, or in certificated or 10961
uncertificated form, as the issuing authority determines. 10962

Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations.

(K) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above, or below par, all as determined by and provided by the issuing authority in the bond proceedings.

(L) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of or counterparty to a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating to obligations or that facility under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all applicable duties of the issuing authority and the state. Each duty of the issuing authority and that issuing authority's officers, staff, and employees, and of each state entity or agency, or using district or using institution, and its officers, members, staff, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the entity or individual having authority to perform that duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The individuals who are from time to time members of the issuing authority, or their designees acting pursuant to section 183.52 of the Revised Code, or the issuing authority's officers, staff, agents, or employees, when acting within the scope of their employment or agency, shall not be liable in their personal capacities on any obligations or otherwise under the bond proceedings, or for otherwise exercising or carrying out any purposes or powers of the issuing authority.

(M)(1) Subject to any applicable limitations in division (C) 10995
of this section, the issuing authority may also authorize and 10996
provide for the issuance of: 10997

(a) Obligations in the form of bond anticipation notes, and 10998
may authorize and provide for the renewal of those notes from time 10999
to time by the issuance of new notes. The holders of notes or 11000
appertaining interest coupons have the right to have debt service 11001
on those notes paid solely from the moneys and special funds, and 11002
all or any portion of the pledged receipts, that are or may be 11003
pledged to that payment, including the proceeds of bonds or 11004
renewal notes or both, as the issuing authority provides in the 11005
bond proceedings authorizing the notes. Notes may be additionally 11006
secured by covenants of the issuing authority to the effect that 11007
the issuing authority will do all things necessary for the 11008
issuance of bonds or renewal notes in such principal amount and 11009
upon such terms as may be necessary to provide moneys to pay when 11010
due the debt service on the notes, and apply their proceeds to the 11011
extent necessary, to make full and timely payment of debt service 11012
on the notes as provided in the applicable bond proceedings. In 11013
the bond proceedings authorizing the issuance of bond anticipation 11014
notes the issuing authority shall set forth for the bonds 11015
anticipated an estimated schedule of annual principal payments the 11016
latest of which shall be no later than provided in division (D) of 11017
this section. While the notes are outstanding there shall be 11018
deposited, as shall be provided in the bond proceedings for those 11019
notes, from the sources authorized for payment of debt service on 11020
the bonds, amounts sufficient to pay the principal of the bonds 11021
anticipated as set forth in that estimated schedule during the 11022
time the notes are outstanding, which amounts shall be used solely 11023
to pay the principal of those notes or of the bonds anticipated. 11024

(b) Obligations for the refunding, including funding and 11025
retirement, and advance refunding, with or without payment or 11026

redemption prior to maturity, of any obligations previously issued 11027
under this section and any bonds or notes previously issued for 11028
the purpose of paying costs of capital facilities for: (i) 11029
state-supported or state-assisted institutions of higher education 11030
as authorized by sections 151.01 and 151.04 of the Revised Code, 11031
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 11032
and (ii) housing branches and agencies of state government limited 11033
to facilities for a system of common schools throughout the state 11034
as authorized by sections 151.01 and 151.03 of the Revised Code, 11035
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 11036
Refunding obligations may be issued in amounts sufficient to pay 11037
or to provide for repayment of the principal amount, including 11038
principal amounts maturing prior to the redemption of the 11039
remaining prior obligations or bonds or notes, any redemption 11040
premium, and interest accrued or to accrue to the maturity or 11041
redemption date or dates, payable on the prior obligations or 11042
bonds or notes, and related financing costs and any expenses 11043
incurred or to be incurred in connection with that issuance and 11044
refunding. Subject to the applicable bond proceedings, the portion 11045
of the proceeds of the sale of refunding obligations issued under 11046
division (M)(1)(b) of this section to be applied to debt service 11047
on the prior obligations or bonds or notes shall be credited to an 11048
appropriate separate account in the bond service fund and held in 11049
trust for the purpose by the issuing authority or by a corporate 11050
trustee, and may be invested as provided in the bond proceedings. 11051
Obligations authorized under this division shall be considered to 11052
be issued for those purposes for which the prior obligations or 11053
bonds or notes were issued. 11054

(2) The principal amount of refunding, advance refunding, or 11055
renewal obligations issued pursuant to division (M) of this 11056
section shall be in addition to the amount authorized in division 11057
(C) of this section. 11058

(N) Obligations are lawful investments for banks, savings and 11059
loan associations, credit union share guaranty corporations, trust 11060
companies, trustees, fiduciaries, insurance companies, including 11061
domestic for life and domestic not for life, trustees or other 11062
officers having charge of sinking and bond retirement or other 11063
special funds of the state and political subdivisions and taxing 11064
districts of this state, notwithstanding any other provisions of 11065
the Revised Code or rules adopted pursuant to those provisions by 11066
any state agency with respect to investments by them, and are also 11067
acceptable as security for the repayment of the deposit of public 11068
moneys. The exemptions from taxation in Ohio as provided for in 11069
particular sections of the Ohio Constitution and section 5709.76 11070
of the Revised Code apply to the obligations. 11071

(O)(1) Unless otherwise provided or provided for in any 11072
applicable bond proceedings, moneys to the credit of or in a 11073
special fund shall be disbursed on the order of the issuing 11074
authority. No such order is required for the payment, from the 11075
bond service fund or other special fund, when due of debt service 11076
or required payments under credit enhancement facilities. 11077

(2) Payments received by the issuing authority under interest 11078
rate hedges entered into as credit enhancement facilities under 11079
this section shall be deposited as provided in the applicable bond 11080
proceedings. 11081

(P) The obligations shall not be general obligations of the 11082
state and the full faith and credit, revenue, and taxing power of 11083
the state shall not be pledged to the payment of debt service on 11084
them or to any guarantee of the payment of that debt service. The 11085
holders or owners of the obligations shall have no right to have 11086
any moneys obligated or pledged for the payment of debt service 11087
except as provided in this section and in the applicable bond 11088
proceedings. The rights of the holders and owners to payment of 11089
debt service are limited to all or that portion of the pledged 11090

receipts, and those special funds, pledged to the payment of debt 11091
service pursuant to the bond proceedings in accordance with this 11092
section, and each obligation shall bear on its face a statement to 11093
that effect. 11094

(Q) Each bond service fund is a trust fund and is hereby 11095
pledged to the payment of debt service on the applicable 11096
obligations. Payment of that debt service shall be made or 11097
provided for by the issuing authority in accordance with the bond 11098
proceedings without necessity for any act of appropriation. The 11099
bond proceedings may provide for the establishment of separate 11100
accounts in the bond service fund and for the application of those 11101
accounts only to debt service on specific obligations, and for 11102
other accounts in the bond service fund within the general 11103
purposes of that fund. 11104

(R) Subject to the bond proceedings pertaining to any 11105
obligations then outstanding in accordance with their terms, the 11106
issuing authority may in the bond proceedings pledge all, or such 11107
portion as the issuing authority determines, of the moneys in the 11108
bond service fund to the payment of debt service on particular 11109
obligations, and for the establishment and maintenance of any 11110
reserves for payment of particular debt service. 11111

(S)(1) Unless otherwise provided in any applicable bond 11112
proceedings, moneys to the credit of special funds may be invested 11113
by or on behalf of the issuing authority only in one or more of 11114
the following: 11115

(a) Notes, bonds, or other direct obligations of the United 11116
States or of any agency or instrumentality of the United States, 11117
or in no-front-end-load money market mutual funds consisting 11118
exclusively of those obligations, or in repurchase agreements, 11119
including those issued by any fiduciary, secured by those 11120
obligations, or in collective investment funds consisting 11121
exclusively of those obligations; 11122

(b) Obligations of this state or any political subdivision of this state;	11123 11124
(c) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;	11125 11126 11127 11128
(d) The treasurer of state's pooled investment program under section 135.45 of the Revised Code;	11129 11130
(e) Other investment agreements or repurchase agreements that are consistent with the ratings on the obligations.	11131 11132
(2) The income from investments referred to in division (S)(1) of this section shall be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.	11133 11134 11135 11136 11137
(T) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings.	11138 11139 11140 11141
(U) The issuing authority shall make quarterly reports to the general assembly of the amounts in, and activities of, each improvement fund, including amounts and activities on the subfund level. Each report shall include a detailed description and analysis of the amount of proceeds remaining in each fund from the sale of obligations pursuant to this section, and any other deposits, credits, interest earnings, disbursements, expenses, transfers, or activities of each fund.	11142 11143 11144 11145 11146 11147 11148 11149
(V) The costs of the annual audit of the authority conducted pursuant to section 117.112 of the Revised Code are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available	11150 11151 11152 11153

for the purpose, including as to future financing costs, from the 11154
pledged receipts. 11155

Sec. 191.04. (A) In accordance with federal laws governing 11156
the confidentiality of individually identifiable health 11157
information, including the "Health Insurance Portability and 11158
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11159
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11160
by the United States department of health and human services to 11161
implement the act, a state agency may exchange protected health 11162
information with another state agency relating to eligibility for 11163
or enrollment in a health plan or relating to participation in a 11164
government program providing public benefits if the exchange of 11165
information is necessary for either or both of the following: 11166

(1) Operating a health plan; 11167

(2) Coordinating, or improving the administration or 11168
management of, the health care-related functions of at least one 11169
government program providing public benefits. 11170

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 11171
agency also may exchange personally identifiable information with 11172
another state agency for purposes related to and in support of a 11173
health transformation initiative identified by the executive 11174
director of the office of health transformation pursuant to 11175
division (C) of section 191.06 of the Revised Code. 11176

(C) With respect to a state agency that uses or discloses 11177
personally identifiable information, all of the following 11178
conditions apply: 11179

(1) The state agency shall use or disclose the information 11180
only as permitted or required by state and federal law. In 11181
addition, if the information is obtained during fiscal year 2013, 11182
2014, or 2015 from an exchange of personally identifiable 11183

information permitted under division (B) of this section, the 11184
agency shall also use or disclose the information in accordance 11185
with all operating protocols that apply to the use or disclosure. 11186

(2) If the state agency is a state agency other than the 11187
department of medicaid and it uses or discloses protected health 11188
information that is related to a medicaid recipient and obtained 11189
from the department of medicaid or another agency operating a 11190
component of the medicaid program, the state agency shall comply 11191
with all state and federal laws that apply to the department of 11192
medicaid when that department, as the state's single state agency 11193
to supervise the medicaid program, uses or discloses protected 11194
health information. 11195

(3) A state agency shall implement administrative, physical, 11196
and technical safeguards for the purpose of protecting the 11197
confidentiality, integrity, and availability of personally 11198
identifiable information the creation, receipt, maintenance, or 11199
transmittal of which is affected or governed by this section. 11200

(4) If a state agency discovers an unauthorized use or 11201
disclosure of unsecured protected health information or unsecured 11202
individually identifiable health information, the state agency 11203
shall, not later than seventy-two hours after the discovery, do 11204
all of the following: 11205

(a) Identify the individuals who are the subject of the 11206
protected health information or individually identifiable health 11207
information; 11208

(b) Report the discovery and the names of all individuals 11209
identified pursuant to division (C)(4)(a) of this section to all 11210
other state agencies and the executive director of the office of 11211
health transformation or the executive director's designee; 11212

(c) Mitigate, to the extent reasonably possible, any 11213
potential adverse effects of the unauthorized use or disclosure. 11214

(5) A state agency shall make available to the executive 11215
director of the office of health transformation or the executive 11216
director's designee, and to any other state or federal 11217
governmental entity required by law to have access on that 11218
entity's request, all internal practices, records, and 11219
documentation relating to personally identifiable information it 11220
receives, uses, or discloses that is affected or governed by this 11221
section. 11222

(6) On termination or expiration of an operating protocol and 11223
if feasible, a state agency shall return or destroy all personally 11224
identifiable information received directly from or received on 11225
behalf of another state agency. If the personally identifiable 11226
information is not returned or destroyed, the state agency 11227
maintaining the information shall extend the protections set forth 11228
in this section for as long as it is maintained. 11229

(7) If a state agency enters into a subcontract or, when 11230
required by 45 C.F.R. 164.502(e)(2), a business associate 11231
agreement, the subcontract or business associate agreement shall 11232
require the subcontractor or business associate to comply with the 11233
terms of this section as if the subcontractor or business 11234
associate were a state agency. 11235

Sec. 191.06. (A) The provisions of this section shall apply 11236
only for fiscal years 2013 through ~~2017~~ 2019. 11237

(B) The executive director of the office of health 11238
transformation or the executive director's designee may facilitate 11239
the coordination of operations and exchange of information between 11240
state agencies. The purpose of the executive director's authority 11241
under this section is to support agency collaboration for health 11242
transformation purposes, including modernization of the medicaid 11243
program, streamlining of health and human services programs in 11244
this state, and improving the quality, continuity, and efficiency 11245

of health care and health care support systems in this state. 11246

(C) In furtherance of the authority of the executive director 11247
of the office of health transformation under division (B) of this 11248
section, the executive director or the executive director's 11249
designee shall identify each health transformation initiative in 11250
this state that involves the participation of two or more state 11251
agencies and that permits or requires an interagency agreement to 11252
be entered into for purposes of specifying each participating 11253
agency's role in coordinating, operating, or funding the 11254
initiative, or facilitating the exchange of data or other 11255
information for the initiative. The executive director shall 11256
publish a list of the identified health transformation initiatives 11257
on the internet web site maintained by the office of health 11258
transformation. 11259

(D) For each health transformation initiative that is 11260
identified under division (C) of this section, the executive 11261
director or the executive director's designee shall, in 11262
consultation with each participating agency, adopt one or more 11263
operating protocols. Notwithstanding any law enacted by the 11264
general assembly or rule adopted by a state agency, the provisions 11265
in a protocol shall supersede any provisions in an interagency 11266
agreement, including an interagency agreement entered into under 11267
section 5101.10 or 5162.35 of the Revised Code, that differ from 11268
the provisions of the protocol. 11269

(E)(1) An operating protocol adopted under division (D) of 11270
this section shall include both of the following: 11271

(a) All terms necessary to meet the requirements of "other 11272
arrangements" between a covered entity and a business associate 11273
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 11274

(b) If known, the date on which the protocol will terminate 11275
or expire. 11276

(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative:

(a) Workflow;

(b) Funding;

(c) Exchange of data or other information that is confidential pursuant to state or federal law.

(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it.

Sec. 307.631. A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths. The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to serve all participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee. The regional review committee may be established in the same manner as provided for single county review committees.

In any county that has a body acting as a drug overdose 11308
fatality review committee on the effective date of this section, 11309
the board of county commissioners of that county, in lieu of 11310
having a health commissioner establish a drug overdose fatality 11311
review committee, may appoint that body to function as the drug 11312
overdose fatality review committee for the county. The body shall 11313
have the same duties, obligations, and protections as a drug 11314
overdose fatality review committee appointed by a health 11315
commissioner. The board of county commissioners or an individual 11316
designated by the board shall convene the body as required by 11317
section 307.634 of the Revised Code. 11318

Sec. 307.632. (A) If a health commissioner of the board of 11319
health of a city or a general health district is appointed under 11320
section 307.631 of the Revised Code to establish a drug overdose 11321
fatality review committee, the commissioner shall select five 11322
members to serve on the review committee along with the 11323
commissioner. The review committee shall consist of the following: 11324

(1) A county coroner or designee; 11325

(2) The chief of police of a police department or the sheriff 11326
that serves the greatest population in the county or region or a 11327
designee of the chief or sheriff; 11328

(3) A public health official or designee; 11329

(4) The executive director of a board of alcohol, drug 11330
addiction, and mental health services or designee; 11331

(5) A physician who holds a certificate issued pursuant to 11332
Chapter 4731. of the Revised Code authorizing the practice of 11333
medicine and surgery or osteopathic medicine and surgery. 11334

(B) The majority of the members of a review committee may 11335
invite additional members to serve on the committee. The 11336
additional members invited under this division shall serve for a 11337

period of time determined by a majority of the members described 11338
in division (A) of this section. An additional member shall have 11339
the same authority, duties, and responsibilities as members 11340
described in division (A) of this section. 11341

(C) A vacancy in a drug overdose review committee shall be 11342
filled in the same manner as the original appointment. 11343

(D) A drug overdose fatality review committee member shall 11344
not receive any compensation for, and shall not be paid for any 11345
expenses incurred pursuant to, fulfilling the member's duties on 11346
the committee unless compensation for, or payment for expenses 11347
incurred pursuant to, those duties is received pursuant to a 11348
member's regular employment. 11349

Sec. 307.633. The purpose of a drug overdose fatality review 11350
committee established under section 307.631 of the Revised Code is 11351
to decrease the incidence of preventable overdose deaths by doing 11352
all of the following: 11353

(A) Promoting cooperation, collaboration, and communication 11354
between all groups, professions, agencies, or entities engaged in 11355
drug abuse prevention, education, or treatment efforts; 11356

(B) Maintaining a comprehensive database of all overdose 11357
deaths that occur in the county or region served by the review 11358
committee in order to develop an understanding of the causes and 11359
incidence of those deaths; 11360

(C) Recommending and developing plans for implementing local 11361
service and program changes and changes to the groups, 11362
professions, agencies, or entities that serve local residents that 11363
might prevent overdose deaths; 11364

(D) Advising the department of health of aggregate data, 11365
trends, and patterns concerning overdose deaths. 11366

Sec. 307.634. If a drug overdose fatality review committee is 11367
established under section 307.631 of the Revised Code, the board 11368
of county commissioners, or if a regional drug overdose fatality 11369
review committee is established, the group of health commissioners 11370
appointed to select the health commissioner to establish the 11371
regional review committee, shall designate either the health 11372
commissioner that establishes the review committee or a 11373
representative of the health commissioner to convene meetings and 11374
be the chairperson of the review committee. If a regional review 11375
committee includes a county with more than one health district, 11376
the regional review committee meeting shall be convened in that 11377
county. If more than one of the counties participating on the 11378
regional review committee has more than one health district, the 11379
person convening the meeting shall select one of the counties with 11380
more than one health district as the county in which to convene 11381
the meeting. 11382

Sec. 307.635. A drug overdose fatality review committee may 11383
not conduct a review of a death while an investigation of the 11384
death or prosecution of a person for causing the death is pending 11385
unless the prosecuting attorney agrees to allow the review. The 11386
law enforcement agency conducting the criminal investigation, on 11387
the conclusion of the investigation, and the prosecuting attorney 11388
prosecuting the case, on the conclusion of the prosecution, shall 11389
notify the chairperson of the review committee of the conclusion. 11390

Sec. 307.636. (A) A drug overdose fatality review committee 11391
shall establish a system for collecting and maintaining 11392
information necessary for the review of drug overdose or 11393
opioid-involved deaths in the county or region. In an effort to 11394
ensure confidentiality, each committee shall do all of the 11395
following: 11396

<u>(1) Maintain all records in a secure location;</u>	11397
<u>(2) Develop security measures to prevent unauthorized access</u>	11398
<u>to records containing information that could reasonably identify</u>	11399
<u>any person;</u>	11400
<u>(3) Develop a system for storing, processing, indexing,</u>	11401
<u>retrieving, and destroying information obtained in the course of</u>	11402
<u>reviewing a drug overdose or opioid-involved death.</u>	11403
<u>(B) For each drug overdose or opioid-involved death reviewed</u>	11404
<u>by a committee, the committee shall collect all of the following:</u>	11405
<u>(1) Demographic information of the deceased, including age,</u>	11406
<u>sex, race, and ethnicity;</u>	11407
<u>(2) The year in which the death occurred;</u>	11408
<u>(3) The geographic location of the death;</u>	11409
<u>(4) The cause of death;</u>	11410
<u>(5) Any factors contributing to the death;</u>	11411
<u>(6) Any other information the committee considers relevant.</u>	11412
<u>(C) By the first day of April of each year, the person</u>	11413
<u>convening a drug overdose fatality review committee shall prepare</u>	11414
<u>and submit to the Ohio department of health in the manner and</u>	11415
<u>format prescribed by the department a report that includes all of</u>	11416
<u>the following information for the previous calendar year:</u>	11417
<u>(1) The total number of drug overdose or opioid-involved</u>	11418
<u>deaths in the county or region;</u>	11419
<u>(2) The total number of drug overdose or opioid-involved</u>	11420
<u>deaths reviewed by the committee;</u>	11421
<u>(3) A summary of demographic information for the deaths</u>	11422
<u>reviewed, including age, sex, race, and ethnicity;</u>	11423
<u>(4) A summary of any trends or patterns identified by the</u>	11424
<u>committee.</u>	11425

The report shall specify the number of drug overdose or 11426
opioid-involved deaths that were not reviewed during the previous 11427
calendar year. 11428

The report shall include recommendations for actions that 11429
might prevent other deaths, as well as any other information the 11430
review board determines should be included. 11431

(D) Reports prepared under division (C) of this section shall 11432
be considered public records under section 149.43 of the Revised 11433
Code. 11434

Sec. 307.637. (A) Notwithstanding section 3701.243 and any 11435
other section of the Revised Code pertaining to confidentiality, 11436
any individual, law enforcement agency, or other public or private 11437
entity that provided services to a person whose death is being 11438
reviewed by a drug overdose fatality review committee, on the 11439
request of the review committee, shall submit to the review 11440
committee a summary sheet of information. 11441

(1) With respect to a request made to a health care entity, 11442
the summary sheet shall contain only information available and 11443
reasonably drawn from the person's medical record created by the 11444
health care entity. 11445

(2) With respect to a request made to any other individual or 11446
entity, the summary shall contain only information available and 11447
reasonably drawn from any record involving the person that the 11448
individual or entity develops in the normal course of business. 11449

(3) On the request of the review committee, an individual or 11450
entity may, at the individual or entity's discretion, make any 11451
additional information, documents, or reports available to the 11452
review committee. 11453

(B) Notwithstanding division (A) of this section, no person, 11454
entity, law enforcement agency, or prosecuting attorney shall 11455

provide any information regarding the death of a person to a drug 11456
overdose fatality review committee while an investigation of the 11457
death or prosecution of a person for causing the death is pending 11458
unless the prosecuting attorney has agreed pursuant to section 11459
307.635 of the Revised Code to allow review of the death. 11460

Sec. 307.638. (A) An individual or public or private entity 11461
providing information, documents, or reports to a drug overdose 11462
fatality review committee is immune from any civil liability for 11463
injury, death, or loss to person or property that otherwise might 11464
be incurred or imposed as a result of providing the information, 11465
documents, or reports to the review committee. 11466

(B) Each member of a review committee is immune from any 11467
civil liability for injury, death, or loss to person or property 11468
that might otherwise be incurred or imposed as a result of the 11469
member's participation on the review committee. 11470

Sec. 307.639. Any information, document, or report presented 11471
to a drug overdose fatality review committee, all statements made 11472
by review committee members during meetings of the review 11473
committee, all work products of the review committee, and data 11474
submitted by the review committee to the department of health, 11475
other than the report prepared pursuant to section 307.636 of the 11476
Revised Code, are confidential and shall be used by the review 11477
committee, its members, and the department of health only in the 11478
exercise of the proper functions of the review committee and the 11479
department. 11480

Sec. 307.984. (A) To enhance the administration, delivery, 11481
and effectiveness of family services duties and workforce 11482
development activities, a board of county commissioners may enter 11483
into one or more regional plans of cooperation with the following: 11484

(1) One or more other boards of county commissioners; 11485

(2) The chief elected official or officials of one or more 11486
municipal corporations that are ~~the type of local area~~ areas as 11487
defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 11488

(3) Both boards of county commissioners and such chief 11489
elected officials. 11490

(B) A regional plan of cooperation must specify how the 11491
private and government entities included in the plan will 11492
coordinate and enhance the administration, delivery, and 11493
effectiveness of family services duties and workforce development 11494
activities. 11495

Sec. 313.01. (A) A Except as provided in division (B) of this 11496
section, a coroner shall be elected quadrennially in each county, 11497
who shall hold office for a term of four years, beginning on the 11498
first Monday of January next after election. 11499

(B) The electors of any county may authorize the board of 11500
county commissioners to appoint, instead of electing, the coroner, 11501
in the manner provided by Chapter 314. of the Revised Code. The 11502
election of a coroner shall be eliminated in any county in which 11503
the appointment of the coroner, or the merger of the coroner's 11504
position, has been approved by the electors under that chapter. 11505

(C) As used in the Revised Code, unless the context otherwise 11506
requires: 11507

(1) "Coroner" means the coroner or medical examiner of the 11508
county in which death occurs or the dead human body is found. 11509

(2) "Deputy coroner" means the deputy coroner or deputy 11510
medical examiner of the county in which death occurs or the dead 11511
human body is found. 11512

Sec. 314.01. As used in this chapter: 11513

(A) "Appointed county officer" means a county officer who is 11514

appointed by a board of county commissioners in the manner 11515
provided by sections 314.02 to 314.05 of the Revised Code, or 11516
pursuant to a merger under sections 314.06 to 314.10 of the 11517
Revised Code. 11518

(B) "County officer" means a coroner or a county engineer. 11519

Sec. 314.02. (A) The board of county commissioners of any 11520
county may adopt, by a two-thirds vote of the board, or shall 11521
adopt, upon petition filed with the board by three per cent of the 11522
electors of the county as determined by the number of votes cast 11523
therein for the office of governor at the most recent 11524
gubernatorial election, a resolution seeking to authorize the 11525
board of county commissioners to appoint a county officer or 11526
county officers in the manner provided by this section and 11527
sections 314.03 to 314.05 of the Revised Code. The resolution 11528
shall specify the county officer or county officers to be 11529
appointed, rather than elected, and the date on which the county 11530
officer or county officers take office. 11531

(B) The board of county commissioners shall certify the 11532
resolution to the board of elections in the county within five 11533
days after its adoption. 11534

Sec. 314.03. (A)(1) The board of elections shall submit to 11535
the electors of the county the question of authorizing the board 11536
of county commissioners to appoint a county officer or county 11537
officers, at the next general election occurring not less than 11538
ninety days after the resolution adopted under section 314.02 of 11539
the Revised Code is certified to the board of elections. The board 11540
of elections shall submit the question to the electors in language 11541
substantially as follows: 11542

"Shall the County board of county commissioners be 11543
authorized to appoint, rather than elect, the county 11544

(county officer to be appointed) in the manner provided by 11545
sections 314.04 and 314.05 of the Revised Code? 11546

() For the board of county commissioners appointing the 11547
county (county officer to be appointed). 11548

() Against the board of county commissioners appointing the 11549
county (county officer to be appointed)." 11550

(2) If the resolution certified under section 314.02 of the 11551
Revised Code specifies that more than one county officer is to be 11552
appointed, the board of elections shall submit to the electors a 11553
separate question regarding each of the county officers. 11554

(B) Immediately following the election, the board of 11555
elections shall file a certificate of the results thereof with the 11556
secretary of state. 11557

(C)(1) If a majority of the votes cast on the question of 11558
appointing a county officer is in the affirmative, the board of 11559
county commissioners shall appoint the county officer in the 11560
manner provided by sections 314.04 and 314.05 of the Revised Code; 11561
however, if the electors, at the same election, elected a county 11562
officer for the same position for which they approved appointment, 11563
the election results for the elected county office are void and 11564
the board of county commissioners shall appoint the county officer 11565
in the manner provided by that section. 11566

(2) If a majority of the votes cast on the question of 11567
appointing a county officer is in the negative, that county 11568
officer shall continue to be elected. 11569

Sec. 314.04. (A) If the appointment of a county officer is 11570
approved by the electors under section 314.03 of the Revised Code, 11571
the board of county commissioners shall make the appointment and 11572
the county officer so appointed shall take office on the first day 11573
after the expiration of the current elected county officer's term 11574

of office. The county officer shall be appointed for an indefinite 11575
term of office, but may be removed from office by a majority vote 11576
of the board of county commissioners. 11577

(B) A candidate for appointment shall meet the qualifications 11578
to hold the office that are required by law, as if the county 11579
officer were still elected to that office. 11580

(C) No member of the board of county commissioners shall be 11581
eligible for appointment as a county officer until the conclusion 11582
of one year after the expiration of the member's term. 11583

Sec. 314.05. (A) Notwithstanding section 325.01, division (A) 11584
of section 325.14, division (A) of section 325.15, and section 11585
325.22 of the Revised Code, the board of county commissioners 11586
shall fix the salary of the appointed county officer. The salary 11587
shall be not less than the salary that the appointed county 11588
officer otherwise would have received were the officer still 11589
elected. The board shall pay the appointed county officer biweekly 11590
from the county treasury, upon the warrant of the county auditor. 11591

(B) An appointed county officer is the county officer of the 11592
county for purposes of the Revised Code. An appointed county 11593
officer shall exercise any power, perform any function, and render 11594
any service vested by law in the elected county officer, and shall 11595
comply with all laws that apply to the elected county officer, as 11596
if the appointed county officer were still elected. 11597

(C) Notwithstanding sections 302.09, 305.02, and 313.04 of 11598
the Revised Code, if a vacancy occurs in the office of an 11599
appointed county officer, the vacancy shall be filled in the same 11600
manner as provided for appointments under section 314.04 of the 11601
Revised Code. 11602

Sec. 314.06. (A) A question to discontinue the appointment of 11603

a county officer or county officers may be submitted to the 11604
electors of the county at any general election in the manner 11605
provided for submitting the question of appointing a county 11606
officer or county officers under sections 314.02 and 314.03 of the 11607
Revised Code. The question submitted shall be whether the county 11608
shall discontinue appointing a county officer or county officers, 11609
as appropriate. 11610

(B) Immediately following the election, the board of 11611
elections shall file a certificate of the results thereof with the 11612
secretary of state. 11613

(C) If a majority of the electors of the county vote to 11614
discontinue appointing a county officer or county officers, the 11615
county board of elections shall publish a notice once a week for 11616
two consecutive weeks in a newspaper of general circulation or as 11617
provided in section 7.16 of the Revised Code, stating that the 11618
board of elections will accept declarations of candidacy for the 11619
county office. 11620

Sec. 314.07. (A) A county that has an appointed county 11621
officer may merge that officer's position, or office and position, 11622
with the same appointed county officer position, or office and 11623
position, in any number of adjoining counties, in the manner 11624
provided by this section and sections 314.08 to 314.10 of the 11625
Revised Code. Each county must approve the merger separately. 11626

(B) The board of county commissioners of each county may 11627
adopt, by a two-thirds vote of the board, or shall adopt, upon 11628
petition filed with the board by three per cent of the electors of 11629
the county as determined by the number of votes cast therein for 11630
the office of governor at the most recent gubernatorial election, 11631
a resolution seeking a merger. Each resolution shall specify all 11632
of the following: 11633

<u>(1) The appointed county officer position being merged;</u>	11634
<u>(2) The names of all of the counties that will be</u>	11635
<u>participating in the merger;</u>	11636
<u>(3) Which county's or counties' appointed county officer</u>	11637
<u>position, or office and position, will be eliminated;</u>	11638
<u>(4) The location of the appointed county officer's merged</u>	11639
<u>office, if offices are merged;</u>	11640
<u>(5) The minimum amount of funds, the services, and the</u>	11641
<u>property to be contributed to the appointed county officer's</u>	11642
<u>office by each county participating in the merger;</u>	11643
<u>(6) A transition plan and schedule for the merger; and</u>	11644
<u>(7) The name of the position, or office and position, of a</u>	11645
<u>merged position, or office and position.</u>	11646
<u>(C) Each board of county commissioners shall certify its</u>	11647
<u>resolution to the board of elections in that county within five</u>	11648
<u>days after its adoption.</u>	11649
 <u>Sec. 314.08. (A) Once every county that seeks to participate</u>	11650
<u>in the merger has certified its resolution to the board of</u>	11651
<u>elections of its respective county, each board of elections shall</u>	11652
<u>submit to the electors of the county the question of merging</u>	11653
<u>appointed county officers' positions, or offices and positions, as</u>	11654
<u>designated in the resolution, at the next general election</u>	11655
<u>occurring not less than ninety days after the resolution adopted</u>	11656
<u>under section 314.07 of the Revised Code is certified to the board</u>	11657
<u>of elections. The board of elections of each of the counties</u>	11658
<u>seeking the merger shall submit the question to the electors in</u>	11659
<u>language substantially as follows:</u>	11660
 <u>(1) If the appointed county officers' positions are to be</u>	11661
<u>merged:</u>	11662

"Shall the County of merge its appointed county officer's position of (name of position) with the same appointed county officer's position of the County (or Counties) of into one position serving (both or all) of the counties, in the manner provided by sections 314.09 and 314.10 of the Revised Code?"

() For adoption of the merger of the position of (name of appointed county officer's position).

() Against adoption of the merger of the position of (name of appointed county officer's position)."

(2) If both the offices and positions of appointed county officers are to be merged:

"Shall the County of merge its appointed county officer's position of (name of position) and that officer's office with the same appointed county officer's position and office of the County (or Counties) of into one position and office serving (both or all) of the counties, in the manner provided by sections 314.09 and 314.10 of the Revised Code?"

() For adoption of the merger of the position of (name of appointed county officer's position) and the officer's office.

() Against adoption of the merger of the position of (name of appointed county officer's position) and the officer's office."

(B) Immediately following the election, the board of elections shall file a certificate of the results thereof with the secretary of state.

(C)(1) If a merger is approved by a majority of those voting on it in each county, separately, the appointed county officer positions shall be merged into one position in accordance with the

resolutions adopted under section 314.07 of the Revised Code. If 11693
the ballot also included a question of merging offices and the 11694
merger is so approved, the offices of the appointed county 11695
officers shall be merged into one in accordance with the 11696
resolutions adopted under section 314.07 of the Revised Code. 11697

(2) If a merger is disapproved by a majority of those voting 11698
on it in any county, the merger shall not occur. 11699

Sec. 314.09. (A) If a merger is approved by the electors 11700
under section 314.08 of the Revised Code, a county officer shall 11701
be appointed by vote of a majority of the county commissioners of 11702
all of the counties participating in the merger, and the county 11703
officer shall take office on the first day of January after the 11704
election. At least one county commissioner of each county 11705
participating in the merger must approve the candidate appointed. 11706
If the merger approved by the electors also merges offices, the 11707
offices shall be merged in accordance with the resolutions adopted 11708
under section 314.07 of the Revised Code. Notwithstanding sections 11709
313.07 and 315.11 of the Revised Code, the merged office may be 11710
located outside a county participating in the merger, as long as 11711
it is located in one of the counties participating in the merger. 11712

(B) A candidate for appointment under this section shall meet 11713
the requirements of divisions (B) and (C) of section 314.04 of the 11714
Revised Code. 11715

(C) The county officer of the merger shall be appointed for 11716
an indefinite term of office, but may be removed from office by 11717
vote of a majority of the county commissioners of all of the 11718
counties participating in the merger. 11719

Sec. 314.10. (A) The salary of the appointed county officer 11720
shall be as provided in division (A) of section 314.05 of the 11721
Revised Code, except that the salary shall be fixed by vote of a 11722

majority of the county commissioners of all of the counties 11723
participating in the merger. 11724

(B) The appointed county officer of the merger is the county 11725
officer of each county participating in the merger for purposes of 11726
the Revised Code. The appointed county officer of the merger shall 11727
exercise any power, perform any function, or render any service 11728
vested by law in a county officer in all of the counties that 11729
participate in the merger, and shall comply with all laws that 11730
apply to an elected county officer, as if the appointed county 11731
officer were still elected. 11732

(C) Notwithstanding sections 302.09, 305.02, and 313.04 of 11733
the Revised Code, if a vacancy occurs in the office of the 11734
appointed county officer of the merger, the vacancy shall be 11735
filled in the same manner as provided for appointments under 11736
section 314.09 of the Revised Code. 11737

(D) Before the effective date of the appointment of any 11738
appointed county officer under this section, the counties shall 11739
agree on the total amount of funds to be contributed to the 11740
appointed county officer's office by each county participating in 11741
the merger. If the counties cannot agree on the total amount to be 11742
contributed, each county shall contribute at least the minimum 11743
amount of the funds specified in the resolution certified under 11744
section 314.07 of the Revised Code. 11745

Sec. 314.11. (A) A question to discontinue a merger that was 11746
approved by the electors under section 314.08 of the Revised Code 11747
may be submitted to the electors of any county that is 11748
participating in the merger, at any general election, in the 11749
manner provided for the submission of a merger question pursuant 11750
to that section. The question submitted shall be whether the 11751
county shall continue to participate in the merger. 11752

(B) Immediately following the election, the board of 11753
elections shall file a certificate of the results thereof with the 11754
secretary of state. 11755

(C) If a majority of the electors of the county vote to 11756
discontinue the merger, that county's board of county 11757
commissioners immediately shall appoint a county officer as 11758
provided by sections 314.04 and 314.05 of the Revised Code. Any 11759
other counties that participate in the merger shall continue to so 11760
participate. 11761

(D) If the discontinuance of the merger by a county would 11762
leave only one county participating in the merger, the merger 11763
shall be dissolved, and each of the counties immediately shall 11764
appoint a county officer as provided by sections 314.04 and 314.05 11765
of the Revised Code. 11766

Sec. 314.12. A county that has appointed a county officer 11767
under sections 314.02 to 314.05 of the Revised Code and that is 11768
adjacent to a county participating in an existing merger that has 11769
merged that same appointed county officer position may join the 11770
existing merger in the manner provided by sections 314.07 to 11771
314.10 of the Revised Code. 11772

Sec. 314.13. (A) The adoption or discontinuance of appointing 11773
a county officer or of a merger under this chapter shall not 11774
affect any act done, ratified, or affirmed, or any contract or 11775
other right or obligation other than contracts for personal 11776
services, accrued or established, or any cause of action, 11777
prosecution, or proceeding, civil or criminal, pending at the time 11778
such change takes effect; nor shall the adoption or discontinuance 11779
of appointing a county officer or of a merger affect such actions, 11780
prosecutions, or proceedings existing at the time it takes effect; 11781
but such rights shall attach to, and actions, prosecutions, or 11782

proceedings may be prosecuted and continued, or instituted and 11783
prosecuted against, by, or before the office having jurisdiction 11784
or power of the subject matter to which such action, prosecution, 11785
or proceeding pertains. All rules, regulations, and orders 11786
lawfully promulgated before such adoption or discontinuance shall 11787
continue in force and effect until amended or rescinded. 11788

(B) On the effective date of the adoption or discontinuance 11789
of appointing a county officer or of a merger under this chapter 11790
that causes a transfer of rights, duties, and powers from one 11791
office to another, all books, records, papers, documents, 11792
property, real and personal, funds, appropriations and balances of 11793
appropriations, and pending business in any way pertaining to such 11794
rights, powers, and duties shall be similarly transferred. 11795

Sec. 315.01. There (A) Except as provided in division (B) of 11796
this section, there shall be elected quadrennially in each county 11797
a county engineer who shall assume office on the first Monday in 11798
January next after his election and shall hold such office for 11799
four years. 11800

(B) The electors of any county may authorize the board of 11801
county commissioners to appoint, instead of electing, the county 11802
engineer, in the manner provided by Chapter 314. of the Revised 11803
Code. The election of a county engineer shall be eliminated in any 11804
county in which the appointment of the county engineer, or the 11805
merger of the county engineer's position, has been approved by the 11806
electors under that chapter. 11807

Sec. 319.11. The county auditor shall, ~~on or before ninety~~ 11808
~~days after the close of the fiscal year,~~ prepare a financial 11809
report of the county for the preceding fiscal year in such form as 11810
prescribed by the auditor of state and by such date as required 11811
under section 117.38 of the Revised Code. Upon completing the 11812

report, the county auditor shall publish notice that the report 11813
has been completed and is available for public inspection at the 11814
office of the county auditor. The notice shall be published once 11815
in a newspaper of general circulation in the county. If there is 11816
no newspaper of general circulation in the county, then 11817
publication is required in the newspaper of general circulation in 11818
an adjoining county that has the largest circulation in that 11819
adjoining county. The report shall contain at least the 11820
information required by section 117.38 of the Revised Code, and a 11821
copy shall be filed with the auditor of state. 11822

No county auditor shall fail or neglect to prepare the report 11823
or publish notice of completion of the report as required by this 11824
section. 11825

Sec. 319.54. (A) On all moneys collected by the county 11826
treasurer on any tax duplicate of the county, other than estate 11827
tax duplicates, and on all moneys received as advance payments of 11828
personal property and classified property taxes, the county 11829
auditor, on settlement with the treasurer and tax commissioner, on 11830
or before the date prescribed by law for such settlement or any 11831
lawful extension of such date, shall be allowed as compensation 11832
for the county auditor's services the following percentages: 11833

(1) On the first one hundred thousand dollars, two and 11834
one-half per cent; 11835

(2) On the next two million dollars, eight thousand three 11836
hundred eighteen ten-thousandths of one per cent; 11837

(3) On the next two million dollars, six thousand six hundred 11838
fifty-five ten-thousandths of one per cent; 11839

(4) On all further sums, one thousand six hundred sixty-three 11840
ten-thousandths of one per cent. 11841

If any settlement is not made on or before the date 11842

prescribed by law for such settlement or any lawful extension of 11843
such date, the aggregate compensation allowed to the auditor shall 11844
be reduced one per cent for each day such settlement is delayed 11845
after the prescribed date. No penalty shall apply if the auditor 11846
and treasurer grant all requests for advances up to ninety per 11847
cent of the settlement pursuant to section 321.34 of the Revised 11848
Code. The compensation allowed in accordance with this section on 11849
settlements made before the dates prescribed by law, or the 11850
reduced compensation allowed in accordance with this section on 11851
settlements made after the date prescribed by law or any lawful 11852
extension of such date, shall be apportioned ratably by the 11853
auditor and deducted from the shares or portions of the revenue 11854
payable to the state as well as to the county, townships, 11855
municipal corporations, and school districts. 11856

(B) For the purpose of reimbursing county auditors for the 11857
expenses associated with the increased number of applications for 11858
reductions in real property taxes under sections 323.152 and 11859
4503.065 of the Revised Code that result from the amendment of 11860
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 11861
there shall be paid from the state's general revenue fund to the 11862
county treasury, to the credit of the real estate assessment fund 11863
created by section 325.31 of the Revised Code, an amount equal to 11864
one per cent of the total annual amount of property tax relief 11865
reimbursement paid to that county under sections 323.156 and 11866
4503.068 of the Revised Code for the preceding tax year. Payments 11867
made under this division shall be made at the same times and in 11868
the same manner as payments made under section 323.156 of the 11869
Revised Code. 11870

(C) From all moneys collected by the county treasurer on any 11871
tax duplicate of the county, other than estate tax duplicates, and 11872
on all moneys received as advance payments of personal property 11873
and classified property taxes, there shall be paid into the county 11874

treasury to the credit of the real estate assessment fund created 11875
by section 325.31 of the Revised Code, an amount to be determined 11876
by the county auditor, which shall not exceed the percentages 11877
prescribed in divisions (C)(1) and (2) of this section. 11878

(1) For payments made after June 30, 2007, and before 2011, 11879
the following percentages: 11880

(a) On the first five hundred thousand dollars, four per 11881
cent; 11882

(b) On the next five million dollars, two per cent; 11883

(c) On the next five million dollars, one per cent; 11884

(d) On all further sums not exceeding one hundred fifty 11885
million dollars, three-quarters of one per cent; 11886

(e) On amounts exceeding one hundred fifty million dollars, 11887
five hundred eighty-five thousandths of one per cent. 11888

(2) For payments made in or after 2011, the following 11889
percentages: 11890

(a) On the first five hundred thousand dollars, four per 11891
cent; 11892

(b) On the next ten million dollars, two per cent; 11893

(c) On amounts exceeding ten million five hundred thousand 11894
dollars, three-fourths of one per cent. 11895

Such compensation shall be apportioned ratably by the auditor 11896
and deducted from the shares or portions of the revenue payable to 11897
the state as well as to the county, townships, municipal 11898
corporations, and school districts. 11899

(D) Each county auditor shall receive four per cent of the 11900
amount of tax collected and paid into the county treasury, on 11901
property omitted and placed by the county auditor on the tax 11902
duplicate. 11903

(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement ~~semiannually~~ annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

(1) Four per cent on the first one hundred thousand dollars;

(2) One-half of one per cent on all additional sums.

Such percentages shall be computed upon the amount collected and reported at each ~~semiannual~~ annual settlement, and shall be for the use of the general fund of the county.

(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(G) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for each one hundred dollars or fraction of one hundred dollars, whichever is greater, of the value of the real property

transferred or, for sales occurring on or after January 1, 2000,	11934
the value of the used manufactured home or used mobile home, as	11935
defined in section 5739.0210 of the Revised Code, transferred,	11936
except no fee shall be charged when the transfer is made:	11937
(a) To or from the United States, this state, or any	11938
instrumentality, agency, or political subdivision of the United	11939
States or this state;	11940
(b) Solely in order to provide or release security for a debt	11941
or obligation;	11942
(c) To confirm or correct a deed previously executed and	11943
recorded or when a current owner on any record made available to	11944
the general public on the internet or a publicly accessible	11945
database and the general tax list of real and public utility	11946
property and the general duplicate of real and public utility	11947
property is a peace officer, parole officer, prosecuting attorney,	11948
assistant prosecuting attorney, correctional employee, youth	11949
services employee, firefighter, EMT, or investigator of the bureau	11950
of criminal identification and investigation and is changing the	11951
current owner name listed on any record made available to the	11952
general public on the internet or a publicly accessible database	11953
and the general tax list of real and public utility property and	11954
the general duplicate of real and public utility property to the	11955
initials of the current owner as prescribed in division (B)(1) of	11956
section 319.28 of the Revised Code;	11957
(d) To evidence a gift, in trust or otherwise and whether	11958
revocable or irrevocable, between husband and wife, or parent and	11959
child or the spouse of either;	11960
(e) On sale for delinquent taxes or assessments;	11961
(f) Pursuant to court order, to the extent that such transfer	11962
is not the result of a sale effected or completed pursuant to such	11963
order;	11964

(g) Pursuant to a reorganization of corporations or 11965
unincorporated associations or pursuant to the dissolution of a 11966
corporation, to the extent that the corporation conveys the 11967
property to a stockholder as a distribution in kind of the 11968
corporation's assets in exchange for the stockholder's shares in 11969
the dissolved corporation; 11970

(h) By a subsidiary corporation to its parent corporation for 11971
no consideration, nominal consideration, or in sole consideration 11972
of the cancellation or surrender of the subsidiary's stock; 11973

(i) By lease, whether or not it extends to mineral or mineral 11974
rights, unless the lease is for a term of years renewable forever; 11975

(j) When the value of the real property or the manufactured 11976
or mobile home or the value of the interest that is conveyed does 11977
not exceed one hundred dollars; 11978

(k) Of an occupied residential property, including a 11979
manufactured or mobile home, being transferred to the builder of a 11980
new residence or to the dealer of a new manufactured or mobile 11981
home when the former residence is traded as part of the 11982
consideration for the new residence or new manufactured or mobile 11983
home; 11984

(l) To a grantee other than a dealer in real property or in 11985
manufactured or mobile homes, solely for the purpose of, and as a 11986
step in, the prompt sale of the real property or manufactured or 11987
mobile home to others; 11988

(m) To or from a person when no money or other valuable and 11989
tangible consideration readily convertible into money is paid or 11990
to be paid for the real estate or manufactured or mobile home and 11991
the transaction is not a gift; 11992

(n) Pursuant to division (B) of section 317.22 of the Revised 11993
Code, or section 2113.61 of the Revised Code, between spouses or 11994
to a surviving spouse pursuant to section 5302.17 of the Revised 11995

Code as it existed prior to April 4, 1985, between persons	11996
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	11997
after April 4, 1985, to a person who is a surviving, survivorship	11998
tenant pursuant to section 5302.17 of the Revised Code on or after	11999
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	12000
(o) To a trustee acting on behalf of minor children of the	12001
deceased;	12002
(p) Of an easement or right-of-way when the value of the	12003
interest conveyed does not exceed one thousand dollars;	12004
(q) Of property sold to a surviving spouse pursuant to	12005
section 2106.16 of the Revised Code;	12006
(r) To or from an organization exempt from federal income	12007
taxation under section 501(c)(3) of the "Internal Revenue Code of	12008
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	12009
transfer is without consideration and is in furtherance of the	12010
charitable or public purposes of such organization;	12011
(s) Among the heirs at law or devisees, including a surviving	12012
spouse, of a common decedent, when no consideration in money is	12013
paid or to be paid for the real property or manufactured or mobile	12014
home;	12015
(t) To a trustee of a trust, when the grantor of the trust	12016
has reserved an unlimited power to revoke the trust;	12017
(u) To the grantor of a trust by a trustee of the trust, when	12018
the transfer is made to the grantor pursuant to the exercise of	12019
the grantor's power to revoke the trust or to withdraw trust	12020
assets;	12021
(v) To the beneficiaries of a trust if the fee was paid on	12022
the transfer from the grantor of the trust to the trustee or if	12023
the transfer is made pursuant to trust provisions which became	12024
irrevocable at the death of the grantor;	12025

(w) To a corporation for incorporation into a sports facility 12026
constructed pursuant to section 307.696 of the Revised Code; 12027

(x) Between persons pursuant to section 5302.18 of the 12028
Revised Code; 12029

(y) From a county land reutilization corporation organized 12030
under Chapter 1724. of the Revised Code, or its wholly owned 12031
subsidiary, to a third party. 12032

(4) For the cost of publishing the delinquent manufactured 12033
home tax list, the delinquent tax list, and the delinquent vacant 12034
land tax list, a flat fee, as determined by the county auditor, to 12035
be charged to the owner of a home on the delinquent manufactured 12036
home tax list or the property owner of land on the delinquent tax 12037
list or the delinquent vacant land tax list. 12038

The auditor shall compute and collect the fee. The auditor 12039
shall maintain a numbered receipt system, as prescribed by the tax 12040
commissioner, and use such receipt system to provide a receipt to 12041
each person paying a fee. The auditor shall deposit the receipts 12042
of the fees on conveyances in the county treasury daily to the 12043
credit of the general fund of the county, except that fees charged 12044
and received under division (G)(3) of this section for a transfer 12045
of real property to a county land reutilization corporation shall 12046
be credited to the county land reutilization corporation fund 12047
established under section 321.263 of the Revised Code. 12048

The real property transfer fee provided for in division 12049
(G)(3) of this section shall be applicable to any conveyance of 12050
real property presented to the auditor on or after January 1, 12051
1968, regardless of its time of execution or delivery. 12052

The transfer fee for a used manufactured home or used mobile 12053
home shall be computed by and paid to the county auditor of the 12054
county in which the home is located immediately prior to the 12055
transfer. 12056

Sec. 321.27. (A) On settlement ~~semiannually~~ annually with the 12057
county auditor, the county treasurer shall be allowed as fees on 12058
all moneys collected by ~~him~~ the treasurer on ~~inheritance estate~~ 12059
tax duplicates, the following percentages: three per cent on the 12060
first one hundred thousand dollars; two per cent on the next one 12061
hundred thousand dollars; five tenths per cent on all additional 12062
sums. Such percentages shall be computed upon the amount collected 12063
and reported at each ~~semiannual~~ annual settlement, and shall be 12064
for the use of the general fund of the county. 12065

(B) On ~~such~~ settlement semiannually with the county auditor, 12066
the county treasurer shall ~~also~~ be allowed as fees on all 12067
cigarette license moneys collected by ~~him,~~ the treasurer one-half 12068
per cent on the amount received, to be paid upon the warrant of 12069
the auditor and ~~by him~~ apportioned ratably and deducted from the 12070
shares of revenue payable to the county and subdivisions of the 12071
county under section 5743.15 of the Revised Code, for the use of 12072
the general fund of the county. 12073

Sec. 323.01. Except as otherwise provided, as used in Chapter 12074
323. of the Revised Code: 12075

(A) "Subdivision" means any county, township, school 12076
district, or municipal corporation. 12077

(B) "Municipal corporation" includes charter municipalities. 12078

(C) "Taxes" means the total amount of all charges against an 12079
entry appearing on a tax list and the duplicate thereof that was 12080
prepared and certified in accordance with section 319.28 of the 12081
Revised Code, including taxes levied against real estate; taxes on 12082
property whose value is certified pursuant to section 5727.23 of 12083
the Revised Code; recoupment charges applied pursuant to section 12084
5713.35 of the Revised Code; all assessments; penalties and 12085
interest charged pursuant to section 323.121 of the Revised Code; 12086

charges added pursuant to section 319.35 of the Revised Code; and 12087
all of such charges which remain unpaid from any previous tax 12088
year. 12089

(D) "Current taxes" means all taxes charged against an entry 12090
on the general tax list and duplicate of real and public utility 12091
property that have not appeared on such list and duplicate for any 12092
prior tax year and any penalty thereon charged by division (A) of 12093
section 323.121 of the Revised Code. Current taxes, whether or not 12094
they have been certified delinquent, become delinquent taxes if 12095
they remain unpaid after the last day prescribed for payment of 12096
the second installment of current taxes without penalty. 12097

(E) "Delinquent taxes" means: 12098

(1) Any taxes charged against an entry on the general tax 12099
list and duplicate of real and public utility property that were 12100
charged against an entry on such list and duplicate for a prior 12101
tax year and any penalties and interest charged against such 12102
taxes. 12103

(2) Any current taxes charged on the general tax list and 12104
duplicate of real and public utility property that remain unpaid 12105
after the last day prescribed for payment of the second 12106
installment of such taxes without penalty, whether or not they 12107
have been certified delinquent, and any penalties and interest 12108
charged against such taxes. 12109

(F) "Current tax year" means, with respect to particular 12110
taxes, the calendar year in which the first installment of taxes 12111
is due prior to any extension granted under section 323.17 of the 12112
Revised Code. 12113

(G) "Liquidated claim" means: 12114

(1) Any sum of money due and payable, upon a written 12115
contractual obligation executed between the subdivision and the 12116
taxpayer, but excluding any amount due on general and special 12117

assessment bonds and notes; 12118

(2) ~~Any sum of money due and payable, for disability~~ 12119
~~financial assistance provided under Chapter 5115. of the Revised~~ 12120
~~Code that is furnished to or in behalf of a subdivision, provided~~ 12121
~~that such claim is recognized by a resolution or ordinance of the~~ 12122
~~legislative body of such subdivision;~~ 12123

~~(3)~~ Any sum of money advanced and paid to or received and 12124
used by a subdivision, pursuant to a resolution or ordinance of 12125
such subdivision or its predecessor in interest, and the moral 12126
obligation to repay which sum, when in funds, shall be recognized 12127
by resolution or ordinance by the subdivision. 12128

Sec. 323.32. As used in this section, "railroad note" means a 12129
note issued pursuant to a court order in the reorganization of a 12130
railroad company under section 77 of the Bankruptcy Act. 12131

Notwithstanding any other provision of law to the contrary, 12132
with respect to all payments received in settlement of claims 12133
arising from delinquent property tax charges and ordered to be 12134
paid by a railroad company under a plan of reorganization as 12135
ordered by a federal district court in accordance with provisions 12136
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 12137
201-208, the following provisions shall apply: 12138

(A) Except as provided in division (H) of this section, all 12139
of such payments shall be made payable, and delivered, to the 12140
county in which the taxing district sharing in a claim for 12141
delinquent taxes is located. Any notes included in such payment 12142
shall be issued to such county treasurer, who shall be the 12143
custodian of all of said notes, and who shall be liable therefor 12144
upon ~~his~~ the treasurer's bond until such time as said notes 12145
mature, are sold, or otherwise lawfully pass from ~~his~~ the 12146
treasurer's custody. 12147

(B) Upon receipt of a payment by cash or check, the county treasurer shall immediately cause such funds to be paid into the county treasury and credited to a special fund established for this purpose, which shall be known as the "undivided bankruptcy claims fund." All of such moneys so received, including any earned interest, shall be credited to said fund.

(C) When the total claim for each county has been satisfied by the receipt of cash or notes, or both, the county auditor shall remit from the tax list and duplicate of real and public utility property in each county, all charges appearing thereon in the name of the railroad company for which such payment has been made, which are delinquent and unpaid from any year previous to the tax year 1977.

(D) At any time that funds are present in the undivided bankruptcy claims fund, either upon initial settlement or at any later time, the county auditor shall, forthwith, distribute by auditors' warrant, such funds to the various taxing districts of the county, in which the property taxes, from which the claim in bankruptcy has derived, were originally charged. The funds so distributed shall be apportioned among the various taxing authorities within each taxing district in the same proportions as the said taxes were originally levied, taking into account the various rates of taxation levied for different purposes for each year in which such taxes were charged and remained unpaid, and any unpaid special assessments, including compound interest thereon at the rate of six per cent per annum to January 1, 1978.

In making such distribution, the auditor shall, first, deduct an amount equal to one per cent of the total amount to be distributed, as fees for services of the county auditor and treasurer in making collection and distribution of the claim in bankruptcy. Such deduction shall be in lieu of all fees provided for in sections 319.54 and 321.26 of the Revised Code. The amount

so deducted shall be credited to the general fund of the county. 12180

If any funds received pursuant to this section represent 12181
taxes which, if collected, would have resulted from any general or 12182
emergency levy which has since expired, such funds may be credited 12183
to the general operating fund and expended as though they are 12184
proceeds from a current levy, and if any of such funds represent 12185
taxes from any current general bond retirement levy or one which 12186
has since expired, said funds may be credited to the current bond 12187
retirement fund and used to service any current bond indebtedness, 12188
or may be credited to the general operating fund of the district, 12189
if so designated by a majority of the members of the taxing 12190
authority of the taxing district. 12191

(E) Except as provided in division (H) of this section, when, 12192
as a part of the settlement of a claim in bankruptcy of a 12193
reorganized railroad company a county receives notes on behalf of 12194
a taxing authority in partial payment of said claim, the county 12195
treasurer shall, within a reasonable length of time, notify the 12196
taxing authority of each taxing district sharing in the claim that 12197
such notes are in ~~his~~ the treasurer's custody. Within sixty days 12198
of receipt of such notice, each taxing authority shall decide by a 12199
resolution approved by a majority of its members whether: 12200

(1) The notes shall remain in custody of the county 12201
treasurer, as issued, and allowed to mature according to the terms 12202
presented on their face with the proceeds to be distributed upon 12203
maturity pursuant to division (D) of this section; or 12204

(2) The railroad notes shall be exchanged for several new 12205
notes in denominations equal to the proportionate share, or 12206
portion thereof, of the taxing district having a share in the 12207
claim in bankruptcy as determined in division (D) of this section. 12208
The new notes shall be distributed, upon receipt, to each taxing 12209
authority in full satisfaction of its claim or in full 12210
satisfaction of the portion of its claim represented by the notes 12211

so received. If notes cannot be issued in denominations equal to 12212
the taxing district's proportionate share, the treasurer shall 12213
certify to the taxing authority of the district the amount of 12214
notes held by the treasurer on behalf of the district and for 12215
which notes cannot be issued pursuant to the taxing authority's 12216
decision under this subdivision. Upon receipt of such 12217
certification, the taxing authority may borrow money and issue 12218
notes against such certification in the same manner as is provided 12219
by division (F) of this section. 12220

If a taxing authority elects the option provided under 12221
division (E)(1) of this section, it may at any subsequent time 12222
elect instead the option provided under division (E)(2) of this 12223
section by resolution approved by a majority of its members. The 12224
election of the option provided under division (E)(2) of this 12225
section becomes final upon receipt by the taxing authority of the 12226
new notes or certification distributed by the county treasurer 12227
under such division. 12228

Each taxing authority shall certify a copy of any resolution 12229
adopted under this division to the county treasurer who shall take 12230
appropriate action as directed by each taxing authority. 12231

(F) A taxing authority having possession of any railroad note 12232
or a treasurer's certification issued under division (E)(2) of 12233
this section may, by approval of a majority of its members, borrow 12234
money and issue its note in anticipation of the revenue payable on 12235
maturity of the railroad note and pledge the railroad note or the 12236
proceeds thereof. Such anticipation note shall mature no later 12237
than the railroad note and shall be in an amount no greater than 12238
seventy per cent of the face amount of said railroad note. By like 12239
action a taxing authority may sell any railroad note in its 12240
possession at public or private offering for not less than the 12241
prevailing market price. Such a sale or borrowing shall be exempt 12242
from all other requirements and limitations of the Revised Code, 12243

including the requirements of the Uniform Bond Law. 12244

(1) If a taxing authority desires to issue delinquent tax 12245
bonds pursuant to section 131.23 of the Revised Code prior to 12246
either receipt of any payment from a railroad in bankruptcy or 12247
utilization of the authority granted in this section, the taxing 12248
authority may determine whether or not the net amount of 12249
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 12250
section 131.23 of the Revised Code shall include all or part of 12251
the delinquent taxes owed by a railroad, or, if notes have been 12252
received pursuant to this section, the unpaid principal amount of 12253
such notes. If the taxing authority determines that any such 12254
railroad delinquencies or note amount shall be included under 12255
section 131.23 of the Revised Code, the amount which may be 12256
borrowed pursuant to this section may not exceed seventy per cent 12257
of the total face amount of railroad notes remaining after 12258
deducting the amount so included. 12259

(2) If a taxing authority desires to issue delinquent tax 12260
bonds pursuant to section 131.23 of the Revised Code after 12261
utilization of the authority granted in this section, the net 12262
amount of delinquent taxes unpledged for purposes of division 12263
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 12264
the principal amount of railroad notes which have been borrowed 12265
against or sold pursuant to this section. 12266

(G) When a taxing authority receives a railroad note, the 12267
face amount of such note shall not be considered as revenue for 12268
any purpose in the year in which the note is received. Upon sale 12269
or maturity of the note, any proceeds not pledged pursuant to 12270
division (F) of this section shall be considered as unanticipated 12271
revenue from a new source and all of the provisions of law 12272
pertaining to such revenue, including section 5705.36 of the 12273
Revised Code, shall apply. 12274

(H) When there are present in a county nonrepresented taxing 12275

districts as provided in amended substitute house bill 336~~7~~ of the 12276
112th general assembly, all of the provisions of this section 12277
shall apply to such districts, except as follows: 12278

(1) Payments by cash or check may be made payable, and 12279
delivered, directly to the treasurer of the taxing district. Any 12280
notes included in the settlement of the district's claim may be 12281
issued, and delivered, directly to said treasurer. 12282

Upon receipt of any of such payments, the treasurer of the 12283
taxing district shall certify, to the county treasurer of the 12284
county in which the district is located, the fact of such receipt 12285
and the amounts so received. 12286

(2) If the claim of a nonrepresented taxing district is not 12287
paid directly to the treasurer of the district but is included 12288
with payments for the remainder of the county, cash payments 12289
included in the initial settlement shall be distributed as 12290
provided in divisions (B) and (D) of this section. Any notes 12291
received as payment shall be exchanged and distributed to 12292
nonrepresented taxing districts upon receipt. 12293

Sec. 329.03. (A) As used in this section, "applicant" or 12294
"recipient" means ~~any~~ either of the following: 12295

(1) An applicant for or participant in the Ohio works first 12296
program established under Chapter 5107. of the Revised Code; 12297

~~(2) An applicant for or recipient of disability financial 12298
assistance under Chapter 5115. of the Revised Code;~~ 12299

~~(3) An applicant for or recipient of cash assistance provided 12300
under the refugee assistance program established under section 12301
5101.49 of the Revised Code. 12302~~

(B) Each county department of job and family services shall 12303
establish a direct deposit system under which cash assistance 12304
payments to recipients who agree to direct deposit are made by 12305

electronic transfer to an account in a financial institution 12306
designated under this section. No financial institution shall 12307
impose any charge for such an account that the institution does 12308
not impose on its other customers for the same type of account. 12309
Direct deposit does not affect the exemption of Ohio works first 12310
~~and disability financial assistance~~ from attachment, garnishment, 12311
or other like process afforded by ~~sections~~ section 5107.75 and 12312
~~5115.06~~ of the Revised Code. 12313

(C) Each county department of job and family services shall 12314
do all of the following: 12315

(1) Inform each applicant or recipient that the applicant or 12316
recipient must choose whether to receive cash assistance payments 12317
under the direct deposit system established under this section or 12318
under the electronic benefit transfer system established under 12319
section 5101.33 of the Revised Code; 12320

(2) Inform each applicant and recipient of the conditions 12321
under which the applicant or recipient may change the system used 12322
to receive the cash assistance payments; 12323

(3) Inform each applicant or recipient of the procedures 12324
governing the direct deposit system; 12325

(4) If an applicant or recipient chooses to receive cash 12326
assistance payments under the direct deposit system, obtain from 12327
the applicant or recipient an authorization form to designate a 12328
financial institution equipped for and authorized by law to accept 12329
direct deposits by electronic transfer and the account into which 12330
the applicant or recipient wishes the payments to be made; 12331

(5) If an applicant or recipient chooses to receive cash 12332
assistance payments under the electronic benefit transfer system 12333
established under section 5101.33 of the Revised Code, obtain from 12334
the applicant or recipient a signed form to that effect. 12335

The department may require a recipient to complete a new 12336

authorization form whenever the department considers it necessary. 12337

A recipient's designation of a financial institution and 12338
account shall remain in effect until withdrawn in writing or 12339
dishonored by the financial institution, except that no change may 12340
be made in the authorization form until the next eligibility 12341
redetermination of the recipient unless the county department 12342
determines that good cause exists for an earlier change or the 12343
financial institution dishonors the recipient's account. 12344

(D) An applicant or recipient without an account who 12345
completes an authorization form to receive cash assistance 12346
payments by direct deposit shall have ten days after receiving the 12347
authorization form to designate an account suitable for direct 12348
deposit. If within the required time the applicant or recipient 12349
does not make the designation, the recipient shall receive cash 12350
assistance payments under the electronic benefit transfer system 12351
established under section 5101.33 of the Revised Code. 12352

(E) The director of job and family services may adopt rules 12353
governing direct deposit systems established under this section. 12354

Sec. 329.04. (A) The county department of job and family 12355
services shall have, exercise, and perform the following powers 12356
and duties: 12357

(1) Perform any duties assigned by the state department of 12358
job and family services or department of medicaid regarding the 12359
provision of public family services, including the provision of 12360
the following services to prevent or reduce economic or personal 12361
dependency and to strengthen family life: 12362

(a) Services authorized by a Title IV-A program, as defined 12363
in section 5101.80 of the Revised Code; 12364

(b) Social services authorized by Title XX of the "Social 12365
Security Act" and provided for by section 5101.46 or 5101.461 of 12366

the Revised Code;	12367
(c) If the county department is designated as the child	12368
support enforcement agency, services authorized by Title IV-D of	12369
the "Social Security Act" and provided for by Chapter 3125. of the	12370
Revised Code. The county department may perform the services	12371
itself or contract with other government entities, and, pursuant	12372
to division (C) of section 2301.35 and section 2301.42 of the	12373
Revised Code, private entities, to perform the Title IV-D	12374
services.	12375
(d) Duties assigned under section 5162.031 of the Revised	12376
Code.	12377
(2) Administer disability financial assistance, as required	12378
by the state department of job and family services under section	12379
5115.03 of the Revised Code;	12380
(3) Administer burials insofar as the administration of	12381
burials was, prior to September 12, 1947, imposed upon the board	12382
of county commissioners and if otherwise required by state law;	12383
(4) Cooperate with state and federal authorities in any	12384
matter relating to family services and to act as the agent of such	12385
authorities;	12386
(5) Submit an annual account of its work and expenses to the	12387
board of county commissioners and to the state department of job	12388
and family services and department of medicaid at the close of	12389
each fiscal year;	12390
(6) Exercise any powers and duties relating to family	12391
services duties or workforce development activities imposed upon	12392
the county department of job and family services by law, by	12393
resolution of the board of county commissioners, or by order of	12394
the governor, when authorized by law, to meet emergencies during	12395
war or peace;	12396

(7) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(8) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department;

~~(9) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.~~

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services or department of medicaid changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.051. The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code available to persons who are applying for, receiving

assistance from, or participating in any of the following:	12428
(A) ~~The disability financial assistance program established~~	12429
~~under Chapter 5115. of the Revised Code;~~	12430
~~(B)~~ The medicaid program;	12431
~~(C)~~ (B) The Ohio works first program established under Chapter	12432
5107. of the Revised Code;	12433
~~(D)~~ (C) The prevention, retention, and contingency program	12434
established under Chapter 5108. of the Revised Code.	12435
 Sec. 329.06. (A) Except as provided in division (C) of this	12436
section ~~and section 6301.08 of the Revised Code~~ , the board of	12437
county commissioners shall establish a county family services	12438
planning committee. The board shall appoint a member to represent	12439
the county department of job and family services; an employee in	12440
the classified civil service of the county department of job and	12441
family services, if there are any such employees; and a member to	12442
represent the public. The board shall appoint other individuals to	12443
the committee in such a manner that the committee's membership is	12444
broadly representative of the groups of individuals and the public	12445
and private entities that have an interest in the family services	12446
provided in the county. The board shall make appointments in a	12447
manner that reflects the ethnic and racial composition of the	12448
county. The following groups and entities may be represented on	12449
the committee:	12450
(1) Consumers of family services;	12451
(2) The public children services agency;	12452
(3) The child support enforcement agency;	12453
(4) The county family and children first council;	12454
(5) Public and private colleges and universities;	12455
(6) Public entities that provide family services, including	12456

boards of health, boards of education, the county board of	12457
developmental disabilities, and the board of alcohol, drug	12458
addiction, and mental health services that serves the county;	12459
(7) Private nonprofit and for-profit entities that provide	12460
family services in the county or that advocate for consumers of	12461
family services in the county, including entities that provide	12462
services to or advocate for victims of domestic violence;	12463
(8) Labor organizations;	12464
(9) Any other group or entity that has an interest in the	12465
family services provided in the county, including groups or	12466
entities that represent any of the county's business, urban, and	12467
rural sectors.	12468
(B) The county family services planning committee shall do	12469
all of the following:	12470
(1) Serve as an advisory body to the board of county	12471
commissioners with regard to the family services provided in the	12472
county, including assistance under Chapters 5107. and 5108. of the	12473
Revised Code, publicly funded child care under Chapter 5104. of	12474
the Revised Code, and social services provided under section	12475
5101.46 of the Revised Code;	12476
(2) At least once a year, review and analyze the county	12477
department of job and family services' implementation of the	12478
programs established under Chapters 5107. and 5108. of the Revised	12479
Code. In its review, the committee shall use information available	12480
to it to examine all of the following:	12481
(a) Return of assistance groups to participation in either	12482
program after ceasing to participate;	12483
(b) Teen pregnancy rates among the programs' participants;	12484
(c) The other types of assistance the programs' participants	12485
receive, including medicaid, publicly funded child care under	12486

Chapter 5104. of the Revised Code, supplemental nutrition	12487
assistance program benefits under section 5101.54 of the Revised	12488
Code, and energy assistance under Chapter 5117. of the Revised	12489
Code;	12490
(d) Other issues the committee considers appropriate.	12491
The committee shall make recommendations to the board of	12492
county commissioners and county department of job and family	12493
services regarding the committee's findings.	12494
(3) Conduct public hearings on proposed county profiles for	12495
the provision of social services under section 5101.46 of the	12496
Revised Code;	12497
(4) At the request of the board, make recommendations and	12498
provide assistance regarding the family services provided in the	12499
county;	12500
(5) At any other time the committee considers appropriate,	12501
consult with the board and make recommendations regarding the	12502
family services provided in the county. The committee's	12503
recommendations may address the following:	12504
(a) Implementation and administration of family service	12505
programs;	12506
(b) Use of federal, state, and local funds available for	12507
family service programs;	12508
(c) Establishment of goals to be achieved by family service	12509
programs;	12510
(d) Evaluation of the outcomes of family service programs;	12511
(e) Any other matter the board considers relevant to the	12512
provision of family services.	12513
(C) If there is a committee in existence in a county on	12514
October 1, 1997, that the board of county commissioners determines	12515
is capable of fulfilling the responsibilities of a county family	12516

services planning committee, the board may designate the committee 12517
as the county's family services planning committee and the 12518
committee shall serve in that capacity. 12519

Sec. 340.03. (A) Subject to rules issued by the director of 12520
mental health and addiction services after consultation with 12521
relevant constituencies as required by division (A)(10) of section 12522
5119.21 of the Revised Code, the board of alcohol, drug addiction, 12523
and mental health services shall: 12524

(1) Serve as the community addiction and mental health 12525
services planning agency for the county or counties under its 12526
jurisdiction, and in so doing it shall: 12527

(a) Evaluate the need for facilities and community addiction 12528
and mental health services; 12529

(b) In cooperation with other local and regional planning and 12530
funding bodies and with relevant ethnic organizations, assess the 12531
community addiction and mental health needs, evaluate strengths 12532
and challenges, and set priorities for community addiction and 12533
mental health services, including treatment and prevention. When 12534
the board sets priorities for the operation of addiction services, 12535
the board shall consult with the county commissioners of the 12536
counties in the board's service district regarding the services 12537
described in section 340.15 of the Revised Code and shall give 12538
priority to those services, except that those services shall not 12539
have a priority over services provided to pregnant women under 12540
programs developed in relation to the mandate established in 12541
section 5119.17 of the Revised Code; 12542

(c) In accordance with guidelines issued by the director of 12543
mental health and addiction services after consultation with board 12544
representatives, annually develop and submit to the department of 12545
mental health and addiction services a community addiction and 12546
mental health services plan listing community addiction and mental 12547

health services needs, including the needs of all residents of the 12548
district currently receiving inpatient services in state-operated 12549
hospitals, the needs of other populations as required by state or 12550
federal law or programs, and the needs of all children subject to 12551
a determination made pursuant to section 121.38 of the Revised 12552
Code, and priorities for facilities and community addiction and 12553
mental health services during the period for which the plan will 12554
be in effect. 12555

In alcohol, drug addiction, and mental health service 12556
districts that have separate alcohol and drug addiction services 12557
and community mental health boards, the alcohol and drug addiction 12558
services board shall submit a community addiction services plan 12559
and the community mental health board shall submit a community 12560
mental health services plan. Each board shall consult with its 12561
counterpart in developing its plan and address the interaction 12562
between the local addiction services and mental health services 12563
systems and populations with regard to needs and priorities in 12564
developing its plan. 12565

The department shall approve or disapprove the plan, in whole 12566
or in part, according to the criteria developed pursuant to 12567
section 5119.22 of the Revised Code. Eligibility for state and 12568
federal funding shall be contingent upon an approved plan or 12569
relevant part of a plan. 12570

If a board determines that it is necessary to amend a plan 12571
that has been approved under this division, the board shall submit 12572
a proposed amendment to the director. The director may approve or 12573
disapprove all or part of the amendment. The director shall inform 12574
the board of the reasons for disapproval of all or part of an 12575
amendment and of the criteria that must be met before the 12576
amendment may be approved. The director shall provide the board an 12577
opportunity to present its case on behalf of the amendment. The 12578
director shall give the board a reasonable time in which to meet 12579

the criteria, and shall offer the board technical assistance to 12580
help it meet the criteria. 12581

The board shall operate in accordance with the plan approved 12582
by the department. 12583

(d) Promote, arrange, and implement working agreements with 12584
social agencies, both public and private, and with judicial 12585
agencies. 12586

(2) Investigate, or request another agency to investigate, 12587
any complaint alleging abuse or neglect of any person receiving 12588
services from a community addiction or mental health services 12589
provider or alleging abuse or neglect of a resident receiving 12590
addiction services or with mental illness or severe mental 12591
disability residing in a residential facility licensed under 12592
section 5119.34 of the Revised Code. If the investigation 12593
substantiates the charge of abuse or neglect, the board shall take 12594
whatever action it determines is necessary to correct the 12595
situation, including notification of the appropriate authorities. 12596
Upon request, the board shall provide information about such 12597
investigations to the department. 12598

(3) For the purpose of section 5119.36 of the Revised Code, 12599
cooperate with the director of mental health and addiction 12600
services in visiting and evaluating whether the addiction or 12601
mental health services of a community addiction or mental health 12602
services provider satisfy the certification standards established 12603
by rules adopted under that section; 12604

(4) In accordance with criteria established under division 12605
(E) of section 5119.22 of the Revised Code, conduct program audits 12606
that review and evaluate the quality, effectiveness, and 12607
efficiency of addiction and mental health services provided 12608
through its community addiction and mental health services 12609
providers and submit its findings and recommendations to the 12610

department of mental health and addiction services; 12611

(5) In accordance with section 5119.34 of the Revised Code, 12612
review an application for a residential facility license and 12613
provide to the department of mental health and addiction services 12614
any information about the applicant or facility that the board 12615
would like the department to consider in reviewing the 12616
application; 12617

(6) Audit, in accordance with rules adopted by the auditor of 12618
state pursuant to section 117.20 of the Revised Code, at least 12619
annually all programs and services provided under contract with 12620
the board. In so doing, the board may contract for or employ the 12621
services of private auditors. A copy of the fiscal audit report 12622
shall be provided to the director of mental health and addiction 12623
services, ~~the auditor of state,~~ and the county auditor of each 12624
county in the board's district. 12625

(7) Recruit and promote local financial support for addiction 12626
and mental health services from private and public sources; 12627

(8)(a) Enter into contracts with public and private 12628
facilities for the operation of facility services and enter into 12629
contracts with public and private community addiction and mental 12630
health services providers for the provision of addiction and 12631
mental health services. The board may not contract with a 12632
residential facility subject to section 5119.34 of the Revised 12633
Code unless the facility is licensed by the director of mental 12634
health and addiction services. The board may not contract with a 12635
community addiction or mental health services provider to provide 12636
addiction or mental health services unless the services are 12637
certified by the director of mental health and addiction services 12638
under section 5119.36 of the Revised Code. Section 307.86 of the 12639
Revised Code does not apply to contracts entered into under this 12640
division. In contracting with a community addiction or mental 12641
health services provider, a board shall consider the cost 12642

effectiveness of addiction or mental health services provided by 12643
that provider and the quality and continuity of care, and may 12644
review cost elements, including salary costs, of the services to 12645
be provided. A utilization review process may be established as 12646
part of the contract for services entered into between a board and 12647
a community addiction or mental health services provider. The 12648
board may establish this process in a way that is most effective 12649
and efficient in meeting local needs. 12650

~~If either the board or a facility or community addiction or 12651
mental health services provider with which the board contracts 12652
under this division proposes not to renew the contract or proposes 12653
substantial changes in contract terms, the other party shall be 12654
given written notice at least one hundred twenty days before the 12655
expiration date of the contract. During the first sixty days of 12656
this one hundred twenty day period, both parties shall attempt to 12657
resolve any dispute through good faith collaboration and 12658
negotiation in order to continue to provide services to persons in 12659
need. If the dispute has not been resolved sixty days before the 12660
expiration date of the contract, either party may notify the 12661
department of mental health and addiction services of the 12662
unresolved dispute. The director may require both parties to 12663
submit the dispute to a third party with the cost to be shared by 12664
the board and the facility or provider. The third party shall 12665
issue to the board, the facility or provider, and the department 12666
recommendations on how the dispute may be resolved twenty days 12667
prior to the expiration date of the contract, unless both parties 12668
agree to a time extension. The director shall adopt rules 12669
establishing the procedures of this dispute resolution process. 12670~~

(b) With the prior approval of the director of mental health 12671
and addiction services, a board may operate a facility or provide 12672
an addiction or mental health service as follows, if there is no 12673
other qualified private or public facility or community addiction 12674

or mental health services provider that is immediately available 12675
and willing to operate such a facility or provide the service: 12676

(i) In an emergency situation, any board may operate a 12677
facility or provide an addiction or mental health service in order 12678
to provide essential services for the duration of the emergency. 12679

(ii) In a service district with a population of at least one 12680
hundred thousand but less than five hundred thousand, a board may 12681
operate a facility or provide an addiction or mental health 12682
service for no longer than one year. 12683

(iii) In a service district with a population of less than 12684
one hundred thousand, a board may operate a facility or provide an 12685
addiction or mental health service for no longer than one year, 12686
except that such a board may operate a facility or provide an 12687
addiction or mental health service for more than one year with the 12688
prior approval of the director and the prior approval of the board 12689
of county commissioners, or of a majority of the boards of county 12690
commissioners if the district is a joint-county district. 12691

The director shall not give a board approval to operate a 12692
facility or provide an addiction or mental health service under 12693
division (A)(8)(b)(ii) or (iii) of this section unless the 12694
director determines that it is not feasible to have the department 12695
operate the facility or provide the service. 12696

The director shall not give a board approval to operate a 12697
facility or provide an addiction or mental health service under 12698
division (A)(8)(b)(iii) of this section unless the director 12699
determines that the board will provide greater administrative 12700
efficiency and more or better services than would be available if 12701
the board contracted with a private or public facility or 12702
community addiction or mental health services provider. 12703

The director shall not give a board approval to operate a 12704
facility previously operated by a person or other government 12705

entity unless the board has established to the director's 12706
satisfaction that the person or other government entity cannot 12707
effectively operate the facility or that the person or other 12708
government entity has requested the board to take over operation 12709
of the facility. The director shall not give a board approval to 12710
provide an addiction or mental health service previously provided 12711
by a community addiction or mental health services provider unless 12712
the board has established to the director's satisfaction that the 12713
provider cannot effectively provide the service or that the 12714
provider has requested the board take over providing the service. 12715

The director shall review and evaluate a board's operation of 12716
a facility and provision of addiction or mental health services 12717
under division (A)(8)(b) of this section. 12718

Nothing in division (A)(8)(b) of this section authorizes a 12719
board to administer or direct the daily operation of any facility 12720
or community addiction or mental health services provider, but a 12721
facility or provider may contract with a board to receive 12722
administrative services or staff direction from the board under 12723
the direction of the governing body of the facility or provider. 12724

(9) Approve fee schedules and related charges or adopt a unit 12725
cost schedule or other methods of payment for contract services 12726
provided by community addiction or mental health services 12727
providers in accordance with guidelines issued by the department 12728
as necessary to comply with state and federal laws pertaining to 12729
financial assistance; 12730

(10) Submit to the director and the county commissioners of 12731
the county or counties served by the board, and make available to 12732
the public, an annual report of the services under the 12733
jurisdiction of the board, including a fiscal accounting; 12734

(11) Establish, to the extent resources are available, a 12735
continuum of care that provides for prevention, treatment, 12736

support, and rehabilitation services and opportunities. The	12737
essential elements of the continuum of care shall include the	12738
following components:	12739
(a) To locate persons in need of addiction or mental health	12740
services to inform them of available services and benefits;	12741
(b) Assistance for persons receiving addiction or mental	12742
health services to obtain services necessary to meet basic human	12743
needs for food, clothing, shelter, medical care, personal safety,	12744
and income;	12745
(c) Addiction and mental health services, including all of	12746
the following:	12747
(i) Outpatient;	12748
(ii) Residential;	12749
(iii) Partial hospitalization;	12750
(iv) Where appropriate, inpatient care;	12751
(v) Sub-acute detoxification;	12752
(vi) Intensive and other supports;	12753
(vii) Recovery support;	12754
(viii) Prevention and wellness management;	12755
(ix) In accordance with section 340.033 of the Revised Code,	12756
an array of treatment and support services for all levels of	12757
opioid and co-occurring drug addiction.	12758
(d) Emergency services and crisis intervention;	12759
(e) Assistance for persons receiving services to obtain	12760
vocational services and opportunities for jobs;	12761
(f) The provision of services designed to develop social,	12762
community, and personal living skills;	12763
(g) Access to a wide range of housing and the provision of	12764

residential treatment and support;	12765
(h) Support, assistance, consultation, and education for	12766
families, friends, persons receiving addiction or mental health	12767
services, and others;	12768
(i) Recognition and encouragement of families, friends,	12769
neighborhood networks, especially networks that include racial and	12770
ethnic minorities, churches, community organizations, and	12771
community employment as natural supports for persons receiving	12772
addiction or mental health services;	12773
(j) Grievance procedures and protection of the rights of	12774
persons receiving addiction or mental health services;	12775
(k) Community psychiatric supportive treatment services,	12776
which includes continual individualized assistance and advocacy to	12777
ensure that needed services are offered and procured;	12778
(l) Any additional component the department, pursuant to	12779
section 5119.21 of the Revised Code, determines is necessary to	12780
establish the continuum of care.	12781
(12) Establish a method for evaluating referrals for	12782
court-ordered treatment and affidavits filed pursuant to section	12783
5122.11 of the Revised Code in order to assist the probate	12784
division of the court of common pleas in determining whether there	12785
is probable cause that a respondent is subject to court-ordered	12786
treatment and whether alternatives to hospitalization are	12787
available and appropriate;	12788
(13) Designate the treatment services, provider, facility, or	12789
other placement for each person involuntarily committed to the	12790
board pursuant to Chapter 5122. of the Revised Code. The board	12791
shall provide the least restrictive and most appropriate	12792
alternative that is available for any person involuntarily	12793
committed to it and shall assure that the listed services	12794
submitted and approved in accordance with division (B) of section	12795

340.08 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. In accordance with division (A)(8)(b) of this section, the board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health services provider is available to provide the service.

(14) Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community addiction or mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction or mental health services provider. This division does not apply to residential facilities licensed pursuant to section 5119.34 of the Revised Code.

(15) Establish a mechanism for obtaining advice and involvement of persons receiving addiction or mental health services on matters pertaining to addiction and mental health services in the alcohol, drug addiction, and mental health service district;

(16) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or mental health services providers under contract with the board of individuals with mental illness or severe mental disability to residential facilities licensed under section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for

the individuals. 12828

(B) The board shall establish such rules, operating 12829
procedures, standards, and bylaws, and perform such other duties 12830
as may be necessary or proper to carry out the purposes of this 12831
chapter. 12832

(C) A board of alcohol, drug addiction, and mental health 12833
services may receive by gift, grant, devise, or bequest any 12834
moneys, lands, or property for the benefit of the purposes for 12835
which the board is established, and may hold and apply it 12836
according to the terms of the gift, grant, or bequest. All money 12837
received, including accrued interest, by gift, grant, or bequest 12838
shall be deposited in the treasury of the county, the treasurer of 12839
which is custodian of the alcohol, drug addiction, and mental 12840
health services funds to the credit of the board and shall be 12841
available for use by the board for purposes stated by the donor or 12842
grantor. 12843

(D) No board member or employee of a board of alcohol, drug 12844
addiction, and mental health services shall be liable for injury 12845
or damages caused by any action or inaction taken within the scope 12846
of the board member's official duties or the employee's 12847
employment, whether or not such action or inaction is expressly 12848
authorized by this section or any other section of the Revised 12849
Code, unless such action or inaction constitutes willful or wanton 12850
misconduct. Chapter 2744. of the Revised Code applies to any 12851
action or inaction by a board member or employee of a board taken 12852
within the scope of the board member's official duties or 12853
employee's employment. For the purposes of this division, the 12854
conduct of a board member or employee shall not be considered 12855
willful or wanton misconduct if the board member or employee acted 12856
in good faith and in a manner that the board member or employee 12857
reasonably believed was in or was not opposed to the best 12858
interests of the board and, with respect to any criminal action or 12859

proceeding, had no reasonable cause to believe the conduct was 12860
unlawful. 12861

(E) The meetings held by any committee established by a board 12862
of alcohol, drug addiction, and mental health services shall be 12863
considered to be meetings of a public body subject to section 12864
121.22 of the Revised Code. 12865

Sec. 340.032. Subject to rules adopted by the director of 12866
mental health and addiction services after consultation with 12867
relevant constituencies as required by division (A)(10) of section 12868
5119.21 of the Revised Code, each board of alcohol, drug 12869
addiction, and mental health services shall do all of the 12870
following: 12871

(A) Establish, to the extent resources are available, a 12872
community-based continuum of care that includes, ~~except as~~ 12873
~~otherwise authorized by a time-limited waiver issued under~~ 12874
~~division (A)(1) of section 5119.221 of the Revised Code,~~ all of 12875
the following as essential elements: 12876

(1) Prevention and wellness management services; 12877

(2) At least both of the following outreach and engagement 12878
activities: 12879

(a) Locating persons in need of addiction services and 12880
persons in need of mental health services to inform them of 12881
available addiction services, mental health services, and recovery 12882
supports; 12883

(b) Helping persons who receive addiction services and 12884
persons who receive mental health services obtain services 12885
necessary to meet basic human needs for food, clothing, shelter, 12886
medical care, personal safety, and income. 12887

(3) Assessment services; 12888

(4) Care coordination; 12889

(5) Residential services;	12890
(6) At least the following outpatient services:	12891
(a) Nonintensive;	12892
(b) Intensive, such as partial hospitalization and assertive community treatment;	12893 12894
(c) Withdrawal management;	12895
(d) Emergency and crisis.	12896
(7) Where appropriate, at least the following inpatient services:	12897 12898
(a) Psychiatric care;	12899
(b) Medically managed alcohol or drug treatment.	12900
(8) At least all of the following recovery supports:	12901
(a) Peer support;	12902
(b) A wide range of housing and support services, including recovery housing;	12903 12904
(c) Employment, vocational, and educational opportunities;	12905
(d) Assistance with social, personal, and living skills;	12906
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	12907 12908
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	12909 12910 12911
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	12912 12913 12914
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based	12915 12916 12917

continuum of care. 12918

(B) Ensure that the rights of persons receiving any elements 12919
of the community-based continuum of care are protected; 12920

(C) Ensure that persons receiving any elements of the 12921
community-based continuum of care are able to utilize grievance 12922
procedures applicable to the elements. 12923

Sec. 340.033. The array of addiction services and recovery 12924
supports for all levels of opioid and co-occurring drug addiction 12925
required by section 340.032 of the Revised Code to be included in 12926
a community-based continuum of care established under that section 12927
shall include, ~~except as otherwise authorized by a waiver issued~~ 12928
~~under division (A)(2) of section 5119.221 of the Revised Code,~~ at 12929
least ambulatory and sub-acute detoxification, non-intensive and 12930
intensive outpatient services, medication-assisted treatment, peer 12931
support, residential services, recovery housing pursuant to 12932
section 340.034 of the Revised Code, and multiple paths to 12933
recovery such as twelve-step approaches. The services and supports 12934
shall be made available in the service district of each board of 12935
alcohol, drug addiction, and mental health services, except ~~that~~ 12936
~~sub-acute~~ as provided by either of the following: 12937

(A) Sub-acute detoxification and residential services may be 12938
made available through a contract with one or more providers of 12939
sub-acute detoxification or residential services located in other 12940
service districts. ~~The~~ 12941

(B) To the extent authorized by a time-limited waiver issued 12942
under section 5119.221 of the Revised Code, ambulatory 12943
detoxification and medication-assisted treatment may be made 12944
available through a contract with one or more community addiction 12945
services providers located not more than thirty miles beyond the 12946
borders of the board's service district. 12947

The services and supports shall be made available in a manner 12948
that ensures that recipients are able to access the services and 12949
supports they need for opioid and co-occurring drug addiction in 12950
an integrated manner and in accordance with their assessed needs 12951
when changing or obtaining additional addiction services or 12952
recovery supports for such addiction. An individual seeking a 12953
service or support for opioid and co-occurring drug addiction 12954
included in a community-based continuum of care shall not be 12955
denied the service or support on the basis of the individual's 12956
prior experience with the service or support. 12957

Sec. 340.08. In accordance with rules or guidelines issued by 12958
the director of mental health and addiction services, each board 12959
of alcohol, drug addiction, and mental health services shall do 12960
all of the following: 12961

(A) Submit to the department of mental health and addiction 12962
services a proposed budget of receipts and expenditures for all 12963
federal, state, and local moneys the board expects to receive. 12964

(1) The proposed budget shall identify funds the board has 12965
available for included opioid and co-occurring drug addiction 12966
services and recovery supports. 12967

(2) The proposed budget shall identify funds the board and 12968
public children services agencies in the board's service district 12969
have available to fund jointly the services described in section 12970
340.15 of the Revised Code. 12971

(3) The board's proposed budget for expenditures of state and 12972
federal funds distributed to the board by the department shall be 12973
deemed an application for funds, and the department shall approve 12974
or disapprove the budget for these expenditures in whole or in 12975
part in accordance with division (G) of section 5119.22 of the 12976
Revised Code. 12977

If a board determines that it is necessary to amend an 12978
approved budget, the board shall submit a proposed amendment to 12979
the director. The director shall approve or disapprove all or part 12980
of the amendment in accordance with division (H) of section 12981
5119.22 of the Revised Code. 12982

(B) Submit to the department a proposed list of addiction 12983
services, mental health services, and recovery supports the board 12984
intends to make available. ~~Except as otherwise authorized by a~~ 12985
~~time-limited waiver issued under division (A)(1) of section~~ 12986
~~5119.221 of the Revised Code, the~~ The board shall include the 12987
services and supports required by section 340.032 of the Revised 12988
Code to be included in the community-based continuum of care and 12989
the services required by section 340.15 of the Revised Code. The 12990
board shall explain the manner in which the board intends to make 12991
such services and supports available. The list shall be compatible 12992
with the budget submitted pursuant to division (A) of this 12993
section. The department shall approve or disapprove the list in 12994
whole or in part in accordance with division (G) of section 12995
5119.22 of the Revised Code. 12996

If a board determines that it is necessary to amend an 12997
approved list, the board shall submit a proposed amendment to the 12998
director. The director shall approve or disapprove all or part of 12999
the amendment in accordance with division (H) of section 5119.22 13000
of the Revised Code. 13001

(C) Enter into a continuity of care agreement with the state 13002
institution operated by the department of mental health and 13003
addiction services and designated as the institution serving the 13004
district encompassing the board's service district. The continuity 13005
of care agreement shall outline the department's and the board's 13006
responsibilities to plan for and coordinate with each other to 13007
address the needs of board residents who are patients in the 13008
institution, with an emphasis on managing appropriate hospital bed 13009

day use and discharge planning. The continuity of care agreement 13010
shall not require the board to provide addiction services, mental 13011
health services, or recovery supports other than those on the list 13012
of services and supports submitted by the board pursuant to 13013
division (B) of this section and approved by the department in 13014
accordance with division (G) of section 5119.22 of the Revised 13015
Code. 13016

(D) In conjunction with the department, operate a coordinated 13017
system for tracking and monitoring persons found not guilty by 13018
reason of insanity and committed pursuant to section 2945.40 of 13019
the Revised Code who have been granted a conditional release and 13020
persons found incompetent to stand trial and committed pursuant to 13021
section 2945.39 of the Revised Code who have been granted a 13022
conditional release. The system shall do all of the following: 13023

(1) Centralize responsibility for the tracking of those 13024
persons; 13025

(2) Provide for uniformity in monitoring those persons; 13026

(3) Provide a mechanism to allow prompt rehospitalization, 13027
reinstitutionalization, or detention when a violation of the 13028
conditional release or decompensation occurs. 13029

(E) Submit to the department a report summarizing all of the 13030
following: 13031

(1) Complaints and grievances received by the board 13032
concerning the rights of persons seeking or receiving addiction 13033
services, mental health services, or recovery supports; 13034

(2) Investigations of the complaints and grievances; 13035

(3) Outcomes of the investigations. 13036

(F) Provide to the department information to be submitted to 13037
the community behavioral health information system or systems 13038
established by the department under Chapter 5119. of the Revised 13039

Code.	13040
(G) Annually, and upon any change in membership, submit to	13041
the department a list of all current members of the board of	13042
alcohol, drug addiction, and mental health services, including the	13043
appointing authority for each member, and the member's specific	13044
qualification for appointment pursuant to section 340.02 or	13045
340.021 of the Revised Code, if applicable.	13046
(H) Submit to the department other information as is	13047
reasonably required for purposes of the department's operations,	13048
service evaluation, reporting activities, research, system	13049
administration, and oversight.	13050
Sec. 503.56. (A) As used in this section:	13051
(1) "Tourism development district" means a district	13052
designated by a township under this section.	13053
(2) "Territory of a tourism development district" means all	13054
of the area included within the territorial boundaries of a	13055
tourism development district.	13056
(3) "Business" means a sole proprietorship, a corporation for	13057
profit, a pass-through entity as defined in section 5733.04 of the	13058
Revised Code, the federal government, the state, the state's	13059
political subdivisions, a nonprofit organization, or a school	13060
district. A business "operates within the proposed district" if	13061
the business would be subject to a tax levied in the proposed	13062
tourism development district pursuant to division ~~(A)(2)(C)~~ of	13063
section 5739.101 of the Revised Code.	13064
(4) "Owner" means a partner of a partnership, a member of a	13065
limited liability company, a majority shareholder of an S	13066
corporation, a person with a majority ownership interest in a	13067
pass-through entity, or any officer, employee, or agent with the	13068
authority to make decisions legally binding upon a business. The	13069

signature of any owner of a business operates as the signature of 13070
the business. 13071

(5) "Eligible township" means a township wholly or partly 13072
located in a county having a population greater than three hundred 13073
seventy-five thousand but less than four hundred thousand that 13074
levies taxes under section 5739.021 or 5739.026 of the Revised 13075
Code, the aggregate rate of which does not exceed one-half of one 13076
per cent on the effective date of the enactment of this section. 13077

(B)(1) The board of trustees of an eligible township, by 13078
resolution, may declare an unincorporated area of the township to 13079
be a tourism development district for the purpose of fostering and 13080
developing tourism in the district if all of the following 13081
criteria are met: 13082

(a) The district's area does not exceed two hundred acres. 13083

(b) All territory in the district is contiguous. 13084

(c) Before adopting that resolution or ordinance, the board 13085
holds at least two public hearings concerning the creation of the 13086
tourism development district. 13087

(d) Before adopting the resolution or ordinance, the board 13088
receives a petition signed by every record owner of a parcel of 13089
real property located in the proposed district and the owner of 13090
every business that operates in the proposed district. 13091

(e) The board adopts the resolution on or before December 31, 13092
2018. 13093

(2) The petition described in division (B)(1)(d) of this 13094
section shall include an explanation of the taxes and charges that 13095
may be levied or imposed in the proposed district. 13096

(3) The board shall certify the resolution to the tax 13097
commissioner within five days after its adoption, along with a 13098
description of the boundaries of the district authorized in the 13099

resolution. That description shall include sufficient information 13100
for the commissioner to determine if the address of a vendor is 13101
within the boundaries of the district. 13102

(4) Subject to the limitations of division (B)(1)(a) and (b) 13103
of this section, the board of trustees of an eligible township may 13104
enlarge the territory of an existing tourism development district 13105
in the manner prescribed for the creation of a district under 13106
divisions (B)(1) to (3) of this section, except that the petition 13107
described in division (B)(1)(d) of this section must be signed by 13108
every record owner of a parcel of real property located in the 13109
area proposed to be added to the district and the owner of every 13110
business that operates in the area proposed to be added to the 13111
district. 13112

(C) For the purpose of fostering and developing tourism in a 13113
tourism development district, a lessor leasing real property in a 13114
tourism development district may impose and collect a uniform fee 13115
on each parcel of real property leased by the lessor, to be paid 13116
by each of the person's lessees. A lessee is subject to such a fee 13117
only if the lease separately states the amount of the fee. Before 13118
a lessor may impose and collect such a fee, the lessor shall file 13119
a copy of such lease with the fiscal officer of the township that 13120
designated the tourism development district. A lessor that imposes 13121
such a fee shall remit all collections of the fee to the fiscal 13122
officer of the township in which the real property is located. 13123

The board shall establish all regulations necessary to 13124
provide for the administration and remittance of such fees. The 13125
regulations may prescribe the time for payment of the fee, and may 13126
provide for the imposition of a penalty or interest, or both, for 13127
late remittances, provided that the penalty does not exceed ten 13128
per cent of the amount of fee due, and the rate at which interest 13129
accrues does not exceed the rate per annum prescribed pursuant to 13130
section 5703.47 of the Revised Code. The regulations shall 13131

provide, after deducting the real and actual costs of 13132
administering the fee, that the revenue be used exclusively for 13133
fostering and developing tourism within the tourism development 13134
district. 13135

(D) The board of trustees of an eligible township that has 13136
designated a tourism development district under this section may 13137
levy one or both of the taxes authorized under section 503.57 or 13138
5739.101 of the Revised Code. 13139

(E) On or before the first day of each January and ~~June~~ July, 13140
beginning after the designation of the tourism development 13141
district, the fiscal officer of the township shall certify a list 13142
of vendors located within the tourism development district to the 13143
tax commissioner, which shall include the name, address, and 13144
vendor's license number for each vendor. 13145

Sec. 705.22. At the end of each year the legislative 13146
authority of a municipal corporation shall have an annual report 13147
printed, in pamphlet form, giving: 13148

(A) The classified statement of all receipts, expenditures, 13149
assets, and liabilities of the municipal corporation; 13150

(B) A detailed comparison of such receipts and expenditures 13151
with those of the preceding year; 13152

(C) A summary of the proceedings of the legislative authority 13153
and a summary of the operations of the administrative departments 13154
for the previous twelve months. 13155

A copy of this report shall be furnished to ~~the auditor of~~ 13156
~~state,~~ the municipal library, and any citizen of the municipal 13157
corporation who applies ~~therefor~~ for the report at the office of 13158
the clerk. Similar reports may be printed quarterly. All meetings 13159
of the legislative authority or committees thereof shall be 13160
public, and any citizen of the municipal corporation shall have 13161

access to the minutes and records thereof at all reasonable times. 13162

Sec. 709.023. (A) A petition filed under section 709.021 of 13163
the Revised Code that requests to follow this section is for the 13164
special procedure of annexing land into a municipal corporation 13165
when, subject to division (H) of this section, the land also is 13166
not to be excluded from the township under section 503.07 of the 13167
Revised Code. The owners who sign this petition by their signature 13168
expressly waive their right to appeal in law or equity from the 13169
board of county commissioners' entry of any resolution under this 13170
section, waive any rights they may have to sue on any issue 13171
relating to a municipal corporation requiring a buffer as provided 13172
in this section, and waive any rights to seek a variance that 13173
would relieve or exempt them from that buffer requirement. 13174

The petition circulated to collect signatures for the special 13175
procedure in this section shall contain in boldface capital 13176
letters immediately above the heading of the place for signatures 13177
on each part of the petition the following: "WHOEVER SIGNS THIS 13178
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 13179
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 13180
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 13181
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 13182
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 13183

(B) Upon the filing of the petition in the office of the 13184
clerk of the board of county commissioners, the clerk shall cause 13185
the petition to be entered upon the board's journal at its next 13186
regular session. This entry shall be the first official act of the 13187
board on the petition. Within five days after the filing of the 13188
petition, the agent for the petitioners shall notify in the manner 13189
and form specified in this division the clerk of the legislative 13190
authority of the municipal corporation to which annexation is 13191
proposed, the fiscal officer of each township any portion of which 13192

is included within the territory proposed for annexation, the 13193
clerk of the board of county commissioners of each county in which 13194
the territory proposed for annexation is located other than the 13195
county in which the petition is filed, and the owners of property 13196
adjacent to the territory proposed for annexation or adjacent to a 13197
road that is adjacent to that territory and located directly 13198
across that road from that territory. The notice shall refer to 13199
the time and date when the petition was filed and the county in 13200
which it was filed and shall have attached or shall be accompanied 13201
by a copy of the petition and any attachments or documents 13202
accompanying the petition as filed. 13203

Notice to a property owner is sufficient if sent by regular 13204
United States mail to the tax mailing address listed on the county 13205
auditor's records. Notice to the appropriate government officer 13206
shall be given by certified mail, return receipt requested, or by 13207
causing the notice to be personally served on the officer, with 13208
proof of service by affidavit of the person who delivered the 13209
notice. Proof of service of the notice on each appropriate 13210
government officer shall be filed with the board of county 13211
commissioners with which the petition was filed. 13212

(C) Within twenty days after the date that the petition is 13213
filed, the legislative authority of the municipal corporation to 13214
which annexation is proposed shall adopt an ordinance or 13215
resolution stating what services the municipal corporation will 13216
provide, and an approximate date by which it will provide them, to 13217
the territory proposed for annexation, upon annexation. The 13218
municipal corporation is entitled in its sole discretion to 13219
provide to the territory proposed for annexation, upon annexation, 13220
services in addition to the services described in that ordinance 13221
or resolution. 13222

If the territory proposed for annexation is subject to zoning 13223
regulations adopted under either Chapter 303. or 519. of the 13224

Revised Code at the time the petition is filed, the legislative 13225
authority of the municipal corporation also shall adopt an 13226
ordinance or resolution stating that, if the territory is annexed 13227
and becomes subject to zoning by the municipal corporation and 13228
that municipal zoning permits uses in the annexed territory that 13229
the municipal corporation determines are clearly incompatible with 13230
the uses permitted under current county or township zoning 13231
regulations in the adjacent land remaining within the township 13232
from which the territory was annexed, the legislative authority of 13233
the municipal corporation will require, in the zoning ordinance 13234
permitting the incompatible uses, the owner of the annexed 13235
territory to provide a buffer separating the use of the annexed 13236
territory and the adjacent land remaining within the township. For 13237
the purposes of this section, "buffer" includes open space, 13238
landscaping, fences, walls, and other structured elements; streets 13239
and street rights-of-way; and bicycle and pedestrian paths and 13240
sidewalks. 13241

The clerk of the legislative authority of the municipal 13242
corporation to which annexation is proposed shall file the 13243
ordinances or resolutions adopted under this division with the 13244
board of county commissioners within twenty days following the 13245
date that the petition is filed. The board shall make these 13246
ordinances or resolutions available for public inspection. 13247

(D) Within twenty-five days after the date that the petition 13248
is filed, the legislative authority of the municipal corporation 13249
to which annexation is proposed and each township any portion of 13250
which is included within the territory proposed for annexation may 13251
adopt and file with the board of county commissioners an ordinance 13252
or resolution consenting or objecting to the proposed annexation. 13253
An objection to the proposed annexation shall be based solely upon 13254
the petition's failure to meet the conditions specified in 13255
division (E) of this section. 13256

If the municipal corporation and each of those townships
timely files an ordinance or resolution consenting to the proposed
annexation, the board at its next regular session shall enter upon
its journal a resolution granting the proposed annexation. If,
instead, the municipal corporation or any of those townships files
an ordinance or resolution that objects to the proposed
annexation, the board of county commissioners shall proceed as
provided in division (E) of this section. Failure of the municipal
corporation or any of those townships to timely file an ordinance
or resolution consenting or objecting to the proposed annexation
shall be deemed to constitute consent by that municipal
corporation or township to the proposed annexation.

(E) Unless the petition is granted under division (D) of this
section, not less than thirty or more than forty-five days after
the date that the petition is filed, the board of county
commissioners shall review it to determine if each of the
following conditions has been met:

(1) The petition meets all the requirements set forth in, and
was filed in the manner provided in, section 709.021 of the
Revised Code.

(2) The persons who signed the petition are owners of the
real estate located in the territory proposed for annexation and
constitute all of the owners of real estate in that territory.

(3) The territory proposed for annexation does not exceed
five hundred acres.

(4) The territory proposed for annexation shares a contiguous
boundary with the municipal corporation to which annexation is
proposed for a continuous length of at least five per cent of the
perimeter of the territory proposed for annexation.

(5) The annexation will not create an unincorporated area of
the township that is completely surrounded by the territory

proposed for annexation. 13288

(6) The municipal corporation to which annexation is proposed 13289
has agreed to provide to the territory proposed for annexation the 13290
services specified in the relevant ordinance or resolution adopted 13291
under division (C) of this section. 13292

(7) If a street or highway will be divided or segmented by 13293
the boundary line between the township and the municipal 13294
corporation as to create a road maintenance problem, the municipal 13295
corporation to which annexation is proposed has agreed as a 13296
condition of the annexation to assume the maintenance of that 13297
street or highway or to otherwise correct the problem. As used in 13298
this section, "street" or "highway" has the same meaning as in 13299
section 4511.01 of the Revised Code. 13300

(F) Not less than thirty or more than forty-five days after 13301
the date that the petition is filed, if the petition is not 13302
granted under division (D) of this section, the board of county 13303
commissioners, if it finds that each of the conditions specified 13304
in division (E) of this section has been met, shall enter upon its 13305
journal a resolution granting the annexation. If the board of 13306
county commissioners finds that one or more of the conditions 13307
specified in division (E) of this section have not been met, it 13308
shall enter upon its journal a resolution that states which of 13309
those conditions the board finds have not been met and that denies 13310
the petition. 13311

(G) If a petition is granted under division (D) or (F) of 13312
this section, the clerk of the board of county commissioners shall 13313
proceed as provided in division (C)(1) of section 709.033 of the 13314
Revised Code, except that no recording or hearing exhibits would 13315
be involved. There is no appeal in law or equity from the board's 13316
entry of any resolution under this section, but any party may seek 13317
a writ of mandamus to compel the board of county commissioners to 13318
perform its duties under this section. 13319

(H) Notwithstanding anything to the contrary in section 13320
503.07 of the Revised Code, unless otherwise provided in an 13321
annexation agreement entered into pursuant to section 709.192 of 13322
the Revised Code or in a cooperative economic development 13323
agreement entered into pursuant to section 701.07 of the Revised 13324
Code, territory annexed into a municipal corporation pursuant to 13325
this section shall not at any time be excluded from the township 13326
under section 503.07 of the Revised Code and, thus, remains 13327
subject to the township's real property taxes. 13328

(I) Any owner of land that remains within a township and that 13329
is adjacent to territory annexed pursuant to this section who is 13330
directly affected by the failure of the annexing municipal 13331
corporation to enforce compliance with any zoning ordinance it 13332
adopts under division (C) of this section requiring the owner of 13333
the annexed territory to provide a buffer zone, may commence in 13334
the court of common pleas a civil action against that owner to 13335
enforce compliance with that buffer requirement whenever the 13336
required buffer is not in place before any development of the 13337
annexed territory begins. 13338

(J) Division (C)~~(18)~~~~(15)~~ of section 718.01 of the Revised 13339
Code applies to the compensation paid to persons performing 13340
personal services for a political subdivision on property owned by 13341
the political subdivision after that property is annexed to a 13342
municipal corporation under this section. 13343

Sec. 715.014. (A) As used in this section: 13344

(1) "Tourism development district" means a district 13345
designated by a municipal corporation under this section. 13346

(2) "Territory of a tourism development district" means all 13347
of the area included within the territorial boundaries of a 13348
tourism development district. 13349

(3) "Business" and "owner" have the same meanings as in 13350
section 503.56 of the Revised Code. 13351

(4) "Eligible municipal corporation" means a municipal 13352
corporation wholly or partly located in a county having a 13353
population greater than three hundred seventy-five thousand but 13354
less than four hundred thousand that levies taxes under section 13355
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 13356
which does not exceed one-half of one per cent on ~~the effective~~ 13357
~~date of the enactment of this section~~ September 29, 2015. 13358

(5) "Fiscal officer" means the city auditor, village clerk, 13359
or other municipal officer having the duties and functions of a 13360
city auditor or village clerk. 13361

(B)(1) The legislative authority of an eligible municipal 13362
corporation, by resolution or ordinance, may declare an area of 13363
the municipal corporation to be a tourism development district for 13364
the purpose of fostering and developing tourism in the district if 13365
all of the following criteria are met: 13366

(a) The district's area does not exceed two hundred acres. 13367

(b) All territory in the district is contiguous. 13368

(c) Before adopting the resolution or ordinance, the 13369
legislative authority holds at least two public hearings 13370
concerning the creation of the tourism development district. 13371

(d) Before adopting the resolution or ordinance, the 13372
legislative authority receives a petition signed by every record 13373
owner of a parcel of real property located in the proposed 13374
district and the owner of every business that operates in the 13375
proposed district. 13376

(e) The legislative authority adopts the resolution or 13377
ordinance on or before December 31, 2018. 13378

(2) The petition described in division (B)(1)(d) of this 13379

section shall include an explanation of the taxes and charges that 13380
may be levied or imposed in the proposed district. 13381

(3) The legislative authority shall certify the resolution or 13382
ordinance to the tax commissioner within five days after its 13383
adoption, along with a description of the boundaries of the 13384
district authorized in the resolution. That description shall 13385
include sufficient information for the commissioner to determine 13386
if the address of a vendor is within the boundaries of the 13387
district. 13388

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 13389
of this section, the legislative authority of an eligible 13390
municipal corporation may enlarge the territory of an existing 13391
tourism development district in the manner prescribed for the 13392
creation of a district under divisions (B)(1) to (3) of this 13393
section, except that the petition described in division (B)(1)(d) 13394
of this section must be signed by every record owner of a parcel 13395
of real property located in the area proposed to be added to the 13396
district and the owner of every business that operates in the area 13397
proposed to be added to the district. 13398

(C) For the purpose of fostering and developing tourism in a 13399
tourism development district, a lessor leasing real property in a 13400
tourism development district may impose and collect a uniform fee 13401
on each parcel of real property leased by the lessor, to be paid 13402
by each of the person's lessees. A lessee is subject to such a fee 13403
only if the lease separately states the amount of the fee. Before 13404
a lessor may impose and collect such a fee, the lessor shall file 13405
a copy of such lease with the fiscal officer. A lessor that 13406
imposes such a fee shall remit all collections of the fee to the 13407
municipal corporation in which the real property is located. 13408

The legislative authority of that municipal corporation shall 13409
establish all regulations necessary to provide for the 13410
administration and remittance of such fees. The regulations may 13411

prescribe the time for payment of the fee, and may provide for the
imposition of a penalty or interest, or both, for late
remittances, provided that the penalty does not exceed ten per
cent of the amount of fee due, and the rate at which interest
accrues does not exceed the rate per annum prescribed pursuant to
section 5703.47 of the Revised Code. The regulations shall
provide, after deducting the real and actual costs of
administering the fee, that the revenue be used exclusively for
fostering and developing tourism within the tourism development
district.

(D) The legislative authority of an eligible municipal
corporation that has designated a tourism development district may
levy the tax authorized under section 5739.101 of the Revised
Code. Nothing in this section limits the power of the legislative
authority of a municipal corporation to levy a tax on the basis of
admissions in a tourism development district pursuant to its
powers of local self-government conferred by Section 3 of Article
XVIII, Ohio Constitution.

(E) On or before the first day of each January and ~~June~~ July,
beginning after the designation of the tourism development
district, the fiscal officer shall certify a list of vendors
located within the tourism development district to the tax
commissioner, which shall include the name, address, and vendor's
license number for each vendor.

Sec. 715.691. (A) As used in this section:

(1) "Contracting party" means a municipal corporation that
has entered into a joint economic development zone contract or any
party succeeding to the municipal corporation, or a township that
entered into a joint economic development zone contract with a
municipal corporation.

(2) "Zone" means a joint economic development zone designated

under this section. 13443

(3) "Substantial amendment" means an amendment to a joint 13444
economic development zone contract that increases the rate of 13445
municipal income tax that may be imposed within the zone, changes 13446
the purposes for which municipal income tax revenue derived from 13447
the zone may be used, or changes the area or areas included in the 13448
zone. 13449

(B) This section provides procedures and requirements for 13450
creating and operating a joint economic development zone. This 13451
section applies only if one of the contracting parties to the zone 13452
does not levy a municipal income tax ~~under Chapter~~ in accordance 13453
with Chapters 718. and 5718. of the Revised Code. 13454

At any time before January 1, 2015, two or more municipal 13455
corporations or one or more townships and one or more municipal 13456
corporations may enter into a contract whereby they agree to share 13457
in the costs of improvements for an area or areas located in one 13458
or more of the contracting parties that they designate as a joint 13459
economic development zone for the purpose of facilitating new or 13460
expanded growth for commercial or economic development in the 13461
state. The contract and zone shall meet the requirements of 13462
divisions (B) to (J) of this section. 13463

(C) The contract shall set forth each contracting party's 13464
contribution to the joint economic development zone. The 13465
contributions may be in any form that the contracting parties 13466
agree to, and may include, but are not limited to, the provision 13467
of services, money, or equipment. The contract may be amended, 13468
renewed, or terminated with the consent of the contracting 13469
parties, subject to division (K) of this section. The contract 13470
shall continue in existence throughout the term it specifies and 13471
shall be binding on the contracting parties and on any entities 13472
succeeding to the contracting parties. If the contract is approved 13473
by the electors of any contracting party under division (F) of 13474

this section or substantially amended after the effective date of 13475
H.B. 289 of the 130th general assembly, June 5, 2014, the 13476
contracting parties shall include within the contract or the 13477
amendment to the contract an economic development plan for the 13478
zone, a schedule for the implementation or provision of any new, 13479
expanded, or additional services, facilities, or improvements 13480
within the zone or in the area surrounding the zone, and any 13481
provisions necessary for the contracting parties to create a joint 13482
economic development review council in compliance with section 13483
715.692 of the Revised Code. 13484

(D) Before the legislative authority of any of the 13485
contracting parties enacts an ordinance or resolution approving a 13486
contract to designate a joint economic development zone, the 13487
legislative authority of each of the contracting parties shall 13488
hold a public hearing concerning the contract and zone. Each 13489
legislative authority shall provide at least thirty days' public 13490
notice of the time and place of the public hearing in a newspaper 13491
of general circulation in the municipal corporation or township. 13492
During the thirty-day period prior to the public hearing, all of 13493
the following documents shall be available for public inspection 13494
in the office of the clerk of the legislative authority of a 13495
municipal corporation that is a contracting party and in the 13496
office of the fiscal officer of a township that is a contracting 13497
party: 13498

(1) A copy of the contract designating the zone; 13499

(2) A description of the area or areas to be included in the 13500
zone, including a map in sufficient detail to denote the specific 13501
boundaries of the area or areas; 13502

(3) An economic development plan for the zone that includes a 13503
schedule for the provision of any new, expanded, or additional 13504
services, facilities, or improvements. 13505

A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(E) After the public hearings required under division (D) of this section have been held and the economic development plan has been approved under division (D) of section 715.692 of the Revised Code, and before January 1, 2015, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted an ordinance or resolution, the clerk of the legislative authority of a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least ninety days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors. The board of elections shall not submit an ordinance or resolution filed under this division to the electors at any election occurring on or after January 1, 2015.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development zone under this section, the ballot shall be in the following form:

"Shall the ordinance of the legislative authority of the (city or village) of (name of contracting party) approving the contract with (name of each other contracting party) for the

designation of a joint economic development zone be approved? 13538

13539

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

13540

13541

13542

(2) If a vote is required to approve a township as a 13543
contracting party to a joint economic development zone under this 13544
section, the ballot shall be in the following form: 13545

"Shall the resolution of the board of township trustees of 13546
the township of (name of contracting party) approving the contract 13547
with (name of each other contracting party) for the designation of 13548
a joint economic development zone be approved? 13549

13550

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

13551

13552

13553

If a majority of the electors of each contracting party 13554
voting on the issue vote for the ordinance or resolution and 13555
contract, the ordinance or resolution shall become effective 13556
immediately and the contract shall go into effect immediately or 13557
in accordance with its terms. 13558

(G)(1) A board of directors shall govern each joint economic 13559
development zone created under this section. The members of the 13560
board shall be appointed as provided in the contract. Each of the 13561
contracting parties shall appoint three members to the board. 13562
Terms for each member shall be for two years, each term ending on 13563
the same day of the month of the year as did the term that it 13564
succeeds. A member may be reappointed to the board. 13565

(2) Membership on the board is not the holding of a public 13566
office or employment within the meaning of any section of the 13567

Revised Code or any charter provision prohibiting the holding of 13568
other public office or employment. Membership on the board is not 13569
a direct or indirect interest in a contract or expenditure of 13570
money by a municipal corporation, township, county, or other 13571
political subdivision with which a member may be affiliated. 13572
Notwithstanding any provision of law or a charter to the contrary, 13573
no member of the board shall forfeit or be disqualified from 13574
holding any public office or employment by reason of membership on 13575
the board. 13576

(3) The board is a public body for the purposes of section 13577
121.22 of the Revised Code. Chapter 2744. of the Revised Code 13578
applies to the board and the zone. 13579

(H) The contract may grant to the board of directors 13580
appointed under division (G) of this section the power to adopt a 13581
resolution to levy an income tax within the zone. The income tax 13582
shall be used for the purposes of the zone and for the purposes of 13583
the contracting parties pursuant to the contract. Not less than 13584
fifty per cent of the revenue from the tax shall be used solely to 13585
provide the new, expanded, or additional services, facilities, or 13586
improvements specified in the economic development plan until all 13587
such services, facilities, or improvements have been completed as 13588
specified in that plan. The income tax may be levied in the zone 13589
based on income earned by persons working within the zone and on 13590
the net profits of businesses located in the zone. The income tax 13591
is subject to ~~Chapter~~ Chapters 718. and 5718. of the Revised Code, 13592
except that a vote shall be required by the electors residing in 13593
the zone to approve the rate of income tax unless a majority of 13594
the electors residing within the zone, as determined by the total 13595
number of votes cast in the zone for the office of governor at the 13596
most recent general election for that office, submit a petition to 13597
the board requesting that the election provided for in division 13598
(H)(1) of this section not be held. If no electors reside within 13599

the zone, then division (H)(3) of this section applies. The rate 13600
of the income tax shall be no higher than the highest rate being 13601
levied by a municipal corporation that is a party to the contract. 13602

(1) The board of directors may levy an income tax at a rate 13603
that is not higher than the highest rate being levied by a 13604
municipal corporation that is a party to the contract, provided 13605
that the rate of the income tax is first submitted to and approved 13606
by the electors of the zone at the succeeding regular or primary 13607
election, or a special election called by the board, occurring 13608
subsequent to ninety days after a certified copy of the resolution 13609
levying the income tax and calling for the election is filed with 13610
the board of elections. If the voters approve the levy of the 13611
income tax, the income tax shall be in force for the full period 13612
of the contract establishing the zone. No election shall be held 13613
under this section if a majority of the electors residing within 13614
the zone, determined as specified in division (H) of this section, 13615
submit a petition to that effect to the board of directors. Any 13616
increase in the rate of an income tax by the board of directors 13617
shall be approved by a vote of the electors of the zone and shall 13618
be in force for the remaining period of the contract establishing 13619
the zone. 13620

(2) Whenever a zone is located in the territory of more than 13621
one contracting party, a majority vote of the electors in each of 13622
the several portions of the territory of the contracting parties 13623
constituting the zone approving the levy of the tax is required 13624
before it may be imposed under division (H) of this section. 13625

(3) If no electors reside in the zone, no election for the 13626
approval or rejection of an income tax shall be held under this 13627
section, provided that where no electors reside in the zone, the 13628
rate of the income tax shall be no higher than the highest rate 13629
being levied by a municipal corporation that is a party to the 13630
contract. 13631

(4) The board of directors of a zone levying an income tax 13632
shall enter into an agreement with one of the municipal 13633
corporations that is a party to the contract to administer, 13634
collect, and enforce the income tax on behalf of the zone. 13635

(5) The board of directors of a zone shall publish or post 13636
public notice within the zone of any resolution adopted levying an 13637
income tax in the same manner required of municipal corporations 13638
under sections 731.21 and 731.25 of the Revised Code. 13639

(I)(1) If for any reason a contracting party reverts to or 13640
has its boundaries changed so that it is classified as a township 13641
that is the entity succeeding to that contracting party, the 13642
township is considered to be a municipal corporation for the 13643
purposes of the contract for the full period of the contract 13644
establishing the joint economic development zone, except that if 13645
that contracting party is administering, collecting, and enforcing 13646
the income tax on behalf of the district as provided in division 13647
(H)(4) of this section, the contract shall be amended to allow one 13648
of the other contracting parties to administer, collect, and 13649
enforce that tax. 13650

(2) Notwithstanding any other section of the Revised Code, if 13651
there is any change in the boundaries of a township so that a 13652
municipal corporation once located within the township is no 13653
longer so located, the township shall remain in existence even 13654
though its remaining unincorporated area contains less than 13655
twenty-two square miles, if the township has been or becomes a 13656
party to a contract creating a joint economic development zone 13657
under this section or the contract creating that joint economic 13658
development zone under this section is terminated or repudiated 13659
for any reason by any party or person. The township shall continue 13660
its existing status in all respects, including having the same 13661
form of government and the same elected board of trustees as its 13662
governing body. The township shall continue to receive all of its 13663

tax levies and sources of income as a township in accordance with 13664
any section of the Revised Code, whether the levies and sources of 13665
income generate millage within the ten-mill limitation or in 13666
excess of the ten-mill limitation. The name of the township may be 13667
changed to the name of the contracting party appearing in the 13668
contract creating a joint economic development zone under this 13669
section, so long as the name does not conflict with any other name 13670
in the state that has been certified by the secretary of state. 13671
The township shall have all of the powers set out in sections 13672
715.79, 715.80, and 715.81 of the Revised Code. 13673

(J) If, after creating and operating a joint economic 13674
development zone under this section, a contracting party that did 13675
not levy a municipal income tax ~~under Chapter~~ in accordance with 13676
Chapters 718. and 5718. of the Revised Code levies such a tax, the 13677
tax shall not apply to the zone for the full period of the 13678
contract establishing the zone if the board of directors of the 13679
zone has levied an income tax as provided in division (H) of this 13680
section. 13681

(K) No substantial amendment may be made to any joint 13682
economic development zone contract after December 31, 2014. 13683

Sec. 715.70. (A) This section and section 715.71 of the 13684
Revised Code apply only to: 13685

(1) Municipal corporations and townships within a county that 13686
has adopted a charter under Sections 3 and 4 of Article X, Ohio 13687
Constitution; 13688

(2) Municipal corporations and townships that have created a 13689
joint economic development district comprised entirely of real 13690
property owned by a municipal corporation at the time the district 13691
was created under this section. The real property owned by the 13692
municipal corporation shall include an airport owned by the 13693
municipal corporation and located entirely beyond the municipal 13694

corporation's corporate boundary. 13695

(3) Municipal corporations or townships that are part of or 13696
contiguous to a transportation improvement district created under 13697
Chapter 5540. of the Revised Code and that have created a joint 13698
economic development district under this section or section 715.71 13699
of the Revised Code prior to November 15, 1995; 13700

(4) Municipal corporations that have previously entered into 13701
a contract creating a joint economic development district pursuant 13702
to division (A)(2) of this section, even if the territory to be 13703
included in the district does not meet the requirements of that 13704
division. 13705

(B)(1) One or more municipal corporations and one or more 13706
townships may enter into a contract approved by the legislative 13707
authority of each contracting party pursuant to which they create 13708
as a joint economic development district an area or areas for the 13709
purpose of facilitating economic development to create or preserve 13710
jobs and employment opportunities and to improve the economic 13711
welfare of the people in the state and in the area of the 13712
contracting parties. A municipal corporation described in division 13713
(A)(4) of this section may enter into a contract with other 13714
municipal corporations and townships to create a new joint 13715
economic development district. In a district that includes a 13716
municipal corporation described in division (A)(4) of this 13717
section, the territory of each of the contracting parties shall be 13718
contiguous to the territory of at least one other contracting 13719
party, or contiguous to the territory of a township or municipal 13720
corporation that is contiguous to another contracting party, even 13721
if the intervening township or municipal corporation is not a 13722
contracting party. The area or areas of land to be included in the 13723
district shall not include any parcel of land owned in fee by a 13724
municipal corporation or a township or parcel of land that is 13725
leased to a municipal corporation or a township, unless the 13726

municipal corporation or township is a party to the contract or 13727
unless the municipal corporation or township has given its consent 13728
to have its parcel of land included in the district by the 13729
adoption of a resolution. As used in this division, "parcel of 13730
land" means any parcel of land owned by a municipal corporation or 13731
a township for at least a six-month period within a five-year 13732
period prior to the creation of a district, but "parcel of land" 13733
does not include streets or public ways and sewer, water, and 13734
other utility lines whether owned in fee or otherwise. 13735

The district created shall be located within the territory of 13736
one or more of the participating parties and may consist of all or 13737
a portion of such territory. The boundaries of the district shall 13738
be described in the contract or in an addendum to the contract. 13739

(2) Prior to the public hearing to be held pursuant to 13740
division (D)(2) of this section, the participating parties shall 13741
give a copy of the proposed contract to each municipal corporation 13742
located within one-quarter mile of the proposed joint economic 13743
development district and not otherwise a party to the contract, 13744
and afford the municipal corporation the reasonable opportunity, 13745
for a period of thirty days following receipt of the proposed 13746
contract, to make comments and suggestions to the participating 13747
parties regarding elements contained in the proposed contract. 13748

(3) The district shall not exceed two thousand acres in area. 13749
The territory of the district shall not completely surround 13750
territory that is not included within the boundaries of the 13751
district. 13752

(4) Sections 503.07 to 503.12 of the Revised Code do not 13753
apply to territory included within a district created pursuant to 13754
this section as long as the contract creating the district is in 13755
effect, unless the legislative authority of each municipal 13756
corporation and the board of township trustees of each township 13757
included in the district consent, by ordinance or resolution, to 13758

the application of those sections of the Revised Code. 13759

(5) Upon the execution of the contract creating the district 13760
by the parties to the contract, a participating municipal 13761
corporation or township included within the district shall file a 13762
copy of the fully executed contract with the county recorder of 13763
each county within which a party to the contract is located, in 13764
the miscellaneous records of the county. No annexation proceeding 13765
pursuant to Chapter 709. of the Revised Code that proposes the 13766
annexation to, merger, or consolidation with a municipal 13767
corporation of any unincorporated territory within the district 13768
shall be commenced for a period of three years after the contract 13769
is filed with the county recorder of each county within which a 13770
party to the contract is located unless each board of township 13771
trustees whose territory is included, in whole or part, within the 13772
district and the territory proposed to be annexed, merged, or 13773
consolidated adopts a resolution consenting to the commencement of 13774
the proceeding and a copy of the resolution is filed with the 13775
legislative authority of each county within which a party to the 13776
contract is located or unless the contract is terminated during 13777
this period. 13778

The contract entered into between the municipal corporations 13779
and townships pursuant to this section may provide for the 13780
prohibition of any annexation by the participating municipal 13781
corporations of any unincorporated territory within the district 13782
beyond the three-year mandatory prohibition of any annexation 13783
provided for in division (B)(5) of this section. 13784

(C)(1) After the legislative authority of a municipal 13785
corporation and the board of township trustees have adopted an 13786
ordinance and resolution approving a contract to create a joint 13787
economic development district pursuant to this section, and after 13788
a contract has been signed, the municipal corporations and 13789
townships shall jointly file a petition with the legislative 13790

authority of each county within which a party to the contract is located. 13791
13792

(a) The petition shall contain all of the following: 13793

(i) A statement that the area or areas of the district ~~is~~ are 13794
not greater than two thousand acres and ~~is~~ are located within the 13795
territory of one or more of the contracting parties; 13796

(ii) A brief summary of the services to be provided by each 13797
party to the contract or a reference to the portion of the 13798
contract describing those services; 13799

(iii) A description of the area or areas to be designated as 13800
the district; 13801

(iv) The signature of a representative of each of the 13802
contracting parties. 13803

(b) The following documents shall be filed with the petition: 13804

(i) A signed copy of the contract, together with copies of 13805
district maps and plans related to or part of the contract; 13806

(ii) A certified copy of the ordinances and resolutions of 13807
the contracting parties approving the contract; 13808

(iii) A certificate from each of the contracting parties 13809
indicating that the public hearings required by division (D)(2) of 13810
this section have been held, the date of the hearings, and 13811
evidence of publication of the notice of the hearings; 13812

(iv) One or more signed statements of persons who are owners 13813
of property located in whole or in part within the area to be 13814
designated as the district, requesting that the property be 13815
included within the district, provided that those statements shall 13816
represent a majority of the persons owning property located in 13817
whole or in part within the district and persons owning a majority 13818
of the acreage located within the district. A signature may be 13819
withdrawn by the signer up to but not after the time of the public 13820

hearing required by division (D)(2) of this section. 13821

(2) The legislative authority of each county within which a 13822
party to the contract is located shall adopt a resolution 13823
approving the petition for the creation of the district if the 13824
petition and other documents have been filed in accordance with 13825
the requirements of division (C)(1) of this section. If the 13826
petition and other documents do not substantially meet the 13827
requirements of that division, the legislative authority of any 13828
county within which a party to the contract is located may adopt a 13829
resolution disapproving the petition for the creation of the 13830
district. The legislative authority of each county within which a 13831
party to the contract is located shall adopt a resolution 13832
approving or disapproving the petition within thirty days after 13833
the petition was filed. If the legislative authority of each such 13834
county does not adopt the resolution within the thirty-day period, 13835
the petition shall be deemed approved and the contract shall go 13836
into effect immediately after that approval or at such other time 13837
as the contract specifies. 13838

(D)(1) The contract creating the district shall set forth or 13839
provide for the amount or nature of the contribution of each 13840
municipal corporation and township to the development and 13841
operation of the district and may provide for the sharing of the 13842
costs of the operation of and improvements for the district. The 13843
contributions may be in any form to which the contracting 13844
municipal corporations and townships agree and may include but are 13845
not limited to the provision of services, money, real or personal 13846
property, facilities, or equipment. The contract may provide for 13847
the contracting parties to share revenue from taxes levied on 13848
property by one or more of the contracting parties if those 13849
revenues may lawfully be applied to that purpose under the 13850
legislation by which those taxes are levied. The contract shall 13851
provide for new, expanded, or additional services, facilities, or 13852

improvements, including expanded or additional capacity for or 13853
other enhancement of existing services, facilities, or 13854
improvements, provided that those services, facilities, or 13855
improvements, or expanded or additional capacity for or 13856
enhancement of existing services, facilities, or improvements, 13857
required herein have been provided within the two-year period 13858
prior to the execution of the contract. 13859

(2) Before the legislative authority of a municipal 13860
corporation or a board of township trustees passes any ordinance 13861
or resolution approving a contract to create a joint economic 13862
development district pursuant to this section, the legislative 13863
authority of the municipal corporation and the board of township 13864
trustees shall each hold a public hearing concerning the joint 13865
economic development district contract and shall provide thirty 13866
days' public notice of the time and place of the public hearing in 13867
a newspaper of general circulation in the municipal corporation 13868
and the township. The board of township trustees may provide 13869
additional notice to township residents in accordance with section 13870
9.03 of the Revised Code, and any additional notice shall include 13871
the public hearing announcement; a summary of the terms of the 13872
contract; a statement that the entire text of the contract and 13873
district maps and plans are on file for public examination in the 13874
office of the township fiscal officer; and information pertaining 13875
to any tax changes that will or may occur as a result of the 13876
contract. 13877

During the thirty-day period prior to the public hearing, a 13878
copy of the text of the contract together with copies of district 13879
maps and plans related to or part of the contract shall be on 13880
file, for public examination, in the offices of the clerk of the 13881
legislative authority of the municipal corporation and of the 13882
township fiscal officer. The public hearing provided for in 13883
division (D)(2) of this section shall allow for public comment and 13884

recommendations from the public on the proposed contract. The 13885
contracting parties may include in the contract any of those 13886
recommendations prior to the approval of the contract. 13887

(3) Any resolution of the board of township trustees that 13888
approves a contract that creates a joint economic development 13889
district pursuant to this section shall be subject to a referendum 13890
of the electors of the township. When a referendum petition, 13891
signed by ten per cent of the number of electors in the township 13892
who voted for the office of governor at the most recent general 13893
election for the office of governor, is presented to the board of 13894
township trustees within thirty days after the board of township 13895
trustees adopted the resolution, ordering that the resolution be 13896
submitted to the electors of the township for their approval or 13897
rejection, the board of township trustees shall, after ten days 13898
and not later than four p.m. of the ninetieth day before the 13899
election, certify the text of the resolution to the board of 13900
elections. The board of elections shall submit the resolution to 13901
the electors of the township for their approval or rejection at 13902
the next general, primary, or special election occurring 13903
subsequent to ninety days after the certifying of the petition to 13904
the board of elections. 13905

(4) Upon the creation of a district under this section or 13906
section 715.71 of the Revised Code, one of the contracting parties 13907
shall file a copy of the following with the director of 13908
development: 13909

(a) The petition and other documents described in division 13910
(C)(1) of this section, if the district is created under this 13911
section; 13912

(b) The documents described in division (D) of section 715.71 13913
of the Revised Code, if the district is created under this 13914
section. 13915

(E) The district created by the contract shall be governed by 13916
a board of directors that shall be established by or pursuant to 13917
the contract. The board is a public body for the purposes of 13918
section 121.22 of the Revised Code. The provisions of Chapter 13919
2744. of the Revised Code apply to the board and the district. The 13920
members of the board shall be appointed as provided in the 13921
contract from among the elected members of the legislative 13922
authorities and the elected chief executive officers of the 13923
contracting parties, provided that there shall be at least two 13924
members appointed from each of the contracting parties. 13925

(F) The contract shall enumerate the specific powers, duties, 13926
and functions of the board of directors of a district, and the 13927
contract shall provide for the determination of procedures that 13928
are to govern the board of directors. The contract may grant to 13929
the board the power to adopt a resolution to levy an income tax 13930
within the district. The income tax shall be used for the purposes 13931
of the district and for the purposes of the contracting municipal 13932
corporations and townships pursuant to the contract. The income 13933
tax may be levied in the district based on income earned by 13934
persons working or residing within the district and based on the 13935
net profits of businesses located in the district. The income tax 13936
shall follow the provisions of ~~Chapter~~ Chapters 718. and 5718. of 13937
the Revised Code, except that a vote shall be required by the 13938
electors residing in the district to approve the rate of income 13939
tax. If no electors reside within the district, then division 13940
(F)(4) of this section applies. The rate of the income tax shall 13941
be no higher than the highest rate being levied by a municipal 13942
corporation that is a party to the contract. 13943

(1) Within one hundred eighty days after the first meeting of 13944
the board of directors, the board may levy an income tax, provided 13945
that the rate of the income tax is first submitted to and approved 13946
by the electors of the district at the succeeding regular or 13947

primary election, or a special election called by the board, 13948
occurring subsequent to ninety days after a certified copy of the 13949
resolution levying the income tax and calling for the election is 13950
filed with the board of elections. If the voters approve the levy 13951
of the income tax, the income tax shall be in force for the full 13952
period of the contract establishing the district. Any increase in 13953
the rate of an income tax that was first levied within one hundred 13954
eighty days after the first meeting of the board of directors 13955
shall be approved by a vote of the electors of the district, shall 13956
be in force for the remaining period of the contract establishing 13957
the district, and shall not be subject to division (F)(2) of this 13958
section. 13959

(2) Any resolution of the board of directors levying an 13960
income tax that is adopted subsequent to one hundred eighty days 13961
after the first meeting of the board of directors shall be subject 13962
to a referendum as provided in division (F)(2) of this section. 13963
Any resolution of the board of directors levying an income tax 13964
that is adopted subsequent to one hundred eighty days after the 13965
first meeting of the board of directors shall be subject to an 13966
initiative proceeding to amend or repeal the resolution levying 13967
the income tax as provided in division (F)(2) of this section. 13968
When a referendum petition, signed by ten per cent of the number 13969
of electors in the district who voted for the office of governor 13970
at the most recent general election for the office of governor, is 13971
filed with the county auditor of each county within which a party 13972
to the contract is located within thirty days after the resolution 13973
is adopted by the board or when an initiative petition, signed by 13974
ten per cent of the number of electors in the district who voted 13975
for the office of governor at the most recent general election for 13976
the office of governor, is filed with the county auditor of each 13977
such county ordering that a resolution to amend or repeal a prior 13978
resolution levying an income tax be submitted to the electors 13979
within the district for their approval or rejection, the county 13980

auditor of each such county, after ten days and not later than 13981
four p.m. of the ninetieth day before the election, shall certify 13982
the text of the resolution to the board of elections of that 13983
county. The county auditor of each such county shall retain the 13984
petition. The board of elections shall submit the resolution to 13985
such electors, for their approval or rejection, at the next 13986
general, primary, or special election occurring subsequent to 13987
ninety days after the certifying of such petition to the board of 13988
elections. 13989

(3) Whenever a district is located in the territory of more 13990
than one contracting party, a majority vote of the electors, if 13991
any, in each of the several portions of the territory of the 13992
contracting parties constituting the district approving the levy 13993
of the tax is required before it may be imposed pursuant to this 13994
division. 13995

(4) If there are no electors residing in the district, no 13996
election for the approval or rejection of an income tax shall be 13997
held pursuant to this section, provided that where no electors 13998
reside in the district, the maximum rate of the income tax that 13999
may be levied shall not exceed one per cent. 14000

(5) The board of directors of a district levying an income 14001
tax shall enter into an agreement with one of the municipal 14002
corporations that is a party to the contract to administer, 14003
collect, and enforce the income tax on behalf of the district. The 14004
resolution levying the income tax shall provide the same credits, 14005
if any, to residents of the district for income taxes paid to 14006
other such districts or municipal corporations where the residents 14007
work, as credits provided to residents of the municipal 14008
corporation administering the income tax. 14009

(6)(a) The board shall publish or post public notice within 14010
the district of any resolution adopted levying an income tax in 14011
the same manner required of municipal corporations under sections 14012

731.21 and 731.25 of the Revised Code. 14013

(b) Except as otherwise specified by this division, any 14014
referendum or initiative proceeding within a district shall be 14015
conducted in the same manner as is required for such proceedings 14016
within a municipal corporation pursuant to sections 731.28 to 14017
731.40 of the Revised Code. 14018

(G) Membership on the board of directors does not constitute 14019
the holding of a public office or employment within the meaning of 14020
any section of the Revised Code or any charter provision 14021
prohibiting the holding of other public office or employment, and 14022
shall not constitute an interest, either direct or indirect, in a 14023
contract or expenditure of money by any municipal corporation, 14024
township, county, or other political subdivision with which the 14025
member may be connected. No member of a board of directors shall 14026
be disqualified from holding any public office or employment, nor 14027
shall such member forfeit or be disqualified from holding any such 14028
office or employment, by reason of the member's membership on the 14029
board of directors, notwithstanding any law or charter provision 14030
to the contrary. 14031

(H) The powers and authorizations granted pursuant to this 14032
section or section 715.71 of the Revised Code are in addition to 14033
and not in derogation of all other powers granted to municipal 14034
corporations and townships pursuant to law. When exercising a 14035
power or performing a function or duty under a contract authorized 14036
pursuant to this section or section 715.71 of the Revised Code, a 14037
municipal corporation may exercise all of the powers of a 14038
municipal corporation, and may perform all the functions and 14039
duties of a municipal corporation, within the district, pursuant 14040
to and to the extent consistent with the contract. When exercising 14041
a power or performing a function or duty under a contract 14042
authorized pursuant to this section or section 715.71 of the 14043
Revised Code, a township may exercise all of the powers of a 14044

township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract. The district board of directors has no powers except those specifically set forth in the contract as agreed to by the participating parties. No political subdivision shall authorize or grant any tax exemption pursuant to Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of the contracting parties. The prohibition for any tax exemption pursuant to this division shall not apply to any exemption filed, pending, or approved, or for which an agreement has been entered into, before the effective date of the contract entered into by the parties.

(I) Municipal corporations and townships may enter into binding agreements pursuant to a contract authorized under this section or section 715.71 of the Revised Code with respect to the substance and administration of zoning and other land use regulations, building codes, public permanent improvements, and other regulatory and proprietary matters that are determined, pursuant to the contract, to be for a public purpose and to be desirable with respect to the operation of the district or to facilitate new or expanded economic development in the state or the district, provided that no contract shall exempt the territory within the district from the procedures and processes of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including but not limited to procedures and processes concerning zoning.

(J) A contract creating a joint economic development district under this section or section 715.71 of the Revised Code may designate property as a community entertainment district or may be amended to designate property as a community entertainment district as prescribed in division (D) of section 4301.80 of the

Revised Code. A joint economic development district contract or
amendment designating a community entertainment district shall
include all information and documentation described in divisions
(B)(1) through (6) of section 4301.80 of the Revised Code. The
public notice required under division (D)(2) of this section and
division (C) of section 715.71 of the Revised Code shall specify
that the contract designates a community entertainment district
and describe the location of that district. Except as provided in
division (F) of section 4301.80 of the Revised Code, an area
designated as a community entertainment district under a joint
economic development district contract shall not lose its
designation even if the contract is canceled or terminated.

(K) A contract entered into pursuant to this section or
section 715.71 of the Revised Code may be amended and it may be
renewed, canceled, or terminated as provided in or pursuant to the
contract. The contract may be amended to add property owned by one
of the contracting parties to the district, or may be amended to
delete property from the district whether or not one of the
contracting parties owns the deleted property. The contract shall
continue in existence throughout its term and shall be binding on
the contracting parties and on any entities succeeding to such
parties, whether by annexation, merger, or otherwise. The income
tax levied by the board pursuant to this section or section 715.71
of the Revised Code shall apply in the entire district throughout
the term of the contract, notwithstanding that all or a portion of
the district becomes subject to annexation, merger, or
incorporation. No township or municipal corporation is divested of
its rights or obligations under the contract because of
annexation, merger, or succession of interests.

(L) After the creation of a joint economic development
district described in division (A)(2) of this section, a municipal
corporation that is a contracting party may cease to own property

included in the district, but such property shall continue to be 14109
included in the district and subject to the terms of the contract. 14110

Sec. 715.71. (A) This section provides alternative procedures 14111
and requirements to those set forth in section 715.70 of the 14112
Revised Code for creating and operating a joint economic 14113
development district. Divisions (B), (C), (D)(1) to (3), and (F) 14114
of section 715.70 of the Revised Code do not apply to a joint 14115
economic development district established under this section. 14116
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and 14117
(L) of section 715.70 of the Revised Code do apply to a district 14118
established under this section. 14119

(B) One or more municipal corporations and one or more 14120
townships may enter into a contract approved by the legislative 14121
authority of each contracting party pursuant to which they create 14122
as a joint economic development district one or more areas for the 14123
purpose of facilitating economic development to create or preserve 14124
jobs and employment opportunities and to improve the economic 14125
welfare of the people in this state and in the area of the 14126
contracting parties. The district created shall be located within 14127
the territory of one or more of the contracting parties and may 14128
consist of all or a portion of that territory. The boundaries of 14129
the district shall be described in the contract or in an addendum 14130
to the contract. The area or areas of land to be included in the 14131
district shall not include any parcel of land owned in fee by or 14132
leased to a municipal corporation or township, unless the 14133
municipal corporation or township is a party to the contract or 14134
has given its consent to have its parcel of land included in the 14135
district by the adoption of a resolution. As used in this 14136
division, "parcel of land" has the same meaning as in division (B) 14137
of section 715.70 of the Revised Code. 14138

(C) Before the legislative authority of a municipal 14139

corporation or a board of township trustees adopts an ordinance or 14140
resolution approving a contract to create a joint economic 14141
development district under this section, it shall hold a public 14142
hearing concerning the joint economic development district 14143
contract and shall provide thirty days' public notice of the time 14144
and place of the public hearing in a newspaper of general 14145
circulation in the municipal corporation and the township. Each 14146
municipal corporation and township that is a party to the contract 14147
shall hold a public hearing. During the thirty-day period prior to 14148
a public hearing, a copy of the text of the contract together with 14149
copies of district maps and plans related to or part of the 14150
contract shall be on file, for public examination, in the offices 14151
of the clerk of the legislative authority of the municipal 14152
corporation and of the township fiscal officer. The public 14153
hearings provided for in this division shall allow for public 14154
comment and recommendations on the proposed contract. The 14155
participating parties may include in the contract any of those 14156
recommendations prior to approval of the contract. 14157

(D) After the legislative authority of a municipal 14158
corporation and the board of township trustees have adopted an 14159
ordinance and resolution approving a contract to create a joint 14160
economic development district, the municipal corporation and the 14161
township jointly shall file with the legislative authority of each 14162
county within which a party to the contract is located all of the 14163
following: 14164

(1) A signed copy of the contract, together with copies of 14165
district maps and plans related to or part of the contract; 14166

(2) Certified copies of the ordinances and resolutions of the 14167
contracting parties relating to the district and the contract; 14168

(3) A certificate of each of the contracting parties that the 14169
public hearings provided for in division (C) of this section have 14170
been held, the date of the hearings, and evidence of publication 14171

of the notice of the hearings. 14172

(E) Within thirty days after the filing under division (D) of 14173
this section, the legislative authority of each county within 14174
which a party to the contract is located shall adopt a resolution 14175
acknowledging the receipt of the required documents, approving the 14176
creation of the joint economic development district, and directing 14177
that the resolution of the board of township trustees approving 14178
the contract be submitted to the electors of the township for 14179
approval at the next succeeding general, primary, or special 14180
election. The legislative authority of the county shall file with 14181
the board of elections at least ninety days before the day of the 14182
election a copy of the resolution of the board of township 14183
trustees approving the contract. The resolution of the legislative 14184
authority of the county also shall specify the date the election 14185
is to be held and shall direct the board of elections to conduct 14186
the election in the township. If the resolution of the legislative 14187
authority of the county is not adopted within the thirty-day 14188
period after the filing under division (D) of this section, the 14189
joint economic development district shall be deemed approved by 14190
the county legislative authority, and the board of township 14191
trustees shall file its resolution with the board of elections for 14192
submission to the electors of the township for approval at the 14193
next succeeding general, primary, or special election. The filing 14194
shall occur at least ninety days before the specified date the 14195
election is to be held and shall direct the board of elections to 14196
conduct the election in the township. 14197

The ballot shall be in the following form: 14198

"Shall the resolution of the board of township trustees 14199
approving the contract with (here insert name of 14200
each municipal corporation and other township that is a party to 14201
the contract) for the creation of a joint economic development 14202
district be approved? 14203

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

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If a majority of the electors of the township voting on the issue
vote for the resolution and contract, the resolution shall become
effective immediately and the contract shall go into effect
immediately or in accordance with its terms.

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(F) The contract creating the district shall set forth or
provide for the amount or nature of the contribution of each
municipal corporation and township to the development and
operation of the district and may provide for the sharing of the
costs of the operation of and improvements for the district. The
contributions may be in any form to which the contracting
municipal corporations and townships agree and may include but are
not limited to the provision of services, money, real or personal
property, facilities, or equipment. The contract may provide for
the contracting parties to share revenue from taxes levied on
property by one or more of the contracting parties if those
revenues may lawfully be applied to that purpose under the
legislation by which those taxes are levied. The contract shall
provide for new, expanded, or additional services, facilities, or
improvements, including expanded or additional capacity for or
other enhancement of existing services, facilities, or
improvements, provided that the existing services, facilities, or
improvements, or the expanded or additional capacity for or
enhancement of the existing services, facilities, or improvements,
have been provided within the two-year period prior to the
execution of the contract.

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(G) The contract shall enumerate the specific powers, duties,
and functions of the board of directors of the district and shall
provide for the determination of procedures that are to govern the

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board of directors. The contract may grant to the board the power 14236
to adopt a resolution to levy an income tax within the district. 14237
The income tax shall be used for the purposes of the district and 14238
for the purposes of the contracting municipal corporations and 14239
townships pursuant to the contract. The income tax may be levied 14240
in the district based on income earned by persons working or 14241
residing within the district and based on the net profits of 14242
businesses located in the district. The income tax of the district 14243
shall follow the provisions of ~~Chapter~~ Chapters 718. and 5718. of 14244
the Revised Code, except that no vote shall be required by the 14245
electors residing in the district. The rate of the income tax 14246
shall be no higher than the highest rate being levied by a 14247
municipal corporation that is a party to the contract. 14248

The board of directors of a district levying an income tax 14249
shall enter into an agreement with one of the municipal 14250
corporations that is a party to the contract to administer, 14251
collect, and enforce the income tax on behalf of the district. The 14252
resolution levying the income tax shall provide the same credits, 14253
if any, to residents of the district for income taxes paid to 14254
other districts or municipal corporations where the residents 14255
work, as credits provided to residents of the municipal 14256
corporation administering the income tax. 14257

(H) No annexation proceeding pursuant to Chapter 709. of the 14258
Revised Code that proposes the annexation to or merger or 14259
consolidation with a municipal corporation, except a municipal 14260
corporation that is a party to the contract, of any unincorporated 14261
territory within the district shall be commenced for a period of 14262
three years after the contract is filed with the legislative 14263
authority of each county within which a party to the contract is 14264
located in accordance with division (D) of this section unless 14265
each board of township trustees whose territory is included, in 14266
whole or part, within the district and the territory proposed to 14267

be annexed, merged, or consolidated adopts a resolution consenting 14268
to the commencement of the proceeding and a copy of the resolution 14269
is filed with the legislative authority of each such county or 14270
unless the contract is terminated during this three-year period. 14271
The contract entered into between the municipal corporations and 14272
townships pursuant to this section may provide for the prohibition 14273
of any annexation by the participating municipal corporations of 14274
any unincorporated territory within the district. 14275

Sec. 715.72. (A) As used in this section: 14276

(1) "Contracting parties" means one or more municipal 14277
corporations, one or more townships, and, under division (D) of 14278
this section, one or more counties that have entered into a 14279
contract under this section to create a joint economic development 14280
district. 14281

(2) "District" means a joint economic development district 14282
created under this section. 14283

(3) "Contract for utility services" means a contract under 14284
which a municipal corporation agrees to provide to a township or 14285
another municipal corporation water, sewer, electric, or other 14286
utility services necessary to the public health, safety, and 14287
welfare. 14288

(4) "Business" means a sole proprietorship, a corporation for 14289
profit, a pass-through entity as defined in section 5733.04 of the 14290
Revised Code, the federal government, the state, the state's 14291
political subdivisions, a nonprofit organization, or a school 14292
district. 14293

(5) "Owner" means a partner of a partnership, a member of a 14294
limited liability company, a majority shareholder of an S 14295
corporation, a person with a majority ownership interest in a 14296
pass-through entity, or any officer, employee, or agent with 14297

authority to make decisions legally binding upon a business.	14298
(6) "Record owner" means the person or persons in whose name	14299
a parcel is listed on the tax list or exempt list compiled by the	14300
county auditor under section 319.28 or 5713.08 of the Revised	14301
Code.	14302
(7) A business "operates within" a district if the net	14303
profits of the business or the income of employees of the business	14304
would be subject to an income tax levied within the district.	14305
(8) An employee is "employed within" a district if any	14306
portion of the employee's income would be subject to an income tax	14307
levied within the district.	14308
(9) "Mixed-use development" means a real estate project that	14309
tends to mitigate traffic and sprawl by integrating some	14310
combination of retail, office, residential, hotel, recreation, and	14311
other functions in a pedestrian-oriented environment that	14312
maximizes the use of available space by allowing members of the	14313
community to live, work, and play in one architecturally	14314
expressive area with multiple amenities.	14315
(B) This section provides alternative procedures and	14316
requirements to those set forth in sections 715.70 and 715.71 of	14317
the Revised Code for creating and operating a joint economic	14318
development district. This section applies to municipal	14319
corporations and townships that are located in the same county or	14320
in adjacent counties.	14321
(C) One or more municipal corporations, one or more	14322
townships, and, under division (D) of this section, one or more	14323
counties may enter into a contract pursuant to which they	14324
designate one or more areas as a joint economic development	14325
district for the purpose of facilitating economic development and	14326
redevelopment, to create or preserve jobs and employment	14327
opportunities, and to improve the economic welfare of the people	14328

in this state and in the area of the contracting parties. 14329

(1) Except as otherwise provided in division (C)(2) of this 14330
section, the territory of each of the contracting parties shall be 14331
contiguous to the territory of at least one other contracting 14332
party, or contiguous to the territory of a township, municipal 14333
corporation, or county that is contiguous to another contracting 14334
party, even if the intervening township or municipal corporation 14335
is not a contracting party. 14336

(2) Contracting parties that have entered into a contract 14337
under section 715.70 or 715.71 of the Revised Code creating a 14338
joint economic development district prior to November 15, 1995, 14339
may enter into a contract under this section even if the territory 14340
of each of the contracting parties is not contiguous to the 14341
territory of at least one other contracting party, or contiguous 14342
to the territory of a township or municipal corporation that is 14343
contiguous to another contracting party as otherwise required 14344
under division (C)(1) of this section. The contract and district 14345
shall meet the requirements of this section. 14346

(D) If, on or after December 30, 2008, but on or before June 14347
30, 2009, one or more municipal corporations and one or more 14348
townships enter into a contract or amend an existing contract 14349
under this section, one or more counties in which all of those 14350
municipal corporations or townships are located also may enter 14351
into the contract as a contracting party or parties. 14352

(E)(1) The area or areas to be included in a joint economic 14353
development district shall meet all of the following criteria: 14354

(a) The area or areas shall be located within the territory 14355
of one or more of the contracting parties and may consist of all 14356
of the territory of any or all of the contracting parties. 14357

(b) No electors, except those residing in a mixed-use 14358
development, shall reside within the area or areas on the 14359

effective date of the contract creating the district. 14360

(c) The area or areas shall not include any parcel of land 14361
owned in fee by or leased to a municipal corporation or township, 14362
unless the municipal corporation or township is a contracting 14363
party or has given its consent to have the parcel of land included 14364
in the district by the adoption of an ordinance or resolution. 14365

(2) The contracting parties may designate excluded parcels 14366
within the boundaries of the joint economic development district. 14367
Excluded parcels are not part of the district and persons employed 14368
or residing on such parcels shall not be subject to any income tax 14369
imposed within the district under division (F)(5) of this section. 14370

(F)(1) The contract creating a joint economic development 14371
district shall provide for the amount or nature of the 14372
contribution of each contracting party to the development and 14373
operation of the district and may provide for the sharing of the 14374
costs of the operation of and improvements for the district. The 14375
contributions may be in any form to which the contracting parties 14376
agree and may include, but are not limited to, the provision of 14377
services, money, real or personal property, facilities, or 14378
equipment. 14379

(2) The contract may provide for the contracting parties to 14380
share revenue from taxes levied by one or more of the contracting 14381
parties if those revenues may lawfully be applied to that purpose 14382
under the legislation by which those taxes are levied. 14383

(3) The contract shall include an economic development plan 14384
for the district that consists of a schedule for the provision of 14385
new, expanded, or additional services, facilities, or 14386
improvements. The contract may provide for expanded or additional 14387
capacity for or other enhancement of existing services, 14388
facilities, or improvements. 14389

(4) The contract shall enumerate the specific powers, duties, 14390

and functions of the board of directors of the district described 14391
under division (P) of this section and shall designate procedures 14392
consistent with that division for appointing members to the board. 14393
The contract shall enumerate rules to govern the board in carrying 14394
out its business under this section. 14395

(5)(a) The contract may grant to the board the power to adopt 14396
a resolution to levy an income tax within the entire district or 14397
within portions of the district designated by the contract. The 14398
income tax shall be used to carry out the economic development 14399
plan for the district or the portion of the district in which the 14400
tax is levied and for any other lawful purpose of the contracting 14401
parties pursuant to the contract, including the provision of 14402
utility services by one or more of the contracting parties. 14403

(b) An income tax levied under this section shall be based on 14404
both the income earned by persons employed or residing within the 14405
district and the net profit of businesses operating within the 14406
district. 14407

Except as provided in this section, the income tax levied 14408
within the district is subject to ~~Chapter~~ Chapters 718. and 5718. 14409
of the Revised Code, except that no vote shall be required. The 14410
rate of the income tax shall be no higher than the highest rate 14411
being levied by a municipal corporation that is a contracting 14412
party. 14413

(c) If the board adopts a resolution to levy an income tax, 14414
it shall enter into an agreement with a municipal corporation that 14415
is a contracting party to administer, collect, and enforce the 14416
income tax on behalf of the district. 14417

(d) A resolution levying an income tax under this section 14418
shall require the contracting parties to annually set aside a 14419
percentage, to be stated in the resolution, of the amount of the 14420
income tax collected for the long-term maintenance of the 14421

district. 14422

(e) An income tax levied under this section shall apply in 14423
the district or the portion of the district in which the contract 14424
authorizes an income tax throughout the term of the contract 14425
creating the district. The tax shall not apply to any persons 14426
employed or residing on a parcel excluded from the district under 14427
division (E)(2) of this section. 14428

(6) If there is unincorporated territory in the district, the 14429
contract shall specify that restrictions on annexation proceedings 14430
under division (R) of this section apply to such unincorporated 14431
territory. The contract may prohibit proceedings under Chapter 14432
709. of the Revised Code proposing the annexation to, merger of, 14433
or consolidation with a municipal corporation that is a 14434
contracting party of any unincorporated territory within a 14435
township that is a contracting party during the term of the 14436
contract regardless of whether that territory is located within 14437
the district. 14438

(7) The contract may designate property as a community 14439
entertainment district, or may be amended to designate property as 14440
a community entertainment district, as prescribed in division (D) 14441
of section 4301.80 of the Revised Code. A contract or amendment 14442
designating a community entertainment district shall include all 14443
information and documentation described in divisions (B)(1) to (6) 14444
of section 4301.80 of the Revised Code. The public notice required 14445
under division (I) of this section shall specify that the contract 14446
designates a community entertainment district and describe the 14447
location of that district. Except as provided in division (F) of 14448
section 4301.80 of the Revised Code, an area designated as a 14449
community entertainment district under a joint economic 14450
development district contract shall not lose its designation even 14451
if the contract is canceled or terminated. 14452

(G) The contract creating a joint economic development 14453

district shall continue in existence throughout its term and shall 14454
be binding on the contracting parties and on any parties 14455
succeeding to the contracting parties, whether by annexation, 14456
merger, or consolidation. Except as provided in division (H) of 14457
this section, the contract may be amended, renewed, or terminated 14458
with the approval of the contracting parties or any parties 14459
succeeding to the contracting parties. If the contract is amended 14460
to add or remove an area to or from an existing district, the 14461
amendment shall be adopted in the manner prescribed under division 14462
(L) of this section. 14463

(H) If two or more contracting parties previously have 14464
entered into a separate contract for utility services, then 14465
amendment, renewal, or termination of the separate contract for 14466
utility services shall not constitute any part of the 14467
consideration for the contract creating a joint economic 14468
development district. A contract creating a joint economic 14469
development district shall be rebuttably presumed to violate this 14470
division if it is entered into within two years prior or five 14471
years subsequent to the amendment, renewal, or termination of a 14472
separate contract for utility services that two or more 14473
contracting parties previously have entered into. The presumption 14474
stated in this division may be rebutted by clear and convincing 14475
evidence of both of the following: 14476

(1) That other substantial consideration existed to support 14477
the contract creating a joint economic development district; 14478

(2) That the contracting parties entered into the contract 14479
creating a joint economic development district freely and without 14480
duress or coercion related to the amendment, renewal, or 14481
termination of the separate contract for utility services. 14482

A contract creating a joint economic development district 14483
that violates this division is void and unenforceable. 14484

(I)(1) Before the legislative authority of any of the 14485
contracting parties adopts an ordinance or resolution approving a 14486
contract to create a district, the legislative authority of each 14487
of the contracting parties shall hold a public hearing concerning 14488
the contract and district. Each legislative authority shall 14489
provide at least thirty days' public notice of the time and place 14490
of the public hearing in a newspaper of general circulation in the 14491
municipal corporation, township, or county, as applicable. During 14492
the thirty-day period prior to the public hearing and until the 14493
date that an ordinance or resolution is adopted under division (K) 14494
of this section to approve the joint economic development district 14495
contract, all of the following documents shall be available for 14496
public inspection in the office of the clerk of the legislative 14497
authority of a municipal corporation and county that is a 14498
contracting party and in the office of the fiscal officer of a 14499
township that is a contracting party: 14500

(a) A copy of the contract creating the district, including 14501
the economic development plan for the district and the schedule 14502
for the provision of new, expanded, or additional services, 14503
facilities, or improvements described in division (F)(3) of this 14504
section; 14505

(b) A description of the area or areas to be included in the 14506
district, including a map in sufficient detail to denote the 14507
specific boundaries of the area or areas and to indicate any 14508
zoning restrictions applicable to the area or areas, and the 14509
parcel number, provided for under section 319.28 of the Revised 14510
Code, of any parcel located within the boundaries of the joint 14511
economic development district and excluded from the district under 14512
division (E)(2) of this section; 14513

(c) If the contract authorizes the board of directors of the 14514
district to adopt a resolution to levy an income tax within the 14515
district or within portions of the district, a schedule for the 14516

collection of the tax. 14517

(2) A public hearing held under this division shall allow for 14518
public comment and recommendations on the contract and district. 14519
The contracting parties may include in the contract any of those 14520
recommendations prior to approval of the contract. 14521

(J) Before any of the contracting parties approves a contract 14522
under division (K) of this section, the contracting parties shall 14523
circulate one or more petitions to record owners of real property 14524
located within the proposed joint economic development district 14525
and owners of businesses operating within the proposed district. 14526
The petitions shall state that all of the documents described in 14527
divisions (I)(1)(a) to (c) of this section are available for 14528
public inspection in the office of the clerk of the legislative 14529
authority of each municipal corporation and county that is a 14530
contracting party or the office of the fiscal officer of each 14531
township that is a contracting party. The petitions shall clearly 14532
indicate that, by signing the petition, the record owner or owner 14533
consents to the proposed joint economic development district. 14534

A contracting party may send written notice of the petitions 14535
by certified mail with return receipt requested to the last known 14536
mailing addresses of any or all of the record owners of real 14537
property located within the proposed district or the owners of 14538
businesses operating within the proposed district. The contracting 14539
parties shall equally share the costs of complying with this 14540
division. 14541

(K)(1) After the public hearings required under division (I) 14542
of this section have been held and the petitions described in 14543
division (J) of this section have been signed by the majority of 14544
the record owners of real property located within the proposed 14545
joint economic development district and by a majority of the 14546
owners of businesses, if any, operating within the proposed 14547
district, each contracting party may adopt an ordinance or 14548

resolution approving the contract to create a joint economic 14549
development district. Not later than ten days after all of the 14550
contracting parties have adopted ordinances or resolutions 14551
approving the district contract, each contracting party shall give 14552
notice of the proposed district to all of the following: 14553

(a) Each record owner of real property to be included in the 14554
district and in the territory of that contracting party who did 14555
not sign the petitions described in division (J) of this section; 14556

(b) An owner of each business operating within the district 14557
and in the territory of that contracting party no owner of which 14558
signed the petitions described in division (J) of this section. 14559

(2) Such notices shall be given by certified mail and shall 14560
specify that the property or business is located within an area to 14561
be included in the district and that all of the documents 14562
described in divisions (I)(1)(a) to (c) of this section are 14563
available for public inspection in the office of the clerk of the 14564
legislative authority of each municipal corporation and county 14565
that is a contracting party or the office of the fiscal officer of 14566
each township that is a contracting party. The contracting parties 14567
shall equally share the costs of complying with division (K) of 14568
this section. 14569

(L)(1) The contracting parties may amend the joint economic 14570
development district contract to add any area that was not 14571
originally included in the district if the area satisfies the 14572
criteria prescribed under division (E) of this section. The 14573
contracting parties may also amend the district contract to remove 14574
any area originally included in the district or exclude one or 14575
more parcels located within the district pursuant to division 14576
(E)(2) of this section. 14577

(2) An amendment adding an area to a district, removing an 14578
area from the district, or excluding one or more parcels from the 14579

district may be approved only by a resolution or ordinance adopted 14580
by each of the contracting parties. The contracting parties shall 14581
conduct public hearings on the amendment and provide notice in the 14582
manner required under division (I) of this section for original 14583
contracts. The contracting parties shall make available for public 14584
inspection a copy of the amendment, a description of the area to 14585
be added, removed, or excluded to or from the district, and a map 14586
of that area in sufficient detail to denote the specific 14587
boundaries of the area and to indicate any zoning restrictions 14588
applicable to the area. 14589

(3) Before adopting a resolution or ordinance approving the 14590
addition of an area to the district, the contracting parties shall 14591
circulate petitions to the record owners of real property located 14592
within the proposed addition to the district and owners of 14593
businesses operating within the proposed addition to the district 14594
in the same manner required under division (J) of this section for 14595
original contracts. The contracting parties may notify such record 14596
owners of real property and owners of businesses that the 14597
petitions are available for signing in the same manner provided by 14598
that division. The contracting parties shall equally share the 14599
costs of complying with this division. 14600

(4) The contracting parties to a joint economic development 14601
district may vote to approve an amendment to the district contract 14602
under this division after the public hearings required under 14603
division (L)(2) of this section are completed and, if the 14604
amendment adds an area or areas to the district, the petitions 14605
required under division (L)(3) of this section have been signed by 14606
the majority of record owners of real property located within the 14607
area or areas added to the district and by a majority of the 14608
owners of businesses, if any, operating within the proposed 14609
addition to the district. 14610

(5) Not later than ten days after all of the contracting 14611

parties have adopted ordinances or resolutions approving an 14612
amendment adding one or more areas to the district, each 14613
contracting party shall give notice of the addition to all of the 14614
following: 14615

(a) Each record owner of real property to be included in the 14616
addition to the district and in the territory of that contracting 14617
party who did not sign the petitions described in division (L)(3) 14618
of this section; 14619

(b) An owner of each business operating within the addition 14620
to the district and in the territory of that contracting party no 14621
owner of which signed the petitions described in division (L)(3) 14622
of this section. 14623

The contracting parties shall equally share the costs of 14624
complying with division (L)(5) of this section. 14625

(M)(1) A board of township trustees that is a party to a 14626
contract creating a joint economic development district may choose 14627
not to submit its resolution approving the contract to the 14628
electors of the township if all of the following conditions are 14629
satisfied: 14630

(a) The resolution has been approved by a unanimous vote of 14631
the members of the board of township trustees or, if a county is 14632
one of the contracting parties under division (D) of this section, 14633
the resolution has been approved by a majority vote of the members 14634
of the board of township trustees; 14635

(b) The contracting parties have circulated petitions as 14636
required under division (J) of this section and obtained the 14637
signatures required under division (L) of this section; 14638

(c) The territory to be included in the proposed district is 14639
zoned in a manner appropriate to the function of the district. 14640

(2) If the board of township trustees has not invoked its 14641

authority under division (M)(1) of this section, the board, at 14642
least ninety days before the date of the election, shall file its 14643
resolution approving the district contract with the board of 14644
elections for submission to the electors of the township for 14645
approval at the next succeeding general, primary, or special 14646
election. 14647

(3) Any contract creating a district in which a board of 14648
township trustees is a party shall provide that the contract is 14649
not effective before the thirty-first day after its approval, 14650
including approval by the electors of the township if required by 14651
this section. 14652

(4) If the board of township trustees invokes its authority 14653
under division (M)(1) of this section and does not submit the 14654
district contract to the electors for approval, the resolution of 14655
the board of township trustees approving the contract is subject 14656
to a referendum of the electors of the township when requested 14657
through a petition. When signed by ten per cent of the number of 14658
electors in the township who voted for the office of governor at 14659
the most recent general election, a referendum petition asking 14660
that the resolution be submitted to the electors of the township 14661
may be presented to the board of township trustees. Such a 14662
petition shall be presented within thirty days after the board of 14663
township trustees adopts the resolution approving the district 14664
contract. The board of township trustees shall, not later than 14665
four p.m. of the tenth day after receipt of the petition, certify 14666
the text of the resolution to the board of elections. The board of 14667
elections shall submit the resolution to the electors of the 14668
township for their approval or rejection at the next general, 14669
primary, or special election occurring at least ninety days after 14670
certification of the resolution. 14671

(N) The ballot respecting a resolution to create a district 14672
or a referendum of such a resolution shall be in the following 14673

form: 14674

"Shall the resolution of the board of township trustees 14675
approving the contract with (here insert name of 14676
every other contracting party) for the creation of a joint 14677
economic development district be approved? 14678

FOR THE RESOLUTION AND CONTRACT 14679

AGAINST THE RESOLUTION AND CONTRACT" 14680

If a majority of the electors of the township voting on the 14681
issue vote for the resolution and contract, the resolution shall 14682
become effective immediately and the contract shall go into effect 14683
on the thirty-first day after the election or thereafter in 14684
accordance with terms of the contract. 14685

(0) Upon the creation of a district under this section, one 14686
of the contracting parties shall file a copy of each of the 14687
following documents with the director of development services: 14688

(1) All of the documents described in divisions (I)(1)(a) to 14689
(c) of this section; 14690

(2) Certified copies of the ordinances and resolutions of the 14691
contracting parties relating to the contract and district; 14692

(3) Documentation from each contracting party that the public 14693
hearings required by division (I) of this section have been held, 14694
the date of the hearings, and evidence that notice of the hearings 14695
was published as required by that division; 14696

(4) A copy of the signed petitions required under divisions 14697
(J) and (K) of this section. 14698

(P) A board of directors shall govern each district created 14699
under this section. 14700

(1) If there are businesses operating and persons employed 14701
within the district, the board shall be composed of the following 14702
members: 14703

(a) One member representing the municipal corporations that are contracting parties;	14704 14705
(b) One member representing the townships that are contracting parties;	14706 14707
(c) One member representing the owners of businesses operating within the district;	14708 14709
(d) One member representing the persons employed within the district;	14710 14711
(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.	14712 14713 14714 14715
The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.	14716 14717 14718 14719 14720 14721 14722 14723 14724 14725 14726 14727 14728
The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.	14729 14730 14731
(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:	14732 14733 14734

(a) One member representing the municipal corporations that 14735
are contracting parties; 14736

(b) One member representing the townships that are 14737
contracting parties; 14738

(c) One member representing the counties that are contracting 14739
parties, or if no contracting party is a county, one member 14740
selected by the members described in divisions (P)(2)(a) and (b) 14741
of this section. 14742

The members of the board shall be appointed as provided in 14743
the district contract. Of the members initially appointed to the 14744
board, the member described in division (P)(2)(a) of this section 14745
shall serve a term of one year; the member described in division 14746
(P)(2)(b) of this section shall serve a term of two years; and the 14747
member described in division (P)(2)(c) of this section shall serve 14748
a term of three years. Thereafter, terms for each member shall be 14749
for four years, each term ending on the same day of the same month 14750
of the year as did the term that it succeeds. A member may be 14751
reappointed to the board, but no member shall serve more than two 14752
consecutive terms on the board. 14753

The member described in division (P)(2)(c) of this section 14754
shall serve as chairperson of a board described under division 14755
(P)(2) of this section. 14756

(3) A board described under division (P)(1) or (2) of this 14757
section has no powers except as described in this section and in 14758
the contract creating the district. 14759

(4) Membership on the board of directors of a joint economic 14760
development district created under this section is not the holding 14761
of a public office or employment within the meaning of any section 14762
of the Revised Code prohibiting the holding of other public office 14763
or employment. Membership on such a board is not a direct or 14764
indirect interest in a contract or expenditure of money by a 14765

municipal corporation, township, county, or other political 14766
subdivision with which a member may be affiliated. Notwithstanding 14767
any provision of law to the contrary, no member of a board of 14768
directors of a joint economic development district shall forfeit 14769
or be disqualified from holding any public office or employment by 14770
reason of membership on the board. 14771

(5) The board of directors of a joint economic development 14772
district is a public body for the purposes of section 121.22 of 14773
the Revised Code. Chapter 2744. of the Revised Code applies to 14774
such a board and the district. 14775

(Q)(1) On or before the date occurring six months after the 14776
effective date of the district contract, an owner of a business 14777
operating within the district may, on behalf of the business and 14778
its employees, file a complaint with the court of common pleas of 14779
the county in which the majority of the territory of the district 14780
is located requesting exemption from any income tax imposed by the 14781
board of directors of the district under division (F)(5) of this 14782
section if all of the following apply: 14783

(a) The business operated within an unincorporated area of 14784
the district before the effective date of the district contract; 14785

(b) No owner of the business signed a petition described in 14786
division (J) of this section; 14787

(c) Neither the business nor its employees has derived or 14788
will derive any material benefit from the new, expanded, or 14789
additional services, facilities, or improvements described in the 14790
economic development plan for the district, or the material 14791
benefit that has, or will be, derived is negligible in comparison 14792
to the income tax revenue generated from the net profits of the 14793
business and the income of employees of the business. 14794

The legislative authority of each contracting party shall be 14795
made a party to the proceedings and the business owner filing the 14796

complaint shall serve notice of the complaint by certified mail to 14797
each such contracting party. The court shall not accept any 14798
complaint filed more than six months after the effective date of 14799
the district contract. 14800

(2) Any or all of the contracting parties may submit a 14801
written answer to the complaint submitted under division (Q)(1) of 14802
this section to the court within thirty days after notice of the 14803
complaint was served upon them. Such a contracting party shall 14804
submit to the court, along with the answer, documentation 14805
sufficient to prove that the contracting party sent copies of the 14806
answer to the owner of the business who filed the complaint. 14807

(3) The court shall review each complaint submitted by a 14808
business owner under division (Q)(1) of this section and each 14809
answer submitted by a contracting party under division (Q)(2) of 14810
this section. The court may make a determination on the record and 14811
the evidence thus submitted, or it may conduct a hearing and 14812
request the presence of the business owner and the contracting 14813
parties to present evidence relevant to the complaint. The court 14814
shall make a determination on the complaint not sooner than thirty 14815
days but not later than sixty days after the complaint is filed by 14816
the business owner. The court may make a determination more than 14817
sixty days after the complaint is filed if the business owner and 14818
all contracting parties to the district consent. 14819

(4) The court shall grant the exemption requested in the 14820
complaint if all of the criteria described in divisions (Q)(1)(a) 14821
to (c) of this section are met. 14822

(5) If all the criteria described in divisions (Q)(1)(a) to 14823
(c) of this section are not met, the court shall deny the 14824
complaint and the exemption. 14825

(6) The court shall send notice of the determination with 14826
respect to the complaint to the owner of the business and each 14827

contracting party. If the court grants the exemption, the net 14828
profits of the business from operations within the district and 14829
the income of its employees from employment within the district 14830
are exempt from any income tax imposed by the board of directors 14831
of the district. If the court denies the exemption, the net 14832
profits of the business and the income of its employees shall be 14833
taxed according to the terms of the district contract and any 14834
taxes, penalties, and interest accrued before the date of the 14835
court's determination shall be paid in full. In addition, no owner 14836
of the business may submit another complaint under division (Q)(1) 14837
of this section for the same district contract. The court's 14838
determination on a complaint filed under division (Q) of this 14839
section is final. 14840

(7) Chapter 2506. of the Revised Code does not apply to the 14841
proceedings described in division (Q) of this section. 14842

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 14843
Code that proposes the annexation to, merger of, or consolidation 14844
with a municipal corporation of any unincorporated territory 14845
within a joint economic development district may be commenced at 14846
any time between the effective date of the contract creating the 14847
district and the date the contract expires, terminates, or is 14848
otherwise rendered unenforceable. This division does not apply if 14849
each board of township trustees whose territory is included within 14850
the district and whose territory is proposed to be annexed, 14851
merged, or consolidated adopts a resolution consenting to the 14852
commencement of the proceeding. Each such board of township 14853
trustees shall file a copy of the resolution with the clerk of the 14854
legislative authority of each county within which a contracting 14855
party is located. 14856

(2) The contract creating a joint economic development 14857
district may prohibit any annexation proceeding by a contracting 14858
municipal corporation of any unincorporated territory within the 14859

district or zone beyond the period described in division (R)(1) of 14860
this section. 14861

(3) No contracting party is divested or relieved of its 14862
rights or obligations under the contract creating a joint economic 14863
development district because of annexation, merger, or 14864
consolidation. 14865

(S) Contracting parties may enter into agreements pursuant to 14866
the contract creating a joint economic development district with 14867
respect to the substance and administration of zoning and other 14868
land use regulations, building codes, permanent public 14869
improvements, and other regulatory and proprietary matters 14870
determined to be for a public purpose. No contract, however, shall 14871
exempt the territory within the district from the procedures of 14872
land use regulation applicable pursuant to municipal corporation, 14873
township, and county regulations, including, but not limited to, 14874
zoning procedures. 14875

(T) The powers granted under this section are in addition to 14876
and not in the derogation of all other powers possessed by or 14877
granted to municipal corporations, townships, and counties 14878
pursuant to law. 14879

(1) When exercising a power or performing a function or duty 14880
under a contract entered into under this section, a municipal 14881
corporation may exercise all the powers of a municipal 14882
corporation, and may perform all the functions and duties of a 14883
municipal corporation, within the district, pursuant to and to the 14884
extent consistent with the contract. 14885

(2) When exercising a power or performing a function or duty 14886
under a contract entered into under division (D) of this section, 14887
a county may exercise all of the powers of a county, and may 14888
perform all the functions and duties of a county, within the 14889
district pursuant to and to the extent consistent with the 14890

contract. 14891

(3) When exercising a power or performing a function or duty 14892
under a contract entered into under this section, a township may 14893
exercise all the powers of a township, and may perform all the 14894
functions and duties of a township, within the district, pursuant 14895
to and to the extent consistent with the contract. 14896

(U) No political subdivision shall grant any tax exemption 14897
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 14898
5709.632 of the Revised Code on any property located within the 14899
district without the consent of all the contracting parties. The 14900
prohibition against granting a tax exemption under this section 14901
does not apply to any exemption filed, pending, or approved before 14902
the effective date of the contract entered into under this 14903
section. 14904

Sec. 718.01. Any term used in this chapter that is not 14905
otherwise defined in this chapter has the same meaning as when 14906
used in a comparable context in laws of the United States relating 14907
to federal income taxation or in Title LVII of the Revised Code, 14908
unless a different meaning is clearly required. If a term used in 14909
this chapter that is not otherwise defined in this chapter is used 14910
in a comparable context in both the laws of the United States 14911
relating to federal income tax and in Title LVII of the Revised 14912
Code and the use is not consistent, then the use of the term in 14913
the laws of the United States relating to federal income tax shall 14914
control over the use of the term in Title LVII of the Revised 14915
Code. 14916

As used in this chapter: 14917

(A)(1) "Municipal taxable income" means the following: 14918

(a) ~~For a person other than an individual, income reduced by~~ 14919
~~exempt income to the extent otherwise included in income and then,~~ 14920

~~as applicable, apportioned or sitused to the municipal corporation 14921~~
~~under section 718.02 of the Revised Code, and further reduced by 14922~~
~~any pre-2017 net operating loss carryforward available to the 14923~~
~~person for the municipal corporation. 14924~~

~~(b)~~(i) For an individual who is a resident of a municipal 14925
corporation other than a qualified municipal corporation, income 14926
reduced by exempt income to the extent otherwise included in 14927
income, then reduced as provided in division (A)(2) of this 14928
section, and further reduced by any pre-2017 net operating loss 14929
carryforward available to the individual for the municipal 14930
corporation. 14931

(ii) For an individual who is a resident of a qualified 14932
municipal corporation, Ohio adjusted gross income reduced by 14933
income exempted, and increased by deductions excluded, by the 14934
qualified municipal corporation from the qualified municipal 14935
corporation's tax. If a qualified municipal corporation, on or 14936
before December 31, 2013, exempts income earned by individuals who 14937
are not residents of the qualified municipal corporation and net 14938
profit of persons that are not wholly located within the qualified 14939
municipal corporation, such individual or person shall have no 14940
municipal taxable income for the purposes of the tax levied by the 14941
qualified municipal corporation and may be exempted by the 14942
qualified municipal corporation from the requirements of section 14943
718.03 of the Revised Code. 14944

~~(c)~~(b) For an individual who is a nonresident of a municipal 14945
corporation, income reduced by exempt income to the extent 14946
otherwise included in income and then, as applicable, apportioned 14947
or sitused to the municipal corporation under section 718.02 of 14948
the Revised Code, then reduced as provided in division (A)(2) of 14949
this section, and further reduced by any pre-2017 net operating 14950
loss carryforward available to the individual for the municipal 14951
corporation. 14952

(2) ~~In computing the municipal taxable income of a taxpayer~~ 14953
~~who is an individual,~~ the A taxpayer may subtract, as provided in 14954
division (A)(1)~~(b)(a)(i) or (c)(b)~~ of this section, the amount of 14955
the individual's employee business expenses reported on the 14956
individual's form 2106 that the individual deducted for federal 14957
income tax purposes for the taxable year, subject to the 14958
limitation imposed by section 67 of the Internal Revenue Code. For 14959
the municipal corporation in which the taxpayer is a resident, the 14960
taxpayer may deduct all such expenses allowed for federal income 14961
tax purposes. For a municipal corporation in which the taxpayer is 14962
not a resident, the taxpayer may deduct such expenses only to the 14963
extent the expenses are related to the taxpayer's performance of 14964
personal services in that nonresident municipal corporation. 14965

(B) "Income" means the following: 14966

(1)(a) For residents, all income, salaries, qualifying wages, 14967
commissions, and other compensation from whatever source earned or 14968
received by the resident, including the resident's distributive 14969
share of the net profit of pass-through entities owned directly or 14970
indirectly by the resident and any net profit of the resident, 14971
except as provided in division (D)(4) of this section. 14972

(b) For the purposes of division (B)(1)(a) of this section: 14973

(i) Any net operating loss of the resident incurred in the 14974
taxable year and the resident's distributive share of any net 14975
operating loss generated in the same taxable year and attributable 14976
to the resident's ownership interest in a pass-through entity 14977
shall be allowed as a deduction, for that taxable year and the 14978
following five taxable years, against any other net profit of the 14979
resident or the resident's distributive share of any net profit 14980
attributable to the resident's ownership interest in a 14981
pass-through entity until fully utilized, subject to division 14982
(B)(1)(d) of this section; 14983

(ii) The resident's distributive share of the net profit of 14984
each pass-through entity owned directly or indirectly by the 14985
resident shall be calculated without regard to any net operating 14986
loss that is carried forward by that entity from a prior taxable 14987
year and applied to reduce the entity's net profit for the current 14988
taxable year. 14989

(c) Division (B)(1)(b) of this section does not apply with 14990
respect to any net profit or net operating loss attributable to an 14991
ownership interest in an S corporation unless shareholders' 14992
distributive shares of net profits from S corporations are subject 14993
to tax in the municipal corporation as provided in division 14994
(C)~~(14)~~(11)(b) or (c) of this section. 14995

(d) Any amount of a net operating loss used to reduce a 14996
taxpayer's net profit for a taxable year shall reduce the amount 14997
of net operating loss that may be carried forward to any 14998
subsequent year for use by that taxpayer. In no event shall the 14999
cumulative deductions for all taxable years with respect to a 15000
taxpayer's net operating loss exceed the original amount of that 15001
net operating loss available to that taxpayer. 15002

(2) In the case of nonresidents, all income, salaries, 15003
qualifying wages, commissions, and other compensation from 15004
whatever source earned or received by the nonresident for work 15005
done, services performed or rendered, or activities conducted in 15006
the municipal corporation, including any net profit of the 15007
nonresident, but excluding the nonresident's distributive share of 15008
the net profit or loss of only pass-through entities owned 15009
directly or indirectly by the nonresident. 15010

~~(3) For taxpayers that are not individuals, net profit of the~~ 15011
~~taxpayer;~~ 15012

~~(4)~~ Lottery, sweepstakes, gambling and sports winnings, 15013
winnings from games of chance, and prizes and awards. If the 15014

taxpayer is a professional gambler for federal income tax 15015
purposes, the taxpayer may deduct related wagering losses and 15016
expenses to the extent authorized under the Internal Revenue Code 15017
and claimed against such winnings. 15018

(C) "Exempt income" means all of the following: 15019

(1) The military pay or allowances of members of the armed 15020
forces of the United States or members of their reserve 15021
components, including the national guard of any state; 15022

(2)(a) Except as provided in division (C)(2)(b) of this 15023
section, intangible income; 15024

(b) A municipal corporation that taxed any type of intangible 15025
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 15026
116th general assembly, may continue to tax that type of income if 15027
a majority of the electors of the municipal corporation voting on 15028
the question of whether to permit the taxation of that type of 15029
intangible income after 1988 voted in favor thereof at an election 15030
held on November 8, 1988. 15031

(3) Social security benefits, railroad retirement benefits, 15032
unemployment compensation, pensions, retirement benefit payments, 15033
payments from annuities, and similar payments made to an employee 15034
or to the beneficiary of an employee under a retirement program or 15035
plan, disability payments received from private industry or local, 15036
state, or federal governments or from charitable, religious or 15037
educational organizations, and the proceeds of sickness, accident, 15038
or liability insurance policies. As used in division (C)(3) of 15039
this section, "unemployment compensation" does not include 15040
supplemental unemployment compensation described in section 15041
3402(o)(2) of the Internal Revenue Code. 15042

~~(4) The income of religious, fraternal, charitable,~~ 15043
~~scientific, literary, or educational institutions to the extent~~ 15044
~~such income is derived from tax-exempt real estate, tax-exempt~~ 15045

~~tangible or intangible property, or tax-exempt activities.~~	15046
(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.	15047 15048 15049 15050 15051 15052 15053 15054
~~(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;~~	15055 15056 15057
(7)(5) Alimony and child support received;	15058
(8)(6) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	15059 15060 15061 15062
~~(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.~~	15063 15064 15065 15066
(10)(7) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	15067 15068 15069 15070 15071 15072
(11)(8) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	15073 15074
(12)(9) Employee compensation that is not qualifying wages as	15075

defined in division (R) of this section; 15076

~~(13)~~(10) Compensation paid to a person employed within the 15077
boundaries of a United States air force base under the 15078
jurisdiction of the United States air force that is used for the 15079
housing of members of the United States air force and is a center 15080
for air force operations, unless the person is subject to taxation 15081
because of residence or domicile. If the compensation is subject 15082
to taxation because of residence or domicile, tax on such income 15083
shall be payable only to the municipal corporation of residence or 15084
domicile. 15085

~~(14)~~(11)(a) Except as provided in division (C)~~(14)~~(11)(b) or 15086
(c) of this section, an S corporation shareholder's distributive 15087
share of net profits of the S corporation, other than any part of 15088
the distributive share of net profits that represents wages as 15089
defined in section 3121(a) of the Internal Revenue Code or net 15090
earnings from self-employment as defined in section 1402(a) of the 15091
Internal Revenue Code. 15092

(b) If, pursuant to division (H) of former section 718.01 of 15093
the Revised Code as it existed before March 11, 2004, a majority 15094
of the electors of a municipal corporation voted in favor of the 15095
question at an election held on November 4, 2003, the municipal 15096
corporation may continue after 2002 to tax an S corporation 15097
shareholder's distributive share of net profits of an S 15098
corporation. 15099

(c) If, on December 6, 2002, a municipal corporation was 15100
imposing, assessing, and collecting a tax on an S corporation 15101
shareholder's distributive share of net profits of the S 15102
corporation to the extent the distributive share would be 15103
allocated or apportioned to this state under divisions (B)(1) and 15104
(2) of section 5733.05 of the Revised Code if the S corporation 15105
were a corporation subject to taxes imposed under Chapter 5733. of 15106
the Revised Code, the municipal corporation may continue to impose 15107

the tax on such distributive shares to the extent such shares 15108
would be so allocated or apportioned to this state only until 15109
December 31, 2004, unless a majority of the electors of the 15110
municipal corporation voting on the question of continuing to tax 15111
such shares after that date voted in favor of that question at an 15112
election held November 2, 2004. If a majority of those electors 15113
voted in favor of the question, the municipal corporation may 15114
continue after December 31, 2004, to impose the tax on such 15115
distributive shares only to the extent such shares would be so 15116
allocated or apportioned to this state. 15117

(d) A municipal corporation shall be deemed to have elected 15118
to tax S corporation shareholders' distributive shares of net 15119
profits of the S corporation in the hands of the shareholders if a 15120
majority of the electors of a municipal corporation voted in favor 15121
of a question at an election held under division (C)~~(14)~~(11)(b) or 15122
(c) of this section. The municipal corporation shall specify by 15123
resolution or ordinance that the tax applies to the distributive 15124
share of a shareholder of an S corporation in the hands of the 15125
shareholder of the S corporation. 15126

~~(15)~~(12) To the extent authorized under a resolution or 15127
ordinance adopted by a municipal corporation before January 1, 15128
2016, all or a portion of the income of individuals or a class of 15129
individuals under eighteen years of age. 15130

~~(16)~~(13)(a) Except as provided in divisions (C)~~(16)~~(13)(b), 15131
(c), and (d) of this section, qualifying wages described in 15132
division (B)(1) or (E) of section 718.011 of the Revised Code to 15133
the extent the qualifying wages are not subject to withholding for 15134
the municipal corporation under either of those divisions. 15135

(b) The exemption provided in division (C)~~(16)~~(13)(a) of this 15136
section does not apply with respect to the municipal corporation 15137
in which the employee resided at the time the employee earned the 15138
qualifying wages. 15139

(c) The exemption provided in division (C)~~(16)~~(13)(a) of this 15140
section does not apply to qualifying wages that an employer elects 15141
to withhold under division (D)(2) of section 718.011 of the 15142
Revised Code. 15143

(d) The exemption provided in division (C)~~(16)~~(13)(a) of this 15144
section does not apply to qualifying wages if both of the 15145
following conditions apply: 15146

(i) For qualifying wages described in division (B)(1) of 15147
section 718.011 of the Revised Code, the employee's employer 15148
withholds and remits tax on the qualifying wages to the municipal 15149
corporation in which the employee's principal place of work is 15150
situated, or, for qualifying wages described in division (E) of 15151
section 718.011 of the Revised Code, the employee's employer 15152
withholds and remits tax on the qualifying wages to the municipal 15153
corporation in which the employer's fixed location is located; 15154

(ii) The employee receives a refund of the tax described in 15155
division (C)~~(16)~~(13)(d)(i) of this section on the basis of the 15156
employee not performing services in that municipal corporation. 15157

~~(17)~~(14)(a) Except as provided in division (C)~~(17)~~(14)(b) or 15158
(c) of this section, compensation that is not qualifying wages 15159
paid to a nonresident individual for personal services performed 15160
in the municipal corporation on not more than twenty days in a 15161
taxable year. 15162

(b) The exemption provided in division (C)~~(17)~~(14)(a) of this 15163
section does not apply under either of the following 15164
circumstances: 15165

(i) The individual's base of operation is located in the 15166
municipal corporation. 15167

(ii) The individual is a professional athlete, professional 15168
entertainer, or public figure, and the compensation is paid for 15169
the performance of services in the individual's capacity as a 15170

professional athlete, professional entertainer, or public figure. 15171
For purposes of division (C)~~(17)~~(14)(b)(ii) of this section, 15172
"professional athlete," "professional entertainer," and "public 15173
figure" have the same meanings as in section 718.011 of the 15174
Revised Code. 15175

(c) Compensation to which division (C)~~(17)~~(14) of this 15176
section applies shall be treated as earned or received at the 15177
individual's base of operation. If the individual does not have a 15178
base of operation, the compensation shall be treated as earned or 15179
received where the individual is domiciled. 15180

(d) For purposes of division (C)~~(17)~~(14) of this section, 15181
"base of operation" means the location where an individual owns or 15182
rents an office, storefront, or similar facility to which the 15183
individual regularly reports and at which the individual regularly 15184
performs personal services for compensation. 15185

~~(18)~~(15) Compensation paid to a person for personal services 15186
performed for a political subdivision on property owned by the 15187
political subdivision, regardless of whether the compensation is 15188
received by an employee of the subdivision or another person 15189
performing services for the subdivision under a contract with the 15190
subdivision, if the property on which services are performed is 15191
annexed to a municipal corporation pursuant to section 709.023 of 15192
the Revised Code on or after March 27, 2013, unless the person is 15193
subject to such taxation because of residence. If the compensation 15194
is subject to taxation because of residence, municipal income tax 15195
shall be payable only to the municipal corporation of residence. 15196

~~(19)~~(16) In the case of a tax administered, collected, and 15197
enforced by a municipal corporation pursuant to an agreement with 15198
the board of directors of a joint economic development district 15199
under section 715.72 of the Revised Code, the net profits of a 15200
business, and the income of the employees of that business, 15201
exempted from the tax under division (Q) of that section. 15202

~~(20)~~(17) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(D)(1) "Net profit" ~~for a person other than an individual means adjusted federal taxable income.~~

~~(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8)(D)(2) of this section.~~

(2) For the purposes of division (D)(1) of this section, net operating loss carried forward shall be calculated and deducted as follows:

(a) Except as limited by divisions (D)(2)(b), (c), and (d) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of such net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(b) No person shall use the deduction allowed by division (D)(2) of this section to offset qualifying wages.

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021,

or 2022, a person may not deduct, for purposes of an income tax 15234
levied by a municipal corporation that levies an income tax before 15235
January 1, 2016, more than fifty per cent of the amount of the 15236
deduction otherwise allowed by division (D)(2)(a) of this section. 15237

(ii) For taxable years beginning in 2023 or thereafter, a 15238
person may deduct, for purposes of an income tax levied by a 15239
municipal corporation that levies an income tax before January 1, 15240
2016, the full amount allowed by division (D)(2)(a) of this 15241
section. 15242

(d) Any pre-2017 net operating loss carryforward deduction 15243
that is available must be utilized before a taxpayer may deduct 15244
any amount pursuant to division (D)(2) of this section. 15245

(e) Nothing in division (D)(2)(c)(i) of this section 15246
precludes a person from carrying forward, for use with respect to 15247
any return filed for a taxable year beginning after 2018, any 15248
amount of net operating loss that was not fully utilized by 15249
operation of division (D)(2)(c)(i) of this section. To the extent 15250
that an amount of net operating loss that was not fully utilized 15251
in one or more taxable years by operation of division (D)(2)(c)(i) 15252
of this section is carried forward for use with respect to a 15253
return filed for a taxable year beginning in 2019, 2020, 2021, or 15254
2022, the limitation described in division (D)(2)(c)(i) of this 15255
section shall apply to the amount carried forward. 15256

(3) For the purposes of this chapter, and notwithstanding 15257
division (D)(1) of this section, net profit of a disregarded 15258
entity shall not be taxable as against that disregarded entity, 15259
but shall instead be included in the net profit of the individual 15260
owner of the disregarded entity. 15261

(4) For the purposes of this chapter, and notwithstanding any 15262
other provision of this chapter, the net profit of a publicly 15263
traded partnership that makes the election described in division 15264

~~(D)(4) of this section shall be taxed as if the partnership were a~~ 15265
~~C corporation, and shall not be treated as the net profit or~~ 15266
~~income of any owner of the partnership if the publicly traded~~ 15267
~~partnership elects to be taxed as a C corporation pursuant to~~ 15268
~~division (D)(4) of section 5718.01 of the Revised Code.~~ 15269

~~A publicly traded partnership that is treated as a~~ 15270
~~partnership for federal income tax purposes and that is subject to~~ 15271
~~tax on its net profits in one or more municipal corporations in~~ 15272
~~this state may elect to be treated as a C corporation for~~ 15273
~~municipal income tax purposes. The publicly traded partnership~~ 15274
~~shall make the election in every municipal corporation in which~~ 15275
~~the partnership is subject to taxation on its net profits. The~~ 15276
~~election shall be made on the annual tax return filed in each such~~ 15277
~~municipal corporation. The publicly traded partnership shall not~~ 15278
~~be required to file the election with any municipal corporation in~~ 15279
~~which the partnership is not subject to taxation on its net~~ 15280
~~profits, but division (D)(4) of this section applies to all~~ 15281
~~municipal corporations in which an individual owner of the~~ 15282
~~partnership resides.~~ 15283

~~(E) "Adjusted federal taxable income," for a person required~~ 15284
~~to file as a C corporation, or for a person that has elected to be~~ 15285
~~taxed as a C corporation under division (D)(4) of this section,~~ 15286
~~means a C corporation's federal taxable income before net~~ 15287
~~operating losses and special deductions as determined under the~~ 15288
~~Internal Revenue Code, adjusted as follows:~~ 15289

~~(1) Deduct intangible income to the extent included in~~ 15290
~~federal taxable income. The deduction shall be allowed regardless~~ 15291
~~of whether the intangible income relates to assets used in a trade~~ 15292
~~or business or assets held for the production of income.~~ 15293

~~(2) Add an amount equal to five per cent of intangible income~~ 15294
~~deducted under division (E)(1) of this section, but excluding that~~ 15295
~~portion of intangible income directly related to the sale,~~ 15296

~~exchange, or other disposition of property described in section~~	15297
~~1221 of the Internal Revenue Code;~~	15298
~~(3) Add any losses allowed as a deduction in the computation~~	15299
~~of federal taxable income if the losses directly relate to the~~	15300
~~sale, exchange, or other disposition of an asset described in~~	15301
~~section 1221 or 1231 of the Internal Revenue Code;~~	15302
~~(4)(a) Except as provided in division (E)(4)(b) of this~~	15303
~~section, deduct income and gain included in federal taxable income~~	15304
~~to the extent the income and gain directly relate to the sale,~~	15305
~~exchange, or other disposition of an asset described in section~~	15306
~~1221 or 1231 of the Internal Revenue Code;~~	15307
~~(b) Division (E)(4)(a) of this section does not apply to the~~	15308
~~extent the income or gain is income or gain described in section~~	15309
~~1245 or 1250 of the Internal Revenue Code.~~	15310
~~(5) Add taxes on or measured by net income allowed as a~~	15311
~~deduction in the computation of federal taxable income;~~	15312
~~(6) In the case of a real estate investment trust or~~	15313
~~regulated investment company, add all amounts with respect to~~	15314
~~dividends to, distributions to, or amounts set aside for or~~	15315
~~credited to the benefit of investors and allowed as a deduction in~~	15316
~~the computation of federal taxable income;~~	15317
~~(7) Deduct, to the extent not otherwise deducted or excluded~~	15318
~~in computing federal taxable income, any income derived from a~~	15319
~~transfer agreement or from the enterprise transferred under that~~	15320
~~agreement under section 4313.02 of the Revised Code;~~	15321
~~(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d)~~	15322
~~of this section, deduct any net operating loss incurred by the~~	15323
~~person in a taxable year beginning on or after January 1, 2017.~~	15324
~~The amount of such net operating loss shall be deducted from~~	15325
~~net profit that is reduced by exempt income to the extent~~	15326

~~necessary to reduce municipal taxable income to zero, with any~~ 15327
~~remaining unused portion of the net operating loss carried forward~~ 15328
~~to not more than five consecutive taxable years following the~~ 15329
~~taxable year in which the loss was incurred, but in no case for~~ 15330
~~more years than necessary for the deduction to be fully utilized.~~ 15331

~~(b) No person shall use the deduction allowed by division~~ 15332
~~(E)(8) of this section to offset qualifying wages.~~ 15333

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021,~~ 15334
~~or 2022, a person may not deduct, for purposes of an income tax~~ 15335
~~levied by a municipal corporation that levies an income tax before~~ 15336
~~January 1, 2016, more than fifty per cent of the amount of the~~ 15337
~~deduction otherwise allowed by division (E)(8)(a) of this section.~~ 15338

~~(ii) For taxable years beginning in 2023 or thereafter, a~~ 15339
~~person may deduct, for purposes of an income tax levied by a~~ 15340
~~municipal corporation that levies an income tax before January 1,~~ 15341
~~2016, the full amount allowed by division (E)(8)(a) of this~~ 15342
~~section.~~ 15343

~~(d) Any pre 2017 net operating loss carryforward deduction~~ 15344
~~that is available must be utilized before a taxpayer may deduct~~ 15345
~~any amount pursuant to division (E)(8) of this section.~~ 15346

~~(e) Nothing in division (E)(8)(c)(i) of this section~~ 15347
~~precludes a person from carrying forward, for use with respect to~~ 15348
~~any return filed for a taxable year beginning after 2018, any~~ 15349
~~amount of net operating loss that was not fully utilized by~~ 15350
~~operation of division (E)(8)(c)(i) of this section. To the extent~~ 15351
~~that an amount of net operating loss that was not fully utilized~~ 15352
~~in one or more taxable years by operation of division (E)(8)(c)(i)~~ 15353
~~of this section is carried forward for use with respect to a~~ 15354
~~return filed for a taxable year beginning in 2019, 2020, 2021, or~~ 15355
~~2022, the limitation described in division (E)(8)(c)(i) of this~~ 15356
~~section shall apply to the amount carried forward.~~ 15357

~~(9) Deduct any net profit of a pass-through entity owned 15358
directly or indirectly by the taxpayer and included in the 15359
taxpayer's federal taxable income unless an affiliated group of 15360
corporations includes that net profit in the group's federal 15361
taxable income in accordance with division (E)(3)(b) of section 15362
718.06 of the Revised Code. 15363~~

~~(10) Add any loss incurred by a pass-through entity owned 15364
directly or indirectly by the taxpayer and included in the 15365
taxpayer's federal taxable income unless an affiliated group of 15366
corporations includes that loss in the group's federal taxable 15367
income in accordance with division (E)(3)(b) of section 718.06 of 15368
the Revised Code. 15369~~

~~If the taxpayer is not a C corporation, is not a disregarded 15370
entity that has made the election described in division (L)(2) of 15371
this section, is not a publicly traded partnership that has made 15372
the election described in division (D)(4) of this section, and is 15373
not an individual, the taxpayer shall compute adjusted federal 15374
taxable income under this section as if the taxpayer were a C 15375
corporation, except guaranteed payments and other similar amounts 15376
paid or accrued to a partner, former partner, shareholder, former 15377
shareholder, member, or former member shall not be allowed as a 15378
deductible expense unless such payments are in consideration for 15379
the use of capital and treated as payment of interest under 15380
section 469 of the Internal Revenue Code or United States treasury 15381
regulations. Amounts paid or accrued to a qualified self-employed 15382
retirement plan with respect to a partner, former partner, 15383
shareholder, former shareholder, member, or former member of the 15384
taxpayer, amounts paid or accrued to or for health insurance for a 15385
partner, former partner, shareholder, former shareholder, member, 15386
or former member, and amounts paid or accrued to or for life 15387
insurance for a partner, former partner, shareholder, former 15388
shareholder, member, or former member shall not be allowed as a 15389~~

~~deduction.~~	15390
~~Nothing in division (E) of this section shall be construed as~~	15391
~~allowing the taxpayer to add or deduct any amount more than once~~	15392
~~or shall be construed as allowing any taxpayer to deduct any~~	15393
~~amount paid to or accrued for purposes of federal self-employment~~	15394
~~tax.~~	15395
<u>(E) "Individual" means any natural person.</u>	15396
(F) "Schedule C" means internal revenue service schedule C	15397
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15398
Code.	15399
(G) "Schedule E" means internal revenue service schedule E	15400
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15401
Code.	15402
(H) "Schedule F" means internal revenue service schedule F	15403
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	15404
Code.	15405
(I) "Internal Revenue Code" has the same meaning as in	15406
section 5747.01 of the Revised Code.	15407
(J) "Resident" means an individual who is domiciled in the	15408
municipal corporation as determined under section 718.012 of the	15409
Revised Code.	15410
(K) "Nonresident" means an individual that is not a resident.	15411
(L){1} "Taxpayer" means ~~a person~~ <u>an individual</u> subject to a	15412
tax levied on income by a municipal corporation in accordance with	15413
this chapter. ~~"Taxpayer" does not include a grantor trust or,~~	15414
~~except as provided in division (L)(2)(a) of this section, a~~	15415
~~disregarded entity.~~	15416
~~(2)(a) A single member limited liability company that is a~~	15417
~~disregarded entity for federal tax purposes may be a separate~~	15418
~~taxpayer from its single member in all Ohio municipal corporations~~	15419

~~in which it either filed as a separate taxpayer or did not file~~ 15420
~~for its taxable year ending in 2003, if all of the following~~ 15421
~~conditions are met:~~ 15422

~~(i) The limited liability company's single member is also a~~ 15423
~~limited liability company.~~ 15424

~~(ii) The limited liability company and its single member were~~ 15425
~~formed and doing business in one or more Ohio municipal~~ 15426
~~corporations for at least five years before January 1, 2004.~~ 15427

~~(iii) Not later than December 31, 2004, the limited liability~~ 15428
~~company and its single member each made an election to be treated~~ 15429
~~as a separate taxpayer under division (L) of this section as this~~ 15430
~~section existed on December 31, 2004.~~ 15431

~~(iv) The limited liability company was not formed for the~~ 15432
~~purpose of evading or reducing Ohio municipal corporation income~~ 15433
~~tax liability of the limited liability company or its single~~ 15434
~~member.~~ 15435

~~(v) The Ohio municipal corporation that was the primary place~~ 15436
~~of business of the sole member of the limited liability company~~ 15437
~~consented to the election.~~ 15438

~~(b) For purposes of division (L)(2)(a)(v) of this section, a~~ 15439
~~municipal corporation was the primary place of business of a~~ 15440
~~limited liability company if, for the limited liability company's~~ 15441
~~taxable year ending in 2003, its income tax liability was greater~~ 15442
~~in that municipal corporation than in any other municipal~~ 15443
~~corporation in Ohio, and that tax liability to that municipal~~ 15444
~~corporation for its taxable year ending in 2003 was at least four~~ 15445
~~hundred thousand dollars.~~ 15446

~~(M) "Person" includes individuals, firms, companies, joint~~ 15447
~~stock companies, business trusts, estates, trusts, partnerships,~~ 15448
~~limited liability partnerships, limited liability companies,~~ 15449
~~associations, C corporations, S corporations, governmental~~ 15450

entities, and any other entity.	15451
(N) "Pass-through entity" means a partnership not treated as	15452
an association taxable as a C corporation for federal income tax	15453
purposes, a limited liability company not treated as an	15454
association taxable as a C corporation for federal income tax	15455
purposes, an S corporation, or any other class of entity from	15456
which the income or profits of the entity are given pass-through	15457
treatment for federal income tax purposes. "Pass-through entity"	15458
does not include a trust, estate, grantor of a grantor trust, or	15459
disregarded entity.	15460
(O) "S corporation" means a person that has made an election	15461
under subchapter S of Chapter 1 of Subtitle A of the Internal	15462
Revenue Code for its taxable year.	15463
(P) "Single member limited liability company" means a limited	15464
liability company that has one direct member.	15465
(Q) "Limited liability company" means a limited liability	15466
company formed under Chapter 1705. of the Revised Code or under	15467
the laws of another state.	15468
(R) "Qualifying wages" means wages, as defined in section	15469
3121(a) of the Internal Revenue Code, without regard to any wage	15470
limitations, adjusted as follows:	15471
(1) Deduct the following amounts:	15472
(a) Any amount included in wages if the amount constitutes	15473
compensation attributable to a plan or program described in	15474
section 125 of the Internal Revenue Code.	15475
(b) Any amount included in wages if the amount constitutes	15476
payment on account of a disability related to sickness or an	15477
accident paid by a party unrelated to the employer, agent of an	15478
employer, or other payer.	15479
(c) Any amount attributable to a nonqualified deferred	15480

compensation plan or program described in section 3121(v)(2)(C) of 15481
the Internal Revenue Code if the compensation is included in wages 15482
and the municipal corporation has, by resolution or ordinance 15483
adopted before January 1, 2016, exempted the amount from 15484
withholding and tax. 15485

(d) Any amount included in wages if the amount arises from 15486
the sale, exchange, or other disposition of a stock option, the 15487
exercise of a stock option, or the sale, exchange, or other 15488
disposition of stock purchased under a stock option and the 15489
municipal corporation has, by resolution or ordinance adopted 15490
before January 1, 2016, exempted the amount from withholding and 15491
tax. 15492

(e) Any amount included in wages that is exempt income. 15493

(2) Add the following amounts: 15494

(a) Any amount not included in wages solely because the 15495
employee was employed by the employer before April 1, 1986. 15496

(b) Any amount not included in wages because the amount 15497
arises from the sale, exchange, or other disposition of a stock 15498
option, the exercise of a stock option, or the sale, exchange, or 15499
other disposition of stock purchased under a stock option and the 15500
municipal corporation has not, by resolution or ordinance, 15501
exempted the amount from withholding and tax adopted before 15502
January 1, 2016. Division (R)(2)(b) of this section applies only 15503
to those amounts constituting ordinary income. 15504

(c) Any amount not included in wages if the amount is an 15505
amount described in section 401(k), 403(b), or 457 of the Internal 15506
Revenue Code. Division (R)(2)(c) of this section applies only to 15507
employee contributions and employee deferrals. 15508

(d) Any amount that is supplemental unemployment compensation 15509
benefits described in section 3402(o)(2) of the Internal Revenue 15510
Code and not included in wages. 15511

(e) Any amount received that is treated as self-employment	15512
income for federal tax purposes in accordance with section	15513
1402(a)(8) of the Internal Revenue Code.	15514
(f) Any amount not included in wages if all of the following	15515
apply:	15516
(i) For the taxable year the amount is employee compensation	15517
that is earned outside of the United States and that either is	15518
included in the taxpayer's gross income for federal income tax	15519
purposes or would have been included in the taxpayer's gross	15520
income for such purposes if the taxpayer did not elect to exclude	15521
the income under section 911 of the Internal Revenue Code;	15522
(ii) For no preceding taxable year did the amount constitute	15523
wages as defined in section 3121(a) of the Internal Revenue Code;	15524
(iii) For no succeeding taxable year will the amount	15525
constitute wages; and	15526
(iv) For any taxable year the amount has not otherwise been	15527
added to wages pursuant to either division (R)(2) of this section	15528
or section 718.03 of the Revised Code, as that section existed	15529
before the effective date of H.B. 5 of the 130th general assembly,	15530
March 23, 2015.	15531
(S) "Intangible income" means income of any of the following	15532
types: income yield, interest, capital gains, dividends, or other	15533
income arising from the ownership, sale, exchange, or other	15534
disposition of intangible property including, but not limited to,	15535
investments, deposits, money, or credits as those terms are	15536
defined in Chapter 5701. of the Revised Code, and patents,	15537
copyrights, trademarks, tradenames, investments in real estate	15538
investment trusts, investments in regulated investment companies,	15539
and appreciation on deferred compensation. "Intangible income"	15540
does not include prizes, awards, or other income associated with	15541
any lottery winnings, gambling winnings, or other similar games of	15542

chance.	15543
(T) "Taxable year" means the corresponding tax reporting	15544
period as prescribed for the taxpayer under the Internal Revenue	15545
Code.	15546
(U) "Tax administrator" means the individual charged with	15547
direct responsibility for administration of an income tax levied	15548
by a municipal corporation in accordance with this chapter, and	15549
also includes the following:	15550
(1) A municipal corporation acting as the agent of another	15551
municipal corporation;	15552
(2) A person retained by a municipal corporation to	15553
administer a tax levied by the municipal corporation, but only if	15554
the municipal corporation does not compensate the person in whole	15555
or in part on a contingency basis;	15556
(3) The central collection agency or the regional income tax	15557
agency or their successors in interest, or another entity	15558
organized to perform functions similar to those performed by the	15559
central collection agency and the regional income tax agency.	15560
(V) "Employer" means a person that is an employer for federal	15561
income tax purposes.	15562
(W) "Employee" means an individual who is an employee for	15563
federal income tax purposes.	15564
(X) "Other payer" means any person, other than an	15565
individual's employer or the employer's agent, that pays an	15566
individual any amount included in the federal gross income of the	15567
individual. "Other payer" includes casino operators and video	15568
lottery terminal sales agents.	15569
(Y) "Calendar quarter" means the three-month period ending on	15570
the last day of March, June, September, or December.	15571
(Z) "Form 2106" means internal revenue service form 2106	15572

filed by a taxpayer pursuant to the Internal Revenue Code. 15573

(AA) "Municipal corporation" includes a joint economic 15574
development district or joint economic development zone that 15575
levies an income tax under section 715.691, 715.70, 715.71, or 15576
715.72 of the Revised Code. 15577

(BB) "Disregarded entity" means a single member limited 15578
liability company, a qualifying subchapter S subsidiary, or 15579
another entity if the company, subsidiary, or entity is a 15580
disregarded entity for federal income tax purposes. 15581

(CC) "Generic form" means an electronic or paper form that is 15582
not prescribed by a particular municipal corporation and that is 15583
designed for reporting taxes withheld by an employer, agent of an 15584
employer, or other payer, for reporting a taxpayer's estimated 15585
municipal income taxes, or annual municipal income tax liability, 15586
or for filing a refund claim. 15587

(DD) "Tax return preparer" means any individual described in 15588
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 15589
301.7701-15. 15590

(EE) "Ohio business gateway" means the online computer 15591
network system, created under section 125.30 of the Revised Code, 15592
that allows persons to electronically file business reply forms 15593
with state agencies and includes any successor electronic filing 15594
and payment system. 15595

(FF) "Local board of tax review" and "board of tax review" 15596
mean the entity created under section 718.11 of the Revised Code. 15597

(GG) "Net operating loss" means a loss incurred by a person 15598
in the operation of a trade or business. "Net operating loss" does 15599
not include unutilized losses resulting from basis limitations, 15600
at-risk limitations, or passive activity loss limitations. 15601

(HH) "Casino operator" and "casino facility" have the same 15602

meanings as in section 3772.01 of the Revised Code. 15603

(II) "Video lottery terminal" has the same meaning as in 15604
section 3770.21 of the Revised Code. 15605

(JJ) "Video lottery terminal sales agent" means a lottery 15606
sales agent licensed under Chapter 3770. of the Revised Code to 15607
conduct video lottery terminals on behalf of the state pursuant to 15608
section 3770.21 of the Revised Code. 15609

(KK) "Postal service" means the United States postal service. 15610

(LL) "Certified mail," "express mail," "United States mail," 15611
"postal service," and similar terms include any delivery service 15612
authorized pursuant to section 5703.056 of the Revised Code. 15613

(MM) "Postmark date," "date of postmark," and similar terms 15614
include the date recorded and marked in the manner described in 15615
division (B)(3) of section 5703.056 of the Revised Code. 15616

(NN) "Related member" means a person that, with respect to 15617
the taxpayer during all or any portion of the taxable year, is 15618
either a related entity, a component member as defined in section 15619
1563(b) of the Internal Revenue Code, or a person to or from whom 15620
there is attribution of stock ownership in accordance with section 15621
1563(e) of the Internal Revenue Code except, for purposes of 15622
determining whether a person is a related member under this 15623
division, "twenty per cent" shall be substituted for "5 percent" 15624
wherever "5 percent" appears in section 1563(e) of the Internal 15625
Revenue Code. 15626

(OO) "Related entity" means any of the following: 15627

(1) An individual stockholder, or a member of the 15628
stockholder's family enumerated in section 318 of the Internal 15629
Revenue Code, if the stockholder and the members of the 15630
stockholder's family own directly, indirectly, beneficially, or 15631
constructively, in the aggregate, at least fifty per cent of the 15632

value of the taxpayer's outstanding stock; 15633

(2) A stockholder, or a stockholder's partnership, estate, 15634
trust, or corporation, if the stockholder and the stockholder's 15635
partnerships, estates, trusts, or corporations own directly, 15636
indirectly, beneficially, or constructively, in the aggregate, at 15637
least fifty per cent of the value of the taxpayer's outstanding 15638
stock; 15639

(3) A corporation, or a party related to the corporation in a 15640
manner that would require an attribution of stock from the 15641
corporation to the party or from the party to the corporation 15642
under division (00)(4) of this section, provided the taxpayer owns 15643
directly, indirectly, beneficially, or constructively, at least 15644
fifty per cent of the value of the corporation's outstanding 15645
stock; 15646

(4) The attribution rules described in section 318 of the 15647
Internal Revenue Code apply for the purpose of determining whether 15648
the ownership requirements in divisions (00)(1) to (3) of this 15649
section have been met. 15650

(PP)(1) "Assessment" means a written finding by the tax 15651
administrator that a person has underpaid municipal income tax, or 15652
owes penalty and interest, or any combination of tax, penalty, or 15653
interest, to the municipal corporation that commences the person's 15654
time limitation for making an appeal to the local board of tax 15655
review pursuant to section 718.11 of the Revised Code, and has 15656
"ASSESSMENT" written in all capital letters at the top of such 15657
finding. 15658

(2) "Assessment" does not include an informal notice denying 15659
a request for refund issued under division (B)(3) of section 15660
718.19 of the Revised Code, a billing statement notifying a 15661
taxpayer of current or past-due balances owed to the municipal 15662
corporation, a tax administrator's request for additional 15663

information, a notification to the taxpayer of mathematical 15664
errors, or a tax administrator's other written correspondence to a 15665
person or taxpayer that does meet the criteria prescribed by 15666
division (PP)(1) of this section. 15667

(QQ) "Taxpayers' rights and responsibilities" means the 15668
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 15669
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 15670
Revised Code and the responsibilities of taxpayers to file, 15671
report, withhold, remit, and pay municipal income tax and 15672
otherwise comply with Chapter 718. of the Revised Code and 15673
resolutions, ordinances, and rules adopted by a municipal 15674
corporation for the imposition and administration of a municipal 15675
income tax. 15676

(RR) "Qualified municipal corporation" means a municipal 15677
corporation that, by resolution or ordinance adopted on or before 15678
December 31, 2011, adopted Ohio adjusted gross income, as defined 15679
by section 5747.01 of the Revised Code, as the income subject to 15680
tax for the purposes of imposing a municipal income tax. 15681

(SS)(1) "Pre-2017 net operating loss carryforward" means any 15682
net operating loss incurred in a taxable year beginning before 15683
January 1, 2017, to the extent such loss was permitted, by a 15684
resolution or ordinance of the municipal corporation that was 15685
adopted by the municipal corporation before January 1, 2016, to be 15686
carried forward and utilized to offset income or net profit 15687
generated in such municipal corporation in future taxable years. 15688

(2) For the purpose of calculating municipal taxable income, 15689
any pre-2017 net operating loss carryforward may be carried 15690
forward to any taxable year, including taxable years beginning in 15691
2017 or thereafter, for the number of taxable years provided in 15692
the resolution or ordinance or until fully utilized, whichever is 15693
earlier. 15694

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

Sec. 718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer ~~is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under~~

~~Chapter 5745. of the Revised Code.~~	15726
(A) Except as otherwise provided in division (B) of this	15727
section, net profit from a business or profession conducted both	15728
within and without the boundaries of a municipal corporation shall	15729
be considered as having a taxable situs in the municipal	15730
corporation for purposes of municipal income taxation in the same	15731
proportion as the average ratio of the following:	15732
(1) The average original cost of the real property and	15733
tangible personal property owned or used by the taxpayer in the	15734
business or profession in the municipal corporation during the	15735
taxable period to the average original cost of all of the real and	15736
tangible personal property owned or used by the taxpayer in the	15737
business or profession during the same period, wherever situated.	15738
As used in the preceding paragraph, tangible personal or real	15739
property shall include property rented or leased by the taxpayer	15740
and the value of such property shall be determined by multiplying	15741
the annual rental thereon by eight;	15742
(2) Wages, salaries, and other compensation paid during the	15743
taxable period to individuals employed in the business or	15744
profession for services performed in the municipal corporation to	15745
wages, salaries, and other compensation paid during the same	15746
period to individuals employed in the business or profession,	15747
wherever the individual's services are performed, excluding	15748
compensation from which taxes are not required to be withheld	15749
under section 718.011 of the Revised Code;	15750
(3) Total gross receipts of the business or profession from	15751
sales and rentals made and services performed during the taxable	15752
period in the municipal corporation to total gross receipts of the	15753
business or profession during the same period from sales, rentals,	15754
and services, wherever made or performed.	15755
(B)(1) If the apportionment factors described in division (A)	15756

of this section do not fairly represent the extent of a taxpayer's
business activity in a municipal corporation, the taxpayer may
request, or the tax administrator of the municipal corporation may
require, that the taxpayer use, with respect to all or any portion
of the income of the taxpayer, an alternative apportionment method
involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;

(c) The inclusion of one or more additional factors that
would provide for a more fair apportionment of the income of the
taxpayer to the municipal corporation;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment
method shall be in writing and shall accompany a tax return,
timely filed appeal of an assessment, or timely filed amended tax
return. The taxpayer may use the requested alternative method
unless the tax administrator denies the request in an assessment
issued within the period prescribed by division (A) of section
718.12 of the Revised Code.

(3) A tax administrator may require a taxpayer to use an
alternative apportionment method as described in division (B)(1)
of this section only by issuing an assessment to the taxpayer
within the period prescribed by division (A) of section 718.12 of
the Revised Code.

(4) Nothing in division (B) of this section nullifies or
otherwise affects any alternative apportionment arrangement
approved by a tax administrator or otherwise agreed upon by both
the tax administrator and taxpayer before January 1, 2016.

(C) As used in division (A)(2) of this section, "wages,
salaries, and other compensation" includes only wages, salaries,

or other compensation paid to an employee for services performed 15787
at any of the following locations: 15788

(1) A location that is owned, controlled, or used by, rented 15789
to, or under the possession of one of the following: 15790

(a) The employer; 15791

(b) A vendor, customer, client, or patient of the employer, 15792
or a related member of such a vendor, customer, client, or 15793
patient; 15794

(c) A vendor, customer, client, or patient of a person 15795
described in division (C)(1)(b) of this section, or a related 15796
member of such a vendor, customer, client, or patient. 15797

(2) Any location at which a trial, appeal, hearing, 15798
investigation, inquiry, review, court-martial, or similar 15799
administrative, judicial, or legislative matter or proceeding is 15800
being conducted, provided that the compensation is paid for 15801
services performed for, or on behalf of, the employer or that the 15802
employee's presence at the location directly or indirectly 15803
benefits the employer; 15804

(3) Any other location, if the tax administrator determines 15805
that the employer directed the employee to perform the services at 15806
the other location in lieu of a location described in division 15807
(C)(1) or (2) of this section solely in order to avoid or reduce 15808
the employer's municipal income tax liability. If a tax 15809
administrator makes such a determination, the employer may dispute 15810
the determination by establishing, by a preponderance of the 15811
evidence, that the tax administrator's determination was 15812
unreasonable. 15813

(D) For the purposes of division (A)(3) of this section, 15814
receipts from sales and rentals made and services performed shall 15815
be sitused to a municipal corporation as follows: 15816

(1) Gross receipts from the sale of tangible personal	15817
property shall be sitused to the municipal corporation in which	15818
the sale originated. For the purposes of this division, a sale of	15819
property originates in a municipal corporation if, regardless of	15820
where title passes, the property meets any of the following	15821
criteria:	15822
(a) The property is shipped to or delivered within the	15823
municipal corporation from a stock of goods located within the	15824
municipal corporation.	15825
(b) The property is delivered within the municipal	15826
corporation from a location outside the municipal corporation,	15827
provided the taxpayer is regularly engaged through its own	15828
employees in the solicitation or promotion of sales within such	15829
municipal corporation and the sales result from such solicitation	15830
or promotion.	15831
(c) The property is shipped from a place within the municipal	15832
corporation to purchasers outside the municipal corporation,	15833
provided that the taxpayer is not, through its own employees,	15834
regularly engaged in the solicitation or promotion of sales at the	15835
place where delivery is made.	15836
(2) Gross receipts from the sale of services shall be sitused	15837
to the municipal corporation to the extent that such services are	15838
performed in the municipal corporation.	15839
(3) To the extent included in income, gross receipts from the	15840
sale of real property located in the municipal corporation shall	15841
be sitused to the municipal corporation.	15842
(4) To the extent included in income, gross receipts from	15843
rents and royalties from real property located in the municipal	15844
corporation shall be sitused to the municipal corporation.	15845
(5) Gross receipts from rents and royalties from tangible	15846
personal property shall be sitused to the municipal corporation	15847

based upon the extent to which the tangible personal property is 15848
used in the municipal corporation. 15849

(E) The net profit received by an individual taxpayer from 15850
the rental of real estate owned directly by the individual or by a 15851
disregarded entity owned by the individual shall be subject to tax 15852
only by the municipal corporation in which the property generating 15853
the net profit is located and the municipal corporation in which 15854
the individual taxpayer that receives the net profit resides. 15855

A municipal corporation shall allow such taxpayers to elect 15856
to use separate accounting for the purpose of calculating net 15857
profit situated under this division to the municipal corporation in 15858
which the property is located. 15859

(F)(1) Except as provided in division (F)(2) of this section, 15860
commissions received by a real estate agent or broker relating to 15861
the sale, purchase, or lease of real estate shall be situated to 15862
the municipal corporation in which the real estate is located. Net 15863
profit reported by the real estate agent or broker shall be 15864
allocated to a municipal corporation based upon the ratio of the 15865
commissions the agent or broker received from the sale, purchase, 15866
or lease of real estate located in the municipal corporation to 15867
the commissions received from the sale, purchase, or lease of real 15868
estate everywhere in the taxable year. 15869

(2) An individual who is a resident of a municipal 15870
corporation that imposes a municipal income tax shall report the 15871
individual's net profit from all real estate activity on the 15872
individual's annual tax return for that municipal corporation. The 15873
individual may claim a credit for taxes the individual paid on 15874
such net profit to another municipal corporation to the extent 15875
that such a credit is allowed under the municipal income tax 15876
ordinance, or rules of the municipal corporation of residence. 15877

(G) ~~If, in computing a taxpayer's adjusted federal taxable~~ 15878

~~income, the taxpayer deducted any amount with respect to a stock 15879
option granted to an employee, and if the employee is not required 15880
to include in the employee's income any such amount or a portion 15881
thereof because it is exempted from taxation under divisions 15882
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 15883
municipal corporation to which the taxpayer has apportioned a 15884
portion of its net profit, the taxpayer shall add the amount that 15885
is exempt from taxation to the taxpayer's net profit that was 15886
apportioned to that municipal corporation. In no case shall a 15887
taxpayer be required to add to its net profit that was apportioned 15888
to that municipal corporation any amount other than the amount 15889
upon which the employee would be required to pay tax were the 15890
amount related to the stock option not exempted from taxation. 15891~~

~~This division applies solely for the purpose of making an 15892
adjustment to the amount of a taxpayer's net profit that was 15893
apportioned to a municipal corporation under this section. 15894~~

~~(H) When calculating the ratios described in division (A) of 15895
this section for the purposes of that division or division (B) of 15896
this section, the owner of a disregarded entity shall include in 15897
the owner's ratios the property, payroll, and gross receipts of 15898
such disregarded entity. 15899~~

Sec. 718.04. (A) Notwithstanding division (A) of section 15900
715.013 of the Revised Code, a municipal corporation may levy a 15901
tax on income and a withholding tax if such taxes are levied in 15902
accordance with the provisions and limitations specified in this 15903
chapter. On or after January 1, 2016, the ordinance or resolution 15904
levying such taxes, as adopted or amended by the legislative 15905
authority of the municipal corporation, shall include all of the 15906
following: 15907

(1) A statement that the tax is an annual tax levied on the 15908
income of every person residing in or earning or receiving income 15909

in the municipal corporation and that the tax shall be measured by 15910
municipal taxable income; 15911

(2) A statement that the municipal corporation is levying the 15912
tax in accordance with the limitations specified in this chapter 15913
and that the resolution or ordinance thereby incorporates the 15914
provisions of this chapter; 15915

(3) The rate of the tax; 15916

(4) Whether, and the extent to which, a credit, as described 15917
in division (D) of this section, will be allowed against the tax; 15918

(5) The purpose or purposes of the tax; 15919

(6) Any other provision necessary for the administration of 15920
the tax, provided that the provision does not conflict with any 15921
provision of this chapter. 15922

(B) Any municipal corporation that, on or before March 23, 15923
2015, levies an income tax at a rate in excess of one per cent may 15924
continue to levy the tax at the rate specified in the original 15925
ordinance or resolution, provided that such rate continues in 15926
effect as specified in the original ordinance or resolution. 15927

(C)(1) No municipal corporation shall tax income at other 15928
than a uniform rate. 15929

(2) Except as provided in division (B) of this section, no 15930
municipal corporation shall levy a tax on income at a rate in 15931
excess of one per cent without having obtained the approval of the 15932
excess by a majority of the electors of the municipality voting on 15933
the question at a general, primary, or special election. The 15934
legislative authority of the municipal corporation shall file with 15935
the board of elections at least ninety days before the day of the 15936
election a copy of the ordinance together with a resolution 15937
specifying the date the election is to be held and directing the 15938
board of elections to conduct the election. The ballot shall be in 15939

the following form: "Shall the Ordinance providing for a... per 15940
cent levy on income for (Brief description of the purpose of the 15941
proposed levy) be passed? 15942

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

In the event of an affirmative vote, the proceeds of the levy may 15947
be used only for the specified purpose. 15948

(D) A municipal corporation may, by ordinance or resolution, 15949
grant a credit to residents of the municipal corporation for all 15950
or a portion of the taxes paid to any municipal corporation, in 15951
this state or elsewhere, by the resident or by a pass-through 15952
entity owned, directly or indirectly, by a resident, on the 15953
resident's distributive or proportionate share of the income of 15954
the pass-through entity. A municipal corporation is not required 15955
to refund taxes not paid to the municipal corporation. 15956

(E) Except as otherwise provided in this chapter, a municipal 15957
corporation that levies an income tax in effect for taxable years 15958
beginning before January 1, 2016, may continue to administer and 15959
enforce the provisions of such tax for all taxable years beginning 15960
before January 1, 2016, provided that the provisions of such tax 15961
are consistent with this chapter as it existed prior to March 23, 15962
2015. 15963

(F)(1) Nothing in this chapter authorizes a municipal 15964
corporation to levy a tax on income, or to administer or collect 15965
such a tax or penalties or interest related to such a tax, 15966
contrary to the provisions and limitations specified in this 15967
chapter. No municipal corporation shall enforce an ordinance or 15968
resolution that conflicts with the provisions of this chapter. 15969

(2) No municipal corporation may administer a tax on the 15970

income of a person other than an individual for a taxable year 15971
beginning on or after January 1, 2018. 15972

(G)(1) Division (G) of this section applies to a municipal 15973
corporation that, at the time of entering into a written agreement 15974
under division (G)(2) of this section, shares the same territory 15975
as a city, local, or exempted village school district, to the 15976
extent that not more than thirty per cent of the territory of the 15977
municipal corporation is located outside the school district and a 15978
portion of the territory of the school district that is not 15979
located within the municipal corporation is located within another 15980
municipal corporation having a population of four hundred thousand 15981
or more according to the federal decennial census most recently 15982
completed before the agreement is entered into under division 15983
(G)(2) of this section. 15984

(2) The legislative authority of a municipal corporation to 15985
which division (G) of this section applies may propose to the 15986
electors an income tax, one of the purposes of which shall be to 15987
provide financial assistance to the school district described in 15988
division (G)(1) of this section. Prior to proposing the tax, the 15989
legislative authority shall negotiate and enter into a written 15990
agreement with the board of education of that school district 15991
specifying the tax rate; the percentage or amount of tax revenue 15992
to be paid to the school district or the method of establishing or 15993
determining that percentage or amount, which may be subject to 15994
change periodically; the purpose for which the school district 15995
will use the money; the first year the tax will be levied; the 15996
date of the election on the question of the tax; and the method 15997
and schedule by which, and the conditions under which, the 15998
municipal corporation will make payments to the school district. 15999
The tax shall otherwise comply with the provisions and limitations 16000
specified in this chapter. 16001

Sec. 718.05. (A) An annual return with respect to the income 16002
tax levied by a municipal corporation shall be completed and filed 16003
by every taxpayer for any taxable year for which the taxpayer is 16004
liable for the tax. If the total credit allowed against the tax as 16005
described in division (D) of section 718.04 of the Revised Code 16006
for the year is equal to or exceeds the tax imposed by the 16007
municipal corporation, no return shall be required unless the 16008
municipal ordinance or resolution levying the tax requires the 16009
filing of a return in such circumstances. 16010

(B) If an individual is deceased, any return or notice 16011
required of that individual shall be completed and filed by that 16012
decedent's executor, administrator, or other person charged with 16013
the property of that decedent. 16014

(C) If an individual is unable to complete and file a return 16015
or notice required by a municipal corporation in accordance with 16016
this chapter, the return or notice required of that individual 16017
shall be completed and filed by the individual's duly authorized 16018
agent, guardian, conservator, fiduciary, or other person charged 16019
with the care of the person or property of that individual. 16020

~~(D) Returns or notices required of an estate or a trust shall 16021~~
~~be completed and filed by the fiduciary of the estate or trust. 16022~~

~~(E)~~ No municipal corporation shall deny spouses the ability 16023
to file a joint return. 16024

~~(F)~~~~(E)~~(1) Each return required to be filed under this section 16025
shall contain the signature of the taxpayer or the taxpayer's duly 16026
authorized agent and of the person who prepared the return for the 16027
taxpayer, and shall include the taxpayer's social security number 16028
or taxpayer identification number. Each return shall be verified 16029
by a declaration under penalty of perjury. 16030

(2) A tax administrator may require a taxpayer ~~who is an~~ 16031

individual to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

~~(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.~~

~~A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting~~

~~the documents required under this division through the Ohio
business gateway on or before January 1, 2016. The department
shall transmit all documents submitted electronically under this
division to the appropriate tax administrator.~~

(4) After a taxpayer files a tax return, the tax
administrator may request, and the taxpayer shall provide, any
information, statements, or documents required by the municipal
corporation to determine and verify the taxpayer's municipal
income tax liability. The requirements imposed under division
(F)(E) of this section apply regardless of whether the taxpayer
files on a generic form or on a form prescribed by the tax
administrator.

~~(G)(F)(1)(a)~~ Except as otherwise provided in this chapter,
each individual income tax return required to be filed under this
section shall be completed and filed as required by the tax
administrator on or before the date prescribed for the filing of
state individual income tax returns under division (G) of section
5747.08 of the Revised Code. The taxpayer shall complete and file
the return or notice on forms prescribed by the tax administrator
or on generic forms, together with remittance made payable to the
municipal corporation or tax administrator. No remittance is
required if the amount shown to be due is ten dollars or less.

~~(b) Except as otherwise provided in this chapter, each annual
net profit return required to be filed under this section by a
taxpayer that is not an individual shall be completed and filed as
required by the tax administrator on or before the fifteenth day
of the fourth month following the end of the taxpayer's taxable
year. The taxpayer shall complete and file the return or notice on
forms prescribed by the tax administrator or on generic forms,
together with remittance made payable to the municipal corporation
or tax administrator. No remittance is required if the amount
shown to be due is ten dollars or less.~~

(2)(a) Any taxpayer that has duly requested an automatic
six-month extension for filing the taxpayer's federal income tax
return shall automatically receive an extension for the filing of
a municipal income tax return. The extended due date of the
municipal income tax return shall be the fifteenth day of the
tenth month after the last day of the taxable year to which the
return relates.

(b) A taxpayer that has not requested or received a six-month
extension for filing the taxpayer's federal income tax return may
request that the tax administrator grant the taxpayer a six-month
extension of the date for filing the taxpayer's municipal income
tax return. If the request is received by the tax administrator on
or before the date the municipal income tax return is due, the tax
administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division ~~(G)~~(F)(2) of
this section is not an extension of the time to pay any tax due
unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the
date for filing state income tax returns under division (G) of
section 5747.08 of the Revised Code, a taxpayer shall
automatically receive an extension for the filing of a municipal
income tax return. The extended due date of the municipal income
tax return shall be the same as the extended due date of the state
income tax return.

(4) If the tax administrator considers it necessary in order
to ensure the payment of the tax imposed by the municipal
corporation in accordance with this chapter, the tax administrator
may require taxpayers to file returns and make payments otherwise
than as provided in this section, including taxpayers not
otherwise required to file annual returns.

(5) To the extent that any provision in this division

conflicts with any provision in section 718.052 of the Revised 16127
Code, the provision in that section prevails. 16128

~~(H)(1) For taxable years beginning after 2015, a municipal 16129
corporation shall not require a taxpayer to remit tax with respect 16130
to net profits if the amount due is less than ten dollars. 16131~~

~~(2) Any taxpayer not required to remit tax to a municipal 16132
corporation for a taxable year pursuant to division (H)(1) of this 16133
section shall file with the municipal corporation an annual net 16134
profit return under division (F)(3) of this section. 16135~~

~~(I)(G)~~(1) If any report, claim, statement, or other document 16136
required to be filed, or any payment required to be made, within a 16137
prescribed period or on or before a prescribed date under this 16138
chapter is delivered after that period or that date by United 16139
States mail to the tax administrator or other municipal official 16140
with which the report, claim, statement, or other document is 16141
required to be filed, or to which the payment is required to be 16142
made, the date of the postmark stamped on the cover in which the 16143
report, claim, statement, or other document, or payment is mailed 16144
shall be deemed to be the date of delivery or the date of payment. 16145
"The date of postmark" means, in the event there is more than one 16146
date on the cover, the earliest date imprinted on the cover by the 16147
postal service. 16148

(2) If a payment under this chapter is made by electronic 16149
funds transfer, the payment shall be considered to be made on the 16150
date of the timestamp assigned by the first electronic system 16151
receiving that payment. 16152

~~(J)(H)~~ The amounts withheld by an employer, the agent of an 16153
employer, or an other payer as described in section 718.03 of the 16154
Revised Code shall be allowed to the recipient of the compensation 16155
as credits against payment of the tax imposed on the recipient by 16156
the municipal corporation, unless the amounts withheld were not 16157

remitted to the municipal corporation and the recipient colluded 16158
with the employer, agent, or other payer in connection with the 16159
failure to remit the amounts withheld. 16160

~~(K)~~(I) Each return required by a municipal corporation to be 16161
filed in accordance with this section shall include a box that the 16162
taxpayer may check to authorize another person, including a tax 16163
return preparer who prepared the return, to communicate with the 16164
tax administrator about matters pertaining to the return. The 16165
return or instructions accompanying the return shall indicate that 16166
by checking the box the taxpayer authorizes the tax administrator 16167
to contact the preparer or other person concerning questions that 16168
arise during the examination or other review of the return and 16169
authorizes the preparer or other person only to provide the tax 16170
administrator with information that is missing from the return, to 16171
contact the tax administrator for information about the 16172
examination or other review of the return or the status of the 16173
taxpayer's refund or payments, and to respond to notices about 16174
mathematical errors, offsets, or return preparation that the 16175
taxpayer has received from the tax administrator and has shown to 16176
the preparer or other person. 16177

~~(L)~~(J) The tax administrator of a municipal corporation shall 16178
accept for filing a generic form of any income tax return, report, 16179
or document required by the municipal corporation in accordance 16180
with this chapter, provided that the generic form, once completed 16181
and filed, contains all of the information required by ordinance, 16182
resolution, or rules adopted by the municipal corporation or tax 16183
administrator, and provided that the taxpayer or tax return 16184
preparer filing the generic form otherwise complies with the 16185
provisions of this chapter and of the municipal corporation 16186
ordinance or resolution governing the filing of returns, reports, 16187
or documents. 16188

~~(M)~~(K) When income tax returns, reports, or other documents 16189

require the signature of a tax return preparer, the tax 16190
administrator shall accept a facsimile of such a signature in lieu 16191
of a manual signature. 16192

~~(N)~~(L)(1) As used in this division, "worksite location" has 16193
the same meaning as in section 718.011 of the Revised Code. 16194

(2) A person may notify a tax administrator that the person 16195
does not expect to be a taxpayer with respect to the municipal 16196
corporation for a taxable year if both of the following conditions 16197
apply: 16198

(a) The person was required to file a tax return with the 16199
municipal corporation for the immediately preceding taxable year 16200
because the person performed services at a worksite location 16201
within that municipal corporation. 16202

(b) The person no longer provides services in the municipal 16203
corporation and does not expect to be subject to the municipal 16204
corporation's income tax for the taxable year. 16205

The person shall provide the notice in a signed affidavit 16206
that briefly explains the person's circumstances, including the 16207
location of the previous worksite location and the last date on 16208
which the person performed services or made any sales within the 16209
municipal corporation. The affidavit also shall include the 16210
following statement: "The affiant has no plans to perform any 16211
services within the municipal corporation, make any sales in the 16212
municipal corporation, or otherwise become subject to the tax 16213
levied by the municipal corporation during the taxable year. If 16214
the affiant does become subject to the tax levied by the municipal 16215
corporation for the taxable year, the affiant agrees to be 16216
considered a taxpayer and to properly register as a taxpayer with 16217
the municipal corporation if such a registration is required by 16218
the municipal corporation's resolutions, ordinances, or rules." 16219
The person shall sign the affidavit under penalty of perjury. 16220

(c) If a person submits an affidavit described in division 16221
~~(N)(L)~~(2) of this section, the tax administrator shall not require 16222
the person to file any tax return for the taxable year unless the 16223
tax administrator possesses information that conflicts with the 16224
affidavit or if the circumstances described in the affidavit 16225
change. Nothing in division ~~(N)(L)~~ of this section prohibits the 16226
tax administrator from performing an audit of the person. 16227

Sec. 718.051. (A) Any ~~taxpayer subject to municipal income~~ 16228
~~taxation with respect to the taxpayer's net profit from a business~~ 16229
~~or profession may file any municipal income tax return, estimated~~ 16230
~~municipal income tax return, or extension for filing a municipal~~ 16231
~~income tax return, and may make payment of amounts shown to be due~~ 16232
~~on such returns, by using the Ohio business gateway.~~ 16233

~~(B)~~ Any employer, agent of an employer, or other payer may 16234
report the amount of municipal income tax withheld from qualifying 16235
wages, and may make remittance of such amounts, by using the Ohio 16236
business gateway. 16237

~~(C)~~~~(B)~~ Nothing in this section affects the due dates for 16238
filing employer withholding tax returns. 16239

~~(D)~~~~(C)~~ No municipal corporation shall be required to pay any 16240
fee or charge for the operation or maintenance of the Ohio 16241
business gateway. 16242

~~(E)~~~~(D)~~ The use of the Ohio business gateway by municipal 16243
corporations, taxpayers, or other persons pursuant to this section 16244
does not affect the legal rights of municipalities or taxpayers as 16245
otherwise permitted by law. This state shall not be a party to the 16246
administration of municipal income taxes or to an appeal of a 16247
municipal income tax matter, except as otherwise specifically 16248
provided by law. 16249

~~(F)~~~~(E)~~(1) The ~~tax commissioner~~ chairperson of the Ohio 16250

business gateway steering committee shall adopt rules 16251
establishing: 16252

(a) The format of documents to be used by taxpayers to file 16253
returns and make payments through the Ohio business gateway; and 16254

(b) The information taxpayers must submit when filing 16255
municipal income tax returns through the Ohio business gateway. 16256

The ~~commissioner~~ chairperson shall not adopt rules under this 16257
division that conflict with the requirements of section 718.05 of 16258
the Revised Code. 16259

(2) The ~~commissioner~~ chairperson shall consult with the Ohio 16260
business gateway steering committee before adopting the rules 16261
described in division ~~(F)~~(E)(1) of this section. 16262

~~(G)~~(F) Nothing in this section shall be construed as limiting 16263
or removing the authority of any municipal corporation to 16264
administer, audit, and enforce the provisions of its municipal 16265
income tax. 16266

Sec. 718.08. (A) As used in this section: 16267

(1) "Estimated taxes" means the amount that the taxpayer 16268
reasonably estimates to be the taxpayer's tax liability for a 16269
municipal corporation's income tax for the current taxable year. 16270

(2) "Tax liability" means the total taxes due to a municipal 16271
corporation for the taxable year, after allowing any credit to 16272
which the taxpayer is entitled, and after applying any estimated 16273
tax payment, withholding payment, or credit from another taxable 16274
year. 16275

(B)(1) Except as provided in division (F) of this section, 16276
every taxpayer shall make a declaration of estimated taxes for the 16277
current taxable year, on the form prescribed by the tax 16278
administrator, if the amount payable as estimated taxes is at 16279
least two hundred dollars. For the purposes of this section: 16280

(a) Taxes withheld from qualifying wages shall be considered 16281
as paid to the municipal corporation for which the taxes were 16282
withheld in equal amounts on each payment date unless the taxpayer 16283
establishes the dates on which all amounts were actually withheld, 16284
in which case the amounts withheld shall be considered as paid on 16285
the dates on which the amounts were actually withheld. 16286

(b) An overpayment of tax applied as a credit to a subsequent 16287
taxable year is deemed to be paid on the date of the postmark 16288
stamped on the cover in which the payment is mailed or, if the 16289
payment is made by electronic funds transfer, the date the payment 16290
is submitted. As used in this division, "date of the postmark" 16291
means, in the event there is more than one date on the cover, the 16292
earliest date imprinted on the cover by the postal service. 16293

(c) Taxes withheld by a casino operator or by a lottery sales 16294
agent under section 718.031 of the Revised Code are deemed to be 16295
paid to the municipal corporation for which the taxes were 16296
withheld on the date the taxes are withheld from the taxpayer's 16297
winnings. 16298

(2) Except as provided in division (F) of this section, 16299
taxpayers filing joint returns shall file joint declarations of 16300
estimated taxes. A taxpayer may amend a declaration under rules 16301
prescribed by the tax administrator. Except as provided in 16302
division (F) of this section, a taxpayer having a taxable year of 16303
less than twelve months shall make a declaration under rules 16304
prescribed by the tax administrator. 16305

(3) The declaration of estimated taxes shall be filed on or 16306
before the date prescribed for the filing of municipal income tax 16307
returns under division ~~(G)~~(F) of section 718.05 of the Revised 16308
Code or on or before the fifteenth day of the fourth month after 16309
the taxpayer becomes subject to tax for the first time. 16310

(4) Taxpayers reporting on a fiscal year basis shall file a 16311

declaration on or before the fifteenth day of the fourth month 16312
after the beginning of each fiscal year or period. 16313

(5) The original declaration or any subsequent amendment may 16314
be increased or decreased on or before any subsequent quarterly 16315
payment day as provided in this section. 16316

(C)(1) The required portion of the tax liability for the 16317
taxable year that shall be paid through estimated taxes made 16318
payable to the municipal corporation or tax administrator, 16319
including the application of tax refunds to estimated taxes and 16320
withholding on or before the applicable payment date, shall be as 16321
follows: 16322

(a) On or before the fifteenth day of the fourth month after 16323
the beginning of the taxable year, twenty-two and one-half per 16324
cent of the tax liability for the taxable year; 16325

(b) On or before the fifteenth day of the sixth month after 16326
the beginning of the taxable year, forty-five per cent of the tax 16327
liability for the taxable year; 16328

(c) On or before the fifteenth day of the ninth month after 16329
the beginning of the taxable year, sixty-seven and one-half per 16330
cent of the tax liability for the taxable year; 16331

(d) On or before the fifteenth day of the twelfth month of 16332
the taxable year, ninety per cent of the tax liability for the 16333
taxable year. 16334

(2) When an amended declaration has been filed, the unpaid 16335
balance shown due on the amended declaration shall be paid in 16336
equal installments on or before the remaining payment dates. 16337

(3) On or before the fifteenth day of the fourth month of the 16338
year following that for which the declaration or amended 16339
declaration was filed, an annual return shall be filed and any 16340
balance which may be due shall be paid with the return in 16341

accordance with section 718.05 of the Revised Code. 16342

(D)(1) In the case of any underpayment of any portion of a 16343
tax liability, penalty and interest may be imposed pursuant to 16344
section 718.27 of the Revised Code upon the amount of underpayment 16345
for the period of underpayment, unless the underpayment is due to 16346
reasonable cause as described in division (E) of this section. The 16347
amount of the underpayment shall be determined as follows: 16348

(a) For the first payment of estimated taxes each year, 16349
twenty-two and one-half per cent of the tax liability, less the 16350
amount of taxes paid by the date prescribed for that payment; 16351

(b) For the second payment of estimated taxes each year, 16352
forty-five per cent of the tax liability, less the amount of taxes 16353
paid by the date prescribed for that payment; 16354

(c) For the third payment of estimated taxes each year, 16355
sixty-seven and one-half per cent of the tax liability, less the 16356
amount of taxes paid by the date prescribed for that payment; 16357

(d) For the fourth payment of estimated taxes each year, 16358
ninety per cent of the tax liability, less the amount of taxes 16359
paid by the date prescribed for that payment. 16360

(2) The period of the underpayment shall run from the day the 16361
estimated payment was required to be made to the date on which the 16362
payment is made. For purposes of this section, a payment of 16363
estimated taxes on or before any payment date shall be considered 16364
a payment of any previous underpayment only to the extent the 16365
payment of estimated taxes exceeds the amount of the payment 16366
presently required to be paid to avoid any penalty. 16367

(E) An underpayment of any portion of tax liability 16368
determined under division (D) of this section shall be due to 16369
reasonable cause and the penalty imposed by this section shall not 16370
be added to the taxes for the taxable year if any of the following 16371
apply: 16372

(1) The amount of estimated taxes that were paid equals at 16373
least ninety per cent of the tax liability for the current taxable 16374
year, determined by annualizing the income received during the 16375
year up to the end of the month immediately preceding the month in 16376
which the payment is due. 16377

(2) The amount of estimated taxes that were paid equals at 16378
least one hundred per cent of the tax liability shown on the 16379
return of the taxpayer for the preceding taxable year, provided 16380
that the immediately preceding taxable year reflected a period of 16381
twelve months and the taxpayer filed a return with the municipal 16382
corporation under section 718.05 of the Revised Code for that 16383
year. 16384

(3) The taxpayer is an individual who resides in the 16385
municipal corporation but was not domiciled there on the first day 16386
of January of the calendar year that includes the first day of the 16387
taxable year. 16388

(F)(1) A tax administrator may waive the requirement for 16389
filing a declaration of estimated taxes for any class of taxpayers 16390
after finding that the waiver is reasonable and proper in view of 16391
administrative costs and other factors. 16392

(2) A municipal corporation may, by ordinance or rule, waive 16393
the requirement for filing a declaration of estimated taxes for 16394
all taxpayers. 16395

Sec. 718.27. (A) As used in this section: 16396

(1) "Applicable law" means this chapter, the resolutions, 16397
ordinances, codes, directives, instructions, and rules adopted by 16398
a municipal corporation provided such resolutions, ordinances, 16399
codes, directives, instructions, and rules impose or directly or 16400
indirectly address the levy, payment, remittance, or filing 16401
requirements of a municipal income tax. 16402

(2) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in

part from an employee's qualifying wages, but that, under 16434
applicable law, the employer, agent, or other payer is required to 16435
withhold from an employee's qualifying wages. 16436

(B)(1) This section applies to the following: 16437

(a) Any return required to be filed under ~~applicable law~~ this 16438
chapter for taxable years beginning on or after January 1, 2016; 16439

(b) Income tax, estimated income tax, and withholding tax 16440
required to be paid or remitted to the municipal corporation under 16441
this chapter on or after January 1, 2016. 16442

(2) This section does not apply to returns required to be 16443
filed or payments required to be made before January 1, 2016, 16444
regardless of the filing or payment date. Returns required to be 16445
filed or payments required to be made before January 1, 2016, but 16446
filed or paid after that date shall be subject to the ordinances 16447
or rules, as adopted before January 1, 2016, of the municipal 16448
corporation to which the return is to be filed or the payment is 16449
to be made. 16450

(C) Each municipal corporation levying a tax on income under 16451
this chapter may impose on a taxpayer, employer, any agent of the 16452
employer, and any other payer, and must attempt to collect, the 16453
interest amounts and penalties prescribed under division (C) of 16454
this section when the taxpayer, employer, any agent of the 16455
employer, or any other payer for any reason fails, in whole or in 16456
part, to make to the municipal corporation timely and full payment 16457
or remittance of income tax, estimated income tax, or withholding 16458
tax or to file timely with the municipal corporation any return 16459
required to be filed. 16460

(1) Interest shall be imposed at the rate described in 16461
division (A) of this section, per annum, on all unpaid income tax, 16462
unpaid estimated income tax, and unpaid withholding tax. 16463

(2)(a) With respect to unpaid income tax and unpaid estimated 16464

income tax, a municipal corporation may impose a penalty equal to 16465
fifteen per cent of the amount not timely paid. 16466

(b) With respect to any unpaid withholding tax, a municipal 16467
corporation may impose a penalty equal to fifty per cent of the 16468
amount not timely paid. 16469

(3) With respect to returns other than estimated income tax 16470
returns, a municipal corporation may impose a penalty of 16471
twenty-five dollars for each failure to timely file each return, 16472
regardless of the liability shown thereon for each month, or any 16473
fraction thereof, during which the return remains unfiled 16474
regardless of the liability shown thereon. The penalty shall not 16475
exceed one hundred fifty dollars for each failure. 16476

(D)(1) With respect to the income taxes, estimated income 16477
taxes, withholding taxes, and returns required under this chapter, 16478
no municipal corporation shall impose, seek to collect, or collect 16479
any penalty, amount of interest, charges, or additional fees not 16480
described in this section. 16481

(2) With respect to the income taxes, estimated income taxes, 16482
withholding taxes, and returns not described in division (A) of 16483
this section, nothing in this section requires a municipal 16484
corporation to refund or credit any penalty, amount of interest, 16485
charges, or additional fees that the municipal corporation has 16486
properly imposed or collected under this chapter before January 1, 16487
2016. 16488

(E) Nothing in this section limits the authority of a 16489
municipal corporation to abate or partially abate penalties or 16490
interest imposed under this section when the tax administrator 16491
determines, in the tax administrator's sole discretion, that such 16492
abatement is appropriate. 16493

(F) By the thirty-first day of October of each year the 16494
municipal corporation shall publish the rate described in division 16495

(A) of this section applicable to the next succeeding calendar 16496
year. 16497

(G) The municipal corporation may impose on the taxpayer, 16498
employer, any agent of the employer, or any other payer the 16499
municipal corporation's post-judgment collection costs and fees, 16500
including attorney's fees. 16501

Sec. 718.41. (A) A taxpayer shall file an amended return with 16502
the tax administrator in such form as the tax administrator 16503
requires if any of the facts, figures, computations, or 16504
attachments required in the taxpayer's annual return to determine 16505
the tax due levied by the municipal corporation in accordance with 16506
this chapter must be altered as the result of an adjustment to the 16507
taxpayer's federal income tax return, whether initiated by the 16508
taxpayer or the internal revenue service, and such alteration 16509
affects the taxpayer's tax liability under this chapter. ~~If a 16510~~
~~taxpayer intends to file an amended consolidated municipal income 16511~~
~~tax return, or to amend its type of return from a separate return 16512~~
~~to a consolidated return, based on the taxpayer's consolidated 16513~~
~~federal income tax return, the taxpayer shall notify the tax 16514~~
~~administrator before filing the amended return. 16515~~

(B)(1) In the case of an underpayment, the amended return 16516
shall be accompanied by payment of any combined additional tax due 16517
together with any penalty and interest thereon. If the combined 16518
tax shown to be due is ten dollars or less, such amount need not 16519
accompany the amended return. Except as provided under division 16520
(B)(2) of this section, the amended return shall not reopen those 16521
facts, figures, computations, or attachments from a previously 16522
filed return that are not affected, either directly or indirectly, 16523
by the adjustment to the taxpayer's federal or state income tax 16524
return unless the applicable statute of limitations for civil 16525
actions or prosecutions under section 718.12 of the Revised Code 16526

has not expired for a previously filed return. 16527

(2) The additional tax to be paid shall not exceed the amount 16528
of tax that would be due if all facts, figures, computations, and 16529
attachments were reopened. 16530

(C)(1) In the case of an overpayment, a request for refund 16531
may be filed under this division within the period prescribed by 16532
division (E) of section 718.12 of the Revised Code for filing the 16533
amended return even if it is filed beyond the period prescribed in 16534
that division if it otherwise conforms to the requirements of that 16535
division. If the amount of the refund is ten dollars or less, no 16536
refund need be paid by the municipal corporation to the taxpayer. 16537
Except as set forth in division (C)(2) of this section, a request 16538
filed under this division shall claim refund of overpayments 16539
resulting from alterations to only those facts, figures, 16540
computations, or attachments required in the taxpayer's annual 16541
return that are affected, either directly or indirectly, by the 16542
adjustment to the taxpayer's federal or state income tax return 16543
unless it is also filed within the time prescribed in section 16544
718.19 of the Revised Code. Except as set forth in division (C)(2) 16545
of this section, the request shall not reopen those facts, 16546
figures, computations, or attachments that are not affected, 16547
either directly or indirectly, by the adjustment to the taxpayer's 16548
federal or state income tax return. 16549

(2) The amount to be refunded shall not exceed the amount of 16550
refund that would be due if all facts, figures, computations, and 16551
attachments were reopened. 16552

Sec. 763.01. As used in this chapter: 16553

(A) "Private entity" means an entity other than a government 16554
entity. 16555

(B) "Workforce development activity" has the same meaning as 16556

in section 6301.01 of the Revised Code. 16557

~~(C) "Workforce Investment Act" means the "Workforce 16558
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 16559
amended. 16560~~

Sec. 763.07. To enhance the administration, delivery, and 16561
effectiveness of family services duties and workforce development 16562
activities, the chief elected official of a municipal corporation 16563
that, is a local area for the purpose of Chapter 6301. of the 16564
Revised Code, ~~is the type of local area defined in division (A)(1)~~ 16565
~~of section 6301.01 of the Revised Code~~ may enter into a regional 16566
plan of cooperation with one or more boards of county 16567
commissioners pursuant to section 307.984 of the Revised Code. A 16568
regional plan of cooperation must specify how the private and 16569
government entities subject to the plan will coordinate and 16570
enhance the administration, delivery, and effectiveness of family 16571
services duties and workforce development activities. 16572

Sec. 901.04. (A) The department of agriculture may solicit or 16573
accept from any public or private source and shall deposit in the 16574
state treasury to the credit of the agro Ohio fund any grant, 16575
gift, devise, or bequest of money made to or for the use of the 16576
department in fulfilling its statutory duties or for promoting any 16577
part of the public welfare that is under the supervision and 16578
control of the department. The department may also accept and hold 16579
on behalf of this state any grant, gift, devise, or bequest of 16580
other property made to or for the use of the department or for 16581
promoting any part of the public welfare that is under the 16582
supervision and control of the department. The department may 16583
contract for and carry out the terms and conditions of any devise, 16584
grant, gift, or donation that may be so made. 16585

(B) There is hereby created in the state treasury the agro 16586

Ohio fund, to which shall be credited all sums received under 16587
division (A) of this section, divisions (A)(2) and (C) of section 16588
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 16589
4503.504 of the Revised Code. ~~All money received under divisions~~ 16590
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 16591
~~used for the benefit of agriculture. All~~ 16592

(C) All money received under section 4503.504 of the Revised 16593
Code shall be used for the benefit of sustainable agriculture 16594
markets in the state as determined by the director of agriculture. 16595

~~(C) The director may use all or any portion of the moneys in~~ 16596
~~the agro Ohio fund to award grants for the purpose of promoting~~ 16597
~~agriculture in this state. With respect to such grants that~~ 16598
~~consist of moneys other than federal moneys, the director shall~~ 16599
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 16600
~~establishing all of the following:~~ 16601

~~(1) Specific purposes for which grants may be awarded;~~ 16602

~~(2) Procedures for soliciting grant applications, applying~~ 16603
~~for grants, awarding grants, and otherwise administering grants;~~ 16604

~~(3) Eligibility criteria for receiving grants that must be~~ 16605
~~satisfied by applicants for the grants;~~ 16606

~~(4) Any other procedures and requirements that are necessary~~ 16607
~~to administer a grant program.~~ 16608

~~(D) Federal moneys deposited into~~ Federal money credited to 16609
the ~~agro Ohio~~ fund shall be used in accordance with any terms that 16610
federal law prescribes for their use. All other money credited to 16611
the fund shall be used for the purpose of promoting agriculture in 16612
the state as determined by the director. 16613

Sec. 901.43. (A) The director of agriculture may authorize 16614
any department of agriculture laboratory to perform a laboratory 16615
service for any person, organization, political subdivision, state 16616

agency, federal agency, or other entity, whether public or 16617
private. The director shall adopt and enforce rules to provide for 16618
the rendering of a laboratory service. 16619

(B) The director may charge a reasonable fee for the 16620
performance of a laboratory service, except when the service is 16621
performed on an official sample taken by the director acting 16622
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 16623
Revised Code; by a board of health acting as the licensor of 16624
retail food establishments or food service operations under 16625
Chapter 3717. of the Revised Code; or by the director of health 16626
acting as the licensor of food service operations under Chapter 16627
3717. of the Revised Code. The director of agriculture shall adopt 16628
rules specifying what constitutes an official sample. 16629

The director shall publish a list of laboratory services 16630
offered, together with the fee for each service. 16631

(C) The director may enter into a contract with any person, 16632
organization, political subdivision, state agency, federal agency, 16633
or other entity for the provision of a laboratory service. 16634

(D)(1) The director may adopt rules establishing standards 16635
for accreditation of laboratories and laboratory services and in 16636
doing so may adopt by reference existing or recognized standards 16637
or practices. 16638

(2) The director may inspect and accredit laboratories and 16639
laboratory services, and may charge a reasonable fee for the 16640
inspections and accreditation. 16641

(E)(1) There is hereby created in the state treasury the 16642
animal and consumer protection laboratory fund. Moneys from the 16643
following sources shall be deposited into the state treasury to 16644
the credit of the fund: all moneys collected by the director under 16645
this section that are from fees generated by a laboratory service 16646
performed by the department and related to the diseases of 16647

animals, all moneys so collected that are from fees generated for 16648
the inspection and accreditation of laboratories and laboratory 16649
services related to the diseases of animals, all moneys collected 16650
by the director under this section that are from fees generated by 16651
a laboratory service performed by the consumer protection 16652
laboratory, all moneys so collected that are from fees generated 16653
for the inspection and accreditation of laboratories and 16654
laboratory services not related to weights and measures, money 16655
received by the director under sections 947.01 to 947.06 of the 16656
Revised Code, and all moneys collected under Chapters 942., 943., 16657
and 953. of the Revised Code. The director may use the moneys held 16658
in the fund to pay the expenses necessary to operate the animal 16659
industry laboratory and the consumer protection laboratory, 16660
including the purchase of supplies and equipment. 16661

(2) All moneys collected by the director under this section 16662
that are from fees generated by a laboratory service performed by 16663
the weights and measures laboratory, and all moneys so collected 16664
that are from fees generated for the inspection and accreditation 16665
of laboratories and laboratory services related to weights and 16666
measures, shall be deposited in the state treasury to the credit 16667
of the weights and measures laboratory fund, which is hereby 16668
created in the state treasury. The moneys held in the fund may be 16669
used to pay the expenses necessary to operate the division of 16670
weights and measures, including the purchase of supplies and 16671
equipment. 16672

Sec. 909.10. (A) No person shall ship or move bee colonies or 16673
any used beekeeping equipment into this state from any other state 16674
or country without an inspection certificate issued by an 16675
authorized inspector from the state or country wherein shipment or 16676
movement originated. The certificate shall identify all pathogens 16677
and parasites diagnosed and any controls that were implemented. 16678

In the absence of inspection facilities in another state or country, the director of agriculture may issue a permit authorizing the shipment or movement of the bee colonies or used beekeeping equipment into this state, provided that upon entry the bees or equipment is inspected by the department of agriculture. The cost of the inspection shall be paid upon completion in an amount determined by rule of the director. The inspection fees shall be paid to the director and deposited by ~~him~~ the director with the treasurer of state to the credit of the ~~general revenue~~ plant pest program fund created in section 927.54 of the Revised Code.

If any serious bee diseases are diagnosed, appropriate controls and eradication measures immediately shall be implemented by the person shipping or owning the bee colonies or used beekeeping equipment. If the person shipping or owning the bee colonies or equipment does not implement any controls or eradication measures within forty-eight hours from the inspection, the bee colonies or equipment shall be removed from this state at the cost of the person shipping or owning them.

(B) Any person selling, shipping, or moving into this state any queen bees or packaged bees shall submit to the director an inspection report issued by an authorized inspector from the state or country wherein shipment or movement originated. One such report shall be submitted annually thirty days prior to the initial sale, shipment, or movement of queen bees or packaged bees of that year. The report shall identify any pathogens and parasites diagnosed and any controls that were implemented. If any serious bee diseases have not been controlled or if inspection reports are not provided as required under this section, such shipments shall be prohibited from entering this state.

(C) The director may deny entry of the bee colonies or used equipment if ~~he~~ the director determines they are a threat to the

bee population of this state. 16711

(D) No person shall ship or move into this state any 16712
Africanized honey bees. 16713

Sec. 911.11. The director of agriculture may require any 16714
person intending to work or working in a bakery to submit to a 16715
thorough examination for the purpose of ascertaining whether the 16716
person is afflicted with any contagious, infectious, or other 16717
disease or physical ailment, which may render employment 16718
detrimental to the public health. All such examinations shall be 16719
made by a qualified physician ~~certified~~ licensed under section 16720
4731.14 of the Revised Code, by a physician assistant, by a 16721
clinical nurse specialist, by a certified nurse practitioner, or 16722
by a certified nurse-midwife. Any written documentation of the 16723
examination shall be completed by the individual who did the 16724
examination. 16725

Sec. 927.55. The fees required by section 927.53 of the 16726
Revised Code do not apply to: 16727

(A) A person who produces for sale either within this state 16728
or within any state in which such plants and parts do not require 16729
a certificate of inspection as a condition of entry, only nonhardy 16730
plants and plant parts, vegetable plants, herbs, or forced floral 16731
plants, of whatever nature, while in bloom; 16732

(B) A person who conducts the sale of nursery stock as a fund 16733
raiser for a nonprofit organization or nonprofit purpose for no 16734
more than two days per year, who is not a nurseryman, dealer, or 16735
collector, and who makes no more than two ~~hundred~~ thousand dollars 16736
in ~~sales~~ revenue from the sale of nursery stock during a calendar 16737
year; 16738

(C) Any public or private arboretum operated not for profit, 16739
which exchanges inspected nursery stock in limited quantities for 16740

experimental or permanent arboretum plantings. 16741

Sec. 939.02. The director of agriculture shall do all of the 16742
following: 16743

(A) Provide administrative leadership to soil and water 16744
conservation districts in planning, budgeting, staffing, and 16745
administering district programs and the training of district 16746
supervisors and personnel in their duties, responsibilities, and 16747
authorities as prescribed in this chapter and Chapter 940. of the 16748
Revised Code; 16749

(B) Administer this chapter and Chapter 940. of the Revised 16750
Code pertaining to state responsibilities and provide staff 16751
assistance to the Ohio soil and water conservation commission in 16752
exercising its statutory responsibilities; 16753

(C) Assist in expediting state responsibilities for watershed 16754
development and other natural resource conservation works of 16755
improvement; 16756

(D) Coordinate the development and implementation of 16757
cooperative programs and working agreements between soil and water 16758
conservation districts and the department of agriculture or other 16759
agencies of local, state, and federal government; 16760

(E) Subject to the approval of the Ohio soil and water 16761
conservation commission, adopt rules in accordance with Chapter 16762
119. of the Revised Code that do or comply with all of the 16763
following: 16764

(1) Establish technically feasible and economically 16765
reasonable standards to achieve a level of management and 16766
conservation practices in farming operations that will abate wind 16767
or water erosion of the soil or abate the degradation of the 16768
waters of the state by residual farm products, manure, or soil 16769
sediment, including attached substances, and establish criteria 16770

for determination of the acceptability of such management and	16771
conservation practices;	16772
(2) Establish procedures for administration of rules for	16773
agricultural pollution abatement and for enforcement of those	16774
rules;	16775
(3) Specify the pollution abatement practices eligible for	16776
state cost sharing and determine the conditions for eligibility,	16777
the construction standards and specifications, the useful life,	16778
the maintenance requirements, and the limits of cost sharing for	16779
those practices. Eligible practices shall be limited to practices	16780
that address agricultural operations and that require expenditures	16781
that are likely to exceed the economic returns to the owner or	16782
operator and that abate soil erosion or degradation of the waters	16783
of the state by residual farm products, manure, or soil sediment,	16784
including attached pollutants.	16785
(4) Establish procedures for administering grants to owners	16786
or operators of agricultural land or animal feeding operations for	16787
the implementation of operation and management plans;	16788
(5) Do both of the following with regard to composting	16789
conducted in conjunction with agricultural operations:	16790
(a) Establish methods, techniques, or practices for	16791
composting dead animals, or particular types of dead animals, that	16792
are to be used at such operations, as the director considers to be	16793
necessary or appropriate;	16794
(b) Establish requirements and procedures governing the	16795
review and approval or disapproval of composting plans by the	16796
supervisors of soil and water conservation districts under	16797
division (R) of section 940.06 of the Revised Code.	16798
(6) Establish best management practices for inclusion in	16799
operation and management plans;	16800

(7) Establish the amount of civil penalties assessed by the 16801
director under division ~~(B)~~(A) of section 939.07 of the Revised 16802
Code for violation of rules adopted under division (E) of this 16803
section; 16804

(8) Not conflict with air or water quality standards adopted 16805
pursuant to section 3704.03 or 6111.041 of the Revised Code. 16806
Compliance with rules adopted under this section does not affect 16807
liability for noncompliance with air or water quality standards 16808
adopted pursuant to section 3704.03 or 6111.041 of the Revised 16809
Code. The application of a level of management and conservation 16810
practices recommended under this section to control windblown soil 16811
from farming operations creates a presumption of compliance with 16812
section 3704.03 of the Revised Code as that section applies to 16813
windblown soil. 16814

(F) Cost share with landowners on practices established 16815
pursuant to division (E)(3) of this section as moneys are 16816
appropriated and available for that purpose. Any practice for 16817
which cost share is provided shall be maintained for its useful 16818
life. Failure to maintain a cost share practice for its useful 16819
life shall subject the landowner to full repayment to the 16820
department. 16821

(G) Employ field assistants and other employees that are 16822
necessary for the performance of the work prescribed by Chapter 16823
940. of the Revised Code, for performance of work of the 16824
department under this chapter, and as agreed to under working 16825
agreements or contractual arrangements with soil and water 16826
conservation districts, prescribe their duties, and fix their 16827
compensation in accordance with schedules that are provided by law 16828
for the compensation of state employees. All such employees of the 16829
department, unless specifically exempted by law, shall be employed 16830
subject to the classified civil service laws in force at the time 16831
of employment. 16832

(H) In connection with new or relocated projects involving	16833
highways, underground cables, pipelines, railroads, and other	16834
improvements affecting soil and water resources, including surface	16835
and subsurface drainage:	16836
(1) Provide engineering service that is mutually agreeable to	16837
the Ohio soil and water conservation commission and the director	16838
to aid in the design and installation of soil and water	16839
conservation practices as a necessary component of such projects;	16840
(2) Maintain close liaison between the owners of lands on	16841
which the projects are executed, soil and water conservation	16842
districts, and authorities responsible for such projects;	16843
(3) Review plans for such projects to ensure their compliance	16844
with standards developed under division (E) of this section in	16845
cooperation with the department of transportation or with any	16846
other interested agency that is engaged in soil or water	16847
conservation projects in the state in order to minimize adverse	16848
impacts on soil and water resources adjacent to or otherwise	16849
affected by these projects;	16850
(4) Recommend measures to retard erosion and protect soil and	16851
water resources through the installation of water impoundment or	16852
other soil and water conservation practices;	16853
(5) Cooperate with other agencies and subdivisions of the	16854
state to protect the agricultural status of rural lands adjacent	16855
to such projects and control adverse impacts on soil and water	16856
resources.	16857
(I) Collect, analyze, inventory, and interpret all available	16858
information pertaining to the origin, distribution, extent, use,	16859
and conservation of the soil resources of the state;	16860
(J) Prepare and maintain up-to-date reports, maps, and other	16861
materials pertaining to the soil resources of the state and their	16862
use and make that information available to governmental agencies,	16863

public officials, conservation entities, and the public; 16864

(K) Provide soil and water conservation districts with 16865
technical assistance including on-site soil investigations and 16866
soil interpretation reports on the suitability or limitations of 16867
soil to support a particular use or to plan soil conservation 16868
measures. The assistance shall be on terms that are mutually 16869
agreeable to the districts and the department of agriculture. 16870

(L) Assist local government officials in utilizing land use 16871
planning and zoning, current agricultural use value assessment, 16872
development reviews, and land management activities; 16873

(M) When necessary for the purposes of this chapter or 16874
Chapter 940. of the Revised Code, develop or approve operation and 16875
management plans. The director may designate an employee of the 16876
department to develop or approve operation and management plans in 16877
lieu of the director. 16878

This section does not restrict the manure of domestic or farm 16879
animals defecated on land outside an animal feeding operation or 16880
runoff from that land into the waters of the state. 16881

Sec. 941.12. ~~(A) Except as provided in rules adopted under 16882
section 941.41 of the Revised Code, no animal shall be ordered 16883
destroyed by the director of agriculture, in accordance with this 16884
chapter, until that animal has been appraised in accordance with 16885
divisions (B) and (C) of this section. This section does not apply 16886
to any animal that is adulterated with residues and ordered 16887
destroyed by the director. 16888~~

~~(B) The director of agriculture shall appraise, based on 16889
current market value, any animal destroyed by his order under this 16890
chapter, and If an animal is ordered destroyed by the director of 16891
agriculture under this chapter, the director shall take an 16892
inventory of each animal that is destroyed and record sufficient 16893~~

information in order for an appraisal to be conducted, if 16894
necessary. 16895

(B)(1) Within thirty days after receiving a destruction order 16896
issued under this chapter, the owner of the animal subject to the 16897
order that seeks indemnification for the animal shall do both of 16898
the following: 16899

(a) Request the information recorded under division (A) of 16900
this section and have an appraisal of the animal conducted at the 16901
owner's expense; 16902

(b) Request that the department of agriculture conduct an 16903
appraisal of the animal. If an appraisal is requested, the 16904
director shall order the appraisal to be conducted. 16905

(2) If the owner and the department do not agree on the value 16906
of the animal ordered destroyed, the two shall select a third 16907
disinterested person, at the owner's expense, to appraise the 16908
animal. The appraisal conducted by that person is the value of the 16909
animal for purposes of indemnification. 16910

(3) If an appraisal is not conducted under division (B)(1)(a) 16911
of this section or requested under division (B)(1)(b) of this 16912
section within thirty days of receiving the destruction order 16913
issued under this chapter, the owner waives the right to 16914
indemnification of the animal. 16915

(C) Once the value of the animal ordered destroyed is 16916
determined, the director may indemnify the owner of the animal if, 16917
upon the request of the director, the director of budget and 16918
management provides written notification to the director of 16919
agriculture that there is an unencumbered balance in the 16920
appropriation for the current biennium sufficient to pay the 16921
indemnity. The amount of indemnity shall be is the appraised value 16922
of the animal, less any salvage value and indemnity received from 16923
another agency. In no case shall the state indemnity payment 16924

exceed fifty dollars per head for a grade animal or one hundred 16925
dollars per head for a registered purebred animal. 16926

~~(C) For the purpose of indemnification, the value of any 16927
animal ordered destroyed shall be determined by an appraisal made 16928
by a representative chosen by the owner and a representative 16929
chosen by the department of agriculture. In the event of a 16930
disagreement as to the amount of the appraisal, a third 16931
disinterested person shall be selected, at the owner's expense, by 16932
the two, to act with them in the appraisal of the animal. 16933~~

(D) The director of agriculture may refuse to pay an 16934
indemnity for any animal ordered destroyed if the owner has been 16935
convicted of or pleads guilty to a violation of any of the 16936
provisions of this chapter or the rules promulgated thereunder. 16937

Sec. 941.55. (A) Notwithstanding ~~sections~~ section 941.11 and 16938
~~941.12~~ of the Revised Code, every bovine animal that is ordered 16939
destroyed because of tuberculosis following a tuberculosis test 16940
made in accordance with section 941.54 of the Revised Code shall 16941
be slaughtered in an establishment approved by the department of 16942
agriculture no later than fifteen days after it is ordered 16943
destroyed, unless an extension of time is granted by the 16944
department. 16945

(B) A post mortem examination shall be made by a veterinarian 16946
authorized by the department, and a report of the examination 16947
shall be filed within five days after the examination on forms 16948
provided by the department. 16949

Sec. 943.23. (A) A captive whitetail deer licensee shall 16950
comply with the requirements established in sections 943.20 to 16951
943.26 of the Revised Code and in rules. The director of 16952
agriculture may suspend or revoke a license issued under section 16953
943.03 or 943.031 of the Revised Code regarding monitored captive 16954

deer, captive deer with status, or captive deer with certified 16955
chronic wasting disease status if the licensee fails to comply 16956
with those requirements. 16957

(B)(1) The director, after providing an opportunity for an 16958
adjudication hearing under Chapter 119. of the Revised Code, may 16959
assess a civil penalty against a person who has violated or is in 16960
violation of section 943.20 of the Revised Code. If the director 16961
assesses a civil penalty, the director shall do so as follows: 16962

(a) If, within five years of the violation, the director has 16963
not previously assessed a civil penalty against the person under 16964
this section, in an amount not exceeding five hundred dollars; 16965

(b) If, within five years of the violation, the director has 16966
previously assessed one civil penalty against the person under 16967
this section, in an amount not exceeding two thousand five hundred 16968
dollars; 16969

(c) If, within five years of the violation, the director has 16970
previously assessed two or more civil penalties against the person 16971
under this section, in an amount not exceeding ten thousand 16972
dollars. 16973

(2) Money collected under division (B)(1) of this section 16974
shall be deposited in the state treasury to the credit of the 16975
captive deer fund created in section 943.26 of the Revised Code. 16976

Sec. 947.06. (A) The director of agriculture shall adopt 16977
rules, subject to Chapter 119. of the Revised Code, to implement, 16978
administer, and enforce this chapter. No person shall violate such 16979
a rule of the director. 16980

(B) In cooperation with law enforcement officers in this and 16981
other states, the director shall develop a uniform procedure for 16982
notifying livestock marketing and slaughtering establishments of 16983
reported livestock thefts and of any brands or other identifying 16984

marks on such livestock. 16985

(C) Moneys received by the director under sections 947.01 to 16986
947.06 of the Revised Code shall be deposited in the ~~brand~~ 16987
~~registration state treasury to the credit of the animal and~~ 16988
~~consumer protection laboratory fund, which is hereby created in~~ 16989
~~the state treasury. The director shall spend moneys from the fund~~ 16990
~~to pay the costs and expenses of administering sections 947.01 to~~ 16991
~~947.06~~ section 901.43 of the Revised Code. 16992

Sec. 1121.10. (A) As often as the superintendent of financial 16993
institutions considers necessary, but at least once each 16994
twenty-four-month cycle, the superintendent, or any deputy or 16995
examiner appointed by the superintendent for that purpose, shall 16996
thoroughly examine the records and affairs of each bank. The 16997
examination shall include a review of both of the following: 16998

(1) Compliance with law; 16999

(2) Other matters the superintendent determines. 17000

(B) The superintendent may examine the records and affairs of 17001
any of the following as the superintendent considers necessary: 17002

(1) Any party to a proposed reorganization for which the 17003
superintendent's approval is required by section 1115.11 or 17004
1115.14 of the Revised Code; 17005

(2) Any bank, savings and loan association, or savings bank 17006
proposing to convert to a bank doing business under authority 17007
granted by the superintendent for which the superintendent's 17008
approval is required by section 1115.01 of the Revised Code; 17009

(3) Any person proposing to acquire control of a bank for 17010
which the superintendent's approval is required by section 1115.06 17011
of the Revised Code, or who acquired control of a bank without the 17012
approval of the superintendent when that approval was required by 17013
section 1115.06 of the Revised Code, was the bank of which control 17014

is to be, or was, acquired; 17015

(4) Any bank proposing to establish or acquire a branch for 17016
which the superintendent's approval is required by section 1117.02 17017
of the Revised Code; 17018

(5) Any foreign bank that maintains, or proposes to 17019
establish, one or more offices in this state; 17020

(6) Any trust company. 17021

(C) The board of directors or holders of a majority of the 17022
shares of a bank or trust company may request the superintendent 17023
conduct a special examination of the records and affairs of the 17024
bank or trust company. The superintendent has sole discretion over 17025
the scope and timing of a special examination, and may impose 17026
restrictions and limitations on the use of the results of a 17027
special examination in addition to the restrictions and 17028
limitations otherwise imposed by law. The fee for a special 17029
examination shall be paid by the bank or trust company examined in 17030
accordance with section 1121.29 of the Revised Code. 17031

(D) The superintendent may conduct all aspects of an 17032
examination concurrently or may divide the examination into 17033
constituent parts and conduct them at various times. 17034

(E) The superintendent shall preserve the report of each 17035
examination, including related correspondence received and copies 17036
of related correspondence sent, for ~~twenty~~ ten years after the 17037
examination date. 17038

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 17039
Revised Code, a proposed action or transaction is subject to the 17040
approval of the superintendent of financial institutions or an 17041
opportunity for the superintendent to disapprove, and if the 17042
person proposing the action or transaction is required to submit 17043
an application or notice to the superintendent, then the 17044

application or notice is not complete and the superintendent shall 17045
not accept it for processing until the person pays the fee 17046
established pursuant to division (C) of section 1121.29 of the 17047
Revised Code. 17048

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 17049
a proposed action or transaction is subject to the approval of the 17050
superintendent or an opportunity for the superintendent to 17051
disapprove and the superintendent must make that determination 17052
within a certain time, and if the person proposing the action or 17053
transaction is required to submit an application or notice to the 17054
superintendent, then the time in which the superintendent must 17055
make the determination does not begin to run until the 17056
superintendent has determined the application or notice is 17057
complete and has accepted it for processing. 17058

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 17059
either of the following: 17060

(a) The superintendent from denying, or issuing a disapproval 17061
of, an application or notice, prior to the superintendent's 17062
acceptance of the application or notice for processing, on the 17063
basis that the person who submitted the application or notice 17064
failed to include all of the items and address all of the issues 17065
required for the application or notice, if both of the following 17066
apply: 17067

(i) The superintendent advised the person that the 17068
application or notice was incomplete. 17069

(ii) After being advised by the superintendent that the 17070
application or notice was incomplete, the person did not, within a 17071
reasonable period of time, complete the application or notice. 17072

(b) The superintendent from denying, or issuing a disapproval 17073
of, an application or notice on the basis that the person who 17074
submitted the application or notice failed to provide the 17075

information necessary for the superintendent to adequately 17076
consider the application or notice after the superintendent's 17077
acceptance of the application or notice for processing, if both of 17078
the following apply: 17079

(i) After having begun processing the application or notice, 17080
the superintendent determined and advised the person that 17081
additional information was necessary to adequately consider the 17082
application or notice. 17083

(ii) After being advised by the superintendent that 17084
additional information was necessary to adequately consider the 17085
application or notice, the person did not, within a reasonable 17086
period of time, provide that information. 17087

~~(B)~~(C) A determination by the superintendent that an 17088
application or notice is complete and is accepted for processing 17089
means only that the application or notice, on its face, appears to 17090
include all of the items and to address all of the matters that 17091
are required. A determination by the superintendent that an 17092
application or notice is complete and is accepted for processing 17093
is not an assessment of the substance of the application or 17094
notice, or of the sufficiency of the information provided. 17095

Sec. 1121.29. (A)(1) Each bank, savings and loan association, 17096
and savings bank subject to inspection and examination by the 17097
superintendent of financial institutions and transacting business 17098
on the thirty-first day of December, or their successors in 17099
interest, shall pay to the treasurer of state assessments as 17100
provided in this section. The superintendent shall make each 17101
assessment based on the total assets as shown on the books of the 17102
bank, savings and loan association, or savings bank as of the 17103
thirty-first day of December of the previous year. The 17104
superintendent shall collect the assessment on an annual or 17105
periodic basis, as provided by the superintendent. All assessments 17106

shall be paid within fourteen days after receiving an invoice for 17107
payment of the assessment. 17108

(2) After determining the budget of the division of financial 17109
institutions for examination and regulation of banks, savings and 17110
loan associations, and savings banks, but prior to establishing 17111
the schedule of assessments under this division necessary to fund 17112
that budget, the superintendent shall consider any necessary cash 17113
reserves and any amounts collected but not yet expended or 17114
encumbered by the superintendent in the previous fiscal year's 17115
budget and remaining in the banks fund pursuant to division (C) of 17116
section 1121.30 of the Revised Code. 17117

(3) The superintendent shall establish the actual schedule of 17118
assessments on an annual basis, present the schedule to the 17119
banking commission for confirmation, and forward copies of the 17120
current year's schedule to banks, savings and loan associations, 17121
and savings banks doing business under authority granted by the 17122
superintendent, or their successors in interest. 17123

If during the period between the banking commission's 17124
confirmation of the schedule of assessments and the completion of 17125
the fiscal year in which those assessments will be collected, the 17126
banking commission determines additional money is required to 17127
adequately fund the operations of the division of financial 17128
institutions for that fiscal year, the banking commission may, by 17129
the affirmative vote of two-thirds of its members, increase the 17130
schedule of assessments for that fiscal year. The superintendent 17131
shall promptly notify each bank, savings and loan association, and 17132
savings bank of the increased assessment, and each bank, savings 17133
and loan association, and savings bank shall pay the increased 17134
assessment as made and invoiced by the superintendent. 17135

(4) A bank, savings and loan association, or savings bank 17136
authorized by the superintendent to commence business in the 17137

period between assessments shall pay the actual reasonable costs 17138
of the division's examinations and visitations. The bank, savings 17139
and loan association, or savings bank shall pay the costs within 17140
fourteen days after receiving an invoice for payment. 17141

(B)(1) Whenever in the judgment of the superintendent the 17142
condition or conduct of a bank renders it necessary to make 17143
additional examinations and follow-up visitations within the 17144
examination cycle beyond the minimum required by division (A) of 17145
section 1121.10 of the Revised Code, the superintendent shall 17146
charge the bank for the additional examinations and follow-up 17147
visitations as provided in division (C) of this section. The bank 17148
shall pay the fee charged within fourteen days after receiving an 17149
invoice for payment. 17150

(2) The superintendent shall charge a bank for any 17151
examination of the bank's operations as a trust company and data 17152
processing facility in accordance with division (C) of this 17153
section whether that examination is the only examination of the 17154
bank in the examination cycle or in addition to other examinations 17155
of the bank's operations. 17156

(C) The superintendent shall periodically establish a 17157
schedule of fees to be paid for examinations, applications, 17158
certifications, and notices considered necessary by the 17159
superintendent. 17160

(D)(1) The superintendent may waive any fees provided for in 17161
division (C) of this section to protect the interests of 17162
depositors and for other fair and reasonable purposes as 17163
determined by the superintendent. 17164

(2) The fees established by the superintendent pursuant to 17165
division (C) of this section for processing applications and 17166
notices and conducting and processing examinations shall be 17167
reasonable considering the direct and indirect costs to the 17168

division, as determined by the superintendent, of processing the 17169
applications and for conducting and processing the examinations. 17170

(E) The superintendent may determine and charge reasonable 17171
fees for furnishing and certifying copies of documents filed with 17172
the division and for any expenses incurred by the division in the 17173
publication or serving of required notices. 17174

(F) Assessments and examination and application fees charged 17175
and collected pursuant to this section are not refundable. Any fee 17176
charged pursuant to this section shall be paid within fourteen 17177
days after receiving an invoice for payment of the fee. 17178

(G) The superintendent shall pay all assessments and fees 17179
charged pursuant to this section and all forfeitures required to 17180
be paid to the superintendent into the state treasury to the 17181
credit of the banks fund. 17182

Sec. 1121.30. (A) All assessments, fees, charges, and 17183
forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and 17184
sections 1315.01 to 1315.18 of the Revised Code, except civil 17185
penalties assessed pursuant to section 1121.35 or 1315.152 of the 17186
Revised Code, shall be paid to the superintendent of financial 17187
institutions, and the superintendent shall deposit them into the 17188
state treasury to the credit of the banks fund, which is hereby 17189
created. 17190

(B) The superintendent may expend or obligate the banks fund 17191
to defray the costs of the division of financial institutions in 17192
administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 17193
to 1315.18 of the Revised Code. The superintendent shall pay from 17194
the fund all actual and necessary expenses incurred by the 17195
superintendent, including for any services rendered by the 17196
department of commerce for the division's administration of 17197
Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of 17198
the Revised Code. The fund shall be assessed a proportionate share 17199

of the administrative costs of the department and the division of 17200
financial institutions. The proportionate share of the 17201
administration costs of the division of financial institutions 17202
shall be determined in accordance with procedures prescribed by 17203
the superintendent and approved by the director of budget and 17204
management. The amount assessed for the fund's proportional share 17205
of the department's administrative costs and the division's 17206
administrative costs shall be paid from the banks fund to the 17207
division of administration fund and the division of financial 17208
institutions fund respectively. 17209

(C) Any money deposited into the state treasury to the credit 17210
of the banks fund, but not expended or encumbered by the 17211
superintendent to defray the costs of administering Chapters 1101. 17212
to ~~1127~~, 1165, and sections 1315.01 to 1315.18 of the Revised 17213
Code, shall remain in the banks fund for expenditures by the 17214
superintendent in subsequent years. 17215

Sec. 1123.01. (A) There is hereby created in the division of 17216
financial institutions a banking commission which shall consist of 17217
~~seven~~ nine members. The deputy superintendent for banks shall be a 17218
member of the commission and its chairperson. The governor, with 17219
the advice and consent of the senate, shall appoint the remaining 17220
~~six~~ eight members. 17221

(B) After the second Monday in January of each year, the 17222
governor shall appoint two members. Terms of office shall be for 17223
~~three~~ four years commencing on the first day of February and 17224
ending on the thirty-first day of January. Each member shall hold 17225
office from the date appointed until the end of the term for which 17226
appointed. In the case of a vacancy in the office of any member, 17227
the governor shall appoint a successor who shall hold office for 17228
the remainder of the term for which the successor's predecessor 17229
was appointed. Any member shall continue in office subsequent to 17230

the expiration date of the member's term until the member's 17231
successor is appointed, or until sixty days have elapsed, 17232
whichever occurs first. 17233

(C) No person appointed as a member of the commission may 17234
serve more than two consecutive full terms. However, a member may 17235
serve two consecutive full terms following the remainder of a term 17236
for which the member was appointed to fill a vacancy. 17237

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 17238
to the commission shall be, at the time of appointment, executive 17239
officers of banks, savings and loan associations, or savings banks 17240
transacting business under authority granted by the superintendent 17241
of financial institutions, and ~~four~~ all of the ~~six~~ members 17242
appointed to the commission shall have banking experience as a 17243
director or officer of a bank, savings bank, or savings 17244
association insured by the federal deposit insurance corporation, 17245
a bank holding company, or a savings and loan holding company. The 17246
membership of the commission shall be representative of the 17247
banking industry as a whole, including representatives of banks of 17248
various asset sizes and ownership structures, as determined by the 17249
governor after consultation with the superintendent of financial 17250
institutions ~~from time to time.~~ 17251

(2) No person who has been convicted of, or has pleaded 17252
guilty to, a felony involving an act of fraud, dishonesty ~~or,~~ 17253
breach of trust, theft, or money laundering shall take or hold 17254
office as a member of the banking commission. 17255

(E) The members of the commission shall receive no salary, 17256
but their expenses incurred in the performance of their duties 17257
shall be paid from funds appropriated for that purpose. 17258

(F) The governor may remove any of the ~~six~~ eight members 17259
appointed to the commission whenever in the governor's judgment 17260
the public interest requires removal. Upon removing a member of 17261

the commission, the governor shall file with the superintendent a 17262
statement of the cause for the removal. 17263

Sec. 1123.02. (A) The banking commission shall hold regular 17264
meetings at the times and places it fixes, and shall meet at any 17265
time on call of the deputy superintendent for banks upon two days' 17266
notice unless the commission by resolution provides for a shorter 17267
notice. 17268

(B)(1) A majority of the full commission constitutes a 17269
quorum, and action taken by a majority of those present at a 17270
meeting at which there is a quorum constitutes the action of the 17271
commission. 17272

(2) Notwithstanding division (B)(1) of this section, a 17273
meeting of the commission may be held by teleconference if 17274
provisions are made for public attendance at a specific location 17275
connected with the teleconference. 17276

(C) No member shall participate before the commission in a 17277
proceeding involving any bank, savings and loan association, or 17278
savings bank of which the member is, or was at any time in the 17279
preceding twelve months, a member of the board of directors, an 17280
officer, an employee, or a shareholder. A member may refrain from 17281
participating in a proceeding before the commission for any other 17282
cause the member considers sufficient. 17283

(D) The commission may, by a majority vote of those present 17284
at a meeting at which there is a quorum, adopt and amend bylaws 17285
and rules the commission, in its judgment, considers necessary and 17286
proper. The commission shall select one of its members as 17287
secretary, who shall keep a record of all its proceedings. 17288

Sec. 1123.03. The banking commission shall do all of the 17289
following: 17290

(A) Make recommendations to the deputy superintendent for 17291

banks and the superintendent of financial institutions on the	17292
business of banking;	17293
(B) Consider and make recommendations on any matter the	17294
superintendent or deputy superintendent submits to the commission	17295
for that purpose;	17296
(C) Pass upon and determine any matter the superintendent or	17297
deputy superintendent submits to the commission for determination;	17298
(D) <u>Consider and determine whether to confirm the annual</u>	17299
<u>schedule of assessments proposed by the superintendent in</u>	17300
<u>accordance with section 1121.29 of the Revised Code;</u>	17301
(E) <u>Determine whether to increase the schedule of assessments</u>	17302
<u>as provided in division (A)(3) of section 1121.29 of the Revised</u>	17303
<u>Code;</u>	17304
(F) Determine, as provided in division (D) of section 1121.12	17305
of the Revised Code, both of the following:	17306
(1) Whether there is reasonable cause to believe that there	17307
is a significant risk of imminent material harm to the bank;	17308
(2) Whether the examination of the bank holding company is	17309
necessary to fully determine the risk to the bank, or to determine	17310
how best to address the risk to the bank.	17311
 Sec. 1155.07. Every savings and loan association organized	17312
under the laws of this state shall make, as of the thirty-first	17313
day of December and the thirtieth day of June of each year, a	17314
report of the affairs and business of the association for the	17315
preceding half year, showing its financial condition at the end	17316
thereof. The statement as of the thirty-first day of December	17317
shall be the annual statement of the association. The	17318
superintendent of financial institutions may also require monthly	17319
reports.	17320
 The superintendent may, by written order mailed to the	17321

managing officer of such an association, require any association 17322
to submit to the superintendent within a reasonable time specified 17323
in the written order a report concerning its real estate and other 17324
assets, other than the appraisals required by section 1151.54 of 17325
the Revised Code. 17326

Any such association refusing or neglecting to file any 17327
report required by this section within the time specified shall 17328
forfeit one hundred dollars for every day that such default 17329
continues unless such penalty, in whole or in part, is waived by 17330
the superintendent. The superintendent may maintain an action in 17331
the name of the state to recover such forfeiture which, upon its 17332
collection, shall be paid into the state treasury to the credit of 17333
the ~~savings institutions~~ banks fund established under section 17334
~~1181.18~~ 1121.30 of the Revised Code. 17335

Every such association shall maintain adequate, complete, and 17336
correct accounts and shall observe such generally accepted 17337
accounting principles and practices or generally accepted auditing 17338
standards, as the superintendent prescribes. The superintendent 17339
shall demand once a year, and at the expense of the association, 17340
that its accounts be audited by an independent auditor. A copy of 17341
the audit report shall be submitted to the board of directors of 17342
the association and filed, together with management's ~~reponse~~ 17343
response, with the superintendent within thirty days after 17344
presentation of the completed report to the board or not later 17345
than the thirty-first day of March of the year next succeeding the 17346
year for which the audit was conducted, whichever occurs first, 17347
unless the time is extended by the superintendent. 17348

At the conclusion of the audit of an association, an 17349
independent auditor shall attend a meeting at which there are 17350
present only the outside directors of the association or a 17351
committee comprised of and appointed by such outside directors and 17352
fully disclose at that time to those directors all audit 17353

exceptions that developed during the audit and all relevant data 17354
and information concerning the financial condition, investment 17355
practices, and other financial policies and procedures of the 17356
association. The meeting shall be held at a time and place that is 17357
agreed upon by the independent auditor and the outside directors 17358
or their committee. A complete record of the proceedings of the 17359
meeting shall be kept in a minute book that is maintained solely 17360
for the purpose of keeping such records. Nothing in this paragraph 17361
shall be construed to prevent the independent auditor from meeting 17362
at other times with inside directors, officers, or employees of 17363
the association. 17364

The superintendent may prescribe a schedule for the 17365
preservation and destruction of books, records, certificates, 17366
documents, reports, correspondence, and other instruments, papers, 17367
and writings of such an association, even if such association has 17368
been liquidated pursuant to law. An association may dispose of any 17369
books, records, certificates, documents, reports, correspondence, 17370
and other instruments, papers, and writings which have been 17371
retained or preserved for the period prescribed by the 17372
superintendent pursuant to this paragraph. The requirements of 17373
this paragraph may be complied with by the preservation of records 17374
in the manner prescribed in section 2317.41 of the Revised Code. 17375

Sec. 1155.10. Whenever the superintendent of financial 17376
institutions considers it necessary, the superintendent may make a 17377
special examination of any savings and loan association, and the 17378
expense of the examination shall be paid by the association. Such 17379
expenses shall be collected by the superintendent and paid into 17380
the state treasury to the credit of the ~~savings-institutions banks~~ 17381
fund established under section ~~1181.18~~ 1121.30 of the Revised 17382
Code. Any examination made by the superintendent otherwise than in 17383
the ordinary routine of the superintendent's duties and because, 17384
in the superintendent's opinion, the condition of the association 17385

requires such examination, is a special examination within the 17386
meaning of this section. 17387

Sec. 1163.09. (A) Every savings bank organized under the laws 17388
of this state, as of the thirty-first day of December and the 17389
thirtieth day of June of each year, shall make a report of the 17390
affairs and business of the savings bank for the preceding half 17391
year, showing its financial condition at the end thereof. The 17392
statement as of the thirty-first day of December shall be the 17393
annual statement of the savings bank. The superintendent of 17394
financial institutions may also require monthly reports. 17395

(B) The superintendent, by written order mailed to the 17396
managing officer of a savings bank, may require any savings bank 17397
to submit to the superintendent within a reasonable time specified 17398
in the written order a report concerning its real estate and other 17399
assets, other than the appraisals required by section 1161.81 of 17400
the Revised Code. 17401

(C) Any savings bank refusing or neglecting to file any 17402
report required by this section within the time specified shall 17403
forfeit one hundred dollars for every day that the default 17404
continues unless the penalty, in whole or in part, is waived by 17405
the superintendent. The superintendent may maintain an action in 17406
the name of the state to recover the forfeiture which, upon its 17407
collection, shall be paid into the state treasury to the credit of 17408
the ~~savings institutions~~ banks fund established under section 17409
~~1181.18~~ 1121.30 of the Revised Code. 17410

(D) Every savings bank shall maintain adequate, complete, and 17411
correct accounts and shall observe such generally accepted 17412
accounting principles and practices or generally accepted auditing 17413
standards, as the superintendent prescribes. The superintendent 17414
shall demand once a year, and at the expense of the savings bank, 17415
that its accounts be audited by an independent auditor. A copy of 17416

the audit report shall be submitted to the board of directors of 17417
the savings bank and filed, together with management's ~~reponse~~ 17418
response, with the superintendent within thirty days after 17419
presentation of the completed report to the board or not later 17420
than the thirty-first day of March of the year next succeeding the 17421
year for which the audit was conducted, whichever occurs first, 17422
unless the time is extended by the superintendent. 17423

(E) At the conclusion of the audit of a savings bank, an 17424
independent auditor shall attend a meeting at which there are 17425
present only the outside directors of the savings bank or a 17426
committee composed of and appointed by the outside directors and 17427
fully disclose at that time to those directors all audit 17428
exceptions that developed during the audit and all relevant data 17429
and information concerning the financial condition, investment 17430
practices, and other financial policies and procedures of the 17431
savings bank. The meeting shall be held at a time and place that 17432
is agreed upon by the independent auditor and the outside 17433
directors or their committee. A complete record of the proceedings 17434
of the meeting shall be kept in a minute book that is maintained 17435
solely for the purpose of keeping these records. Nothing in this 17436
division shall be construed to prevent the independent auditor 17437
from meeting at other times with inside directors, officers, or 17438
employees of the savings bank. 17439

(F) The superintendent may prescribe a schedule for the 17440
preservation and destruction of books, records, certificates, 17441
documents, reports, correspondence, and other instruments, papers, 17442
and writings of a savings bank, even if the savings bank has been 17443
liquidated pursuant to law. A savings bank may dispose of any 17444
books, records, certificates, documents, reports, correspondence, 17445
and other instruments, papers, and writings that have been 17446
retained or preserved for the period prescribed by the 17447
superintendent pursuant to this division. The requirements of this 17448

division may be complied with by the preservation of records in 17449
the manner prescribed in section 2317.41 of the Revised Code. 17450

Sec. 1163.13. Whenever the superintendent of financial 17451
institutions considers it necessary, the superintendent may make a 17452
special examination of any savings bank, and the expense of the 17453
examination shall be paid by the savings bank. These moneys shall 17454
be collected by the superintendent and paid into the state 17455
treasury to the credit of the ~~savings institutions~~ banks fund 17456
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 17457
examination made by the superintendent otherwise than in the 17458
ordinary routine of the superintendent's duties and because, in 17459
the superintendent's opinion, the condition of the savings bank 17460
requires the examination, is a special examination within the 17461
meaning of this section. 17462

Sec. 1181.06. There is hereby created in the state treasury 17463
the financial institutions fund. The fund shall receive 17464
assessments on the banks fund established under section 1121.30 of 17465
the Revised Code, ~~the savings institutions fund established under~~ 17466
~~section 1181.18 of the Revised Code,~~ the credit unions fund 17467
established under section 1733.321 of the Revised Code, and the 17468
consumer finance fund established under section 1321.21 of the 17469
Revised Code in accordance with procedures prescribed by the 17470
superintendent of financial institutions and approved by the 17471
director of budget and management. Such assessments shall be in 17472
addition to any assessments on these funds required under division 17473
(G) of section 121.08 of the Revised Code. All operating expenses 17474
of the division of financial institutions shall be paid from the 17475
financial institutions fund. 17476

Sec. 1501.08. (A) There is hereby created in the state 17477
treasury the state park maintenance fund. 17478

(1) Notwithstanding section 1546.21 of the Revised Code, on 17479
or after the first day of July of each fiscal year, the director 17480
of natural resources may request the director of budget and 17481
management to transfer money from the state park fund to the state 17482
park maintenance fund in an amount not exceeding five per cent of 17483
the annual average revenue deposited in the state park fund. 17484

(2) The department of natural resources shall use money in 17485
the state park maintenance fund only for maintenance, repair, and 17486
renovation projects at state parks that are approved by the 17487
director. The department shall not use money in the fund to 17488
construct new facilities. 17489

(B) The chief of the division of parks and watercraft shall 17490
submit to the director a list of projects in order to request 17491
disbursements from the state park maintenance fund. The chief 17492
shall include with each list a description of necessary 17493
maintenance, repair, and renovation at state park facilities. The 17494
director shall determine which projects are eligible for 17495
disbursement from the fund. The chief shall not begin any project 17496
for which disbursement is requested before obtaining the 17497
director's approval as required by this section. 17498

Sec. 1503.05. (A) The chief of the division of forestry may 17499
sell timber and other forest products from the state forest and 17500
state forest nurseries whenever the chief considers such a sale 17501
desirable and, with the approval of the attorney general and the 17502
director of natural resources, may sell portions of the state 17503
forest lands when such a sale is advantageous to the state. 17504

(B) Except as otherwise provided in this section, a timber 17505
sale agreement shall not be executed unless the person or 17506
governmental entity bidding on the sale executes and files a 17507
surety bond conditioned on completion of the timber sale in 17508
accordance with the terms of the agreement in an amount determined 17509

by the chief. All bonds shall be given in a form prescribed by the 17510
chief and shall run to the state as obligee. 17511

The chief shall not approve any bond until it is personally 17512
signed and acknowledged by both principal and surety, or as to 17513
either by the attorney in fact thereof, with a certified copy of 17514
the power of attorney attached. The chief shall not approve the 17515
bond unless there is attached a certificate of the superintendent 17516
of insurance that the company is authorized to transact a fidelity 17517
and surety business in this state. 17518

In lieu of a bond, the bidder may deposit any of the 17519
following: 17520

(1) Cash in an amount equal to the amount of the bond; 17521

(2) United States government securities having a par value 17522
equal to or greater than the amount of the bond; 17523

(3) Negotiable certificates of deposit or irrevocable letters 17524
of credit issued by any bank organized or transacting business in 17525
this state having a par value equal to or greater than the amount 17526
of the bond. 17527

The cash or securities shall be deposited on the same terms 17528
as bonds. If one or more certificates of deposit are deposited in 17529
lieu of a bond, the chief shall require the bank that issued any 17530
of the certificates to pledge securities of the aggregate market 17531
value equal to the amount of the certificate or certificates that 17532
is in excess of the amount insured by the federal deposit 17533
insurance corporation. The securities to be pledged shall be those 17534
designated as eligible under section 135.18 of the Revised Code. 17535
The securities shall be security for the repayment of the 17536
certificate or certificates of deposit. 17537

Immediately upon a deposit of cash, securities, certificates 17538
of deposit, or letters of credit, the chief shall deliver them to 17539
the treasurer of state, who shall hold them in trust for the 17540

purposes for which they have been deposited. The treasurer of 17541
state is responsible for the safekeeping of the deposits. A bidder 17542
making a deposit of cash, securities, certificates of deposit, or 17543
letters of credit may withdraw and receive from the treasurer of 17544
state, on the written order of the chief, all or any portion of 17545
the cash, securities, certificates of deposit, or letters of 17546
credit upon depositing with the treasurer of state cash, other 17547
United States government securities, or other negotiable 17548
certificates of deposit or irrevocable letters of credit issued by 17549
any bank organized or transacting business in this state, equal in 17550
par value to the par value of the cash, securities, certificates 17551
of deposit, or letters of credit withdrawn. 17552

A bidder may demand and receive from the treasurer of state 17553
all interest or other income from any such securities or 17554
certificates as it becomes due. If securities so deposited with 17555
and in the possession of the treasurer of state mature or are 17556
called for payment by their issuer, the treasurer of state, at the 17557
request of the bidder who deposited them, shall convert the 17558
proceeds of the redemption or payment of the securities into other 17559
United States government securities, negotiable certificates of 17560
deposit, or cash as the bidder designates. 17561

When the chief finds that a person or governmental agency has 17562
failed to comply with the conditions of the person's or 17563
governmental agency's bond, the chief shall make a finding of that 17564
fact and declare the bond, cash, securities, certificates, or 17565
letters of credit forfeited. The chief thereupon shall certify the 17566
total forfeiture to the attorney general, who shall proceed to 17567
collect the amount of the bond, cash, securities, certificates, or 17568
letters of credit. 17569

In lieu of total forfeiture, the surety, at its option, may 17570
cause the timber sale to be completed or pay to the treasurer of 17571
state the cost thereof. 17572

All moneys collected as a result of forfeitures of bonds, 17573
cash, securities, certificates, and letters of credit under this 17574
section shall be credited to the state forest fund created in this 17575
section. 17576

(C) The chief may grant easements and leases on portions of 17577
the state forest lands and state forest nurseries under terms that 17578
are advantageous to the state, and the chief may grant mineral 17579
rights on a royalty basis on those lands and nurseries, with the 17580
approval of the attorney general and the director. 17581

(D) All moneys received from the sale of state forest lands, 17582
or in payment for easements or leases on or as rents from those 17583
lands or from state forest nurseries, shall be paid into the state 17584
treasury to the credit of the state forest fund, which is hereby 17585
created. In addition, all moneys received from federal grants, 17586
payments, and reimbursements, from the sale of reforestation tree 17587
stock, from the sale of forest products, other than standing 17588
timber, and from the sale of minerals taken from the state forest 17589
lands and state forest nurseries, together with royalties from 17590
mineral rights, shall be paid into the state treasury to the 17591
credit of the state forest fund. Any other revenues derived from 17592
the operation of the state forests and related facilities or 17593
equipment also shall be paid into the state treasury to the credit 17594
of the state forest fund, as shall contributions received for the 17595
issuance of Smokey Bear license plates under section 4503.574 of 17596
the Revised Code and any other moneys required by law to be 17597
deposited in the fund. 17598

The state forest fund shall not be expended for any purpose 17599
other than the administration, operation, maintenance, 17600
development, or utilization of the state forests, forest 17601
nurseries, and forest programs, for facilities or equipment 17602
incident to them, ~~or~~ for the further purchase of lands for state 17603
forest or forest nursery purposes, or for wildfire suppression 17604

payments and, in the case of contributions received pursuant to 17605
section 4503.574 of the Revised Code, for fire prevention 17606
purposes. 17607

All moneys received from the sale of standing timber taken 17608
from state forest lands and state forest nurseries shall be 17609
deposited into the state treasury to the credit of the forestry 17610
holding account redistribution fund, which is hereby created. The 17611
moneys shall remain in the fund until they are redistributed in 17612
accordance with this division. 17613

The redistribution shall occur at least once each year. To 17614
begin the redistribution, the chief first shall determine the 17615
amount of all standing timber sold from state forest lands and 17616
state forest nurseries, together with the amount of the total sale 17617
proceeds, in each county, in each township within the county, and 17618
in each school district within the county. The chief next shall 17619
determine the amount of the direct costs that the division of 17620
forestry incurred in association with the sale of that standing 17621
timber. The amount of the direct costs shall be subtracted from 17622
the amount of the total sale proceeds and shall be transferred 17623
from the forestry holding account redistribution fund to the state 17624
forest fund. 17625

The remaining amount of the total sale proceeds equals the 17626
net value of the standing timber that was sold. The chief shall 17627
determine the net value of standing timber sold from state forest 17628
lands and state forest nurseries in each county, in each township 17629
within the county, and in each school district within the county 17630
and shall send to each county treasurer a copy of the 17631
determination at the time that moneys are paid to the county 17632
treasurer under this division. 17633

Thirty-five per cent of the net value of standing timber sold 17634
from state forest lands and state forest nurseries located in a 17635
county shall be transferred from the forestry holding account 17636

redistribution fund to the state forest fund. The remaining 17637
sixty-five per cent of the net value shall be transferred from the 17638
forestry holding account redistribution fund and paid to the 17639
county treasurer for the use of the general fund of that county. 17640

The county auditor shall do all of the following: 17641

(1) Retain for the use of the general fund of the county 17642
one-fourth of the amount received by the county under division (D) 17643
of this section; 17644

(2) Pay into the general fund of any township located within 17645
the county and containing such lands and nurseries one-fourth of 17646
the amount received by the county from standing timber sold from 17647
lands and nurseries located in the township; 17648

(3) Request the board of education of any school district 17649
located within the county and containing such lands and nurseries 17650
to identify which fund or funds of the district should receive the 17651
moneys available to the school district under division (D)(3) of 17652
this section. After receiving notice from the board, the county 17653
auditor shall pay into the fund or funds so identified one-half of 17654
the amount received by the county from standing timber sold from 17655
lands and nurseries located in the school district, distributed 17656
proportionately as identified by the board. 17657

The division of forestry shall not supply logs, lumber, or 17658
other forest products or minerals, taken from the state forest 17659
lands or state forest nurseries, to any other agency or 17660
subdivision of the state unless payment is made therefor in the 17661
amount of the actual prevailing value thereof. This section is 17662
applicable to the moneys so received. 17663

(E) The chief may enter into a personal service contract for 17664
consulting services to assist the chief with the sale of timber or 17665
other forest products and related inventory. Compensation for 17666
consulting services shall be paid from the proceeds of the sale of 17667

timber or other forest products and related inventory that are the 17668
subject of the personal service contract. 17669

Sec. 1503.141. ~~There is hereby created in the state treasury~~ 17670
~~the wildfire suppression fund. The fund shall consist of any~~ 17671
~~federal moneys received for the purposes of this section and~~ 17672
~~donations, gifts, bequests, and other moneys received for those~~ 17673
~~purposes. In addition, the chief of the division of forestry~~ 17674
~~annually may request that the director of budget and management~~ 17675
~~transfer, and, if so requested, the director shall transfer, Each~~ 17676
~~fiscal year, the director of natural resources or the director's~~ 17677
~~designee shall designate not more than one two hundred thousand~~ 17678
~~dollars to the wildfire suppression fund from in the state forest~~ 17679
~~fund created in section 1503.05 of the Revised Code for wildfire~~ 17680
~~suppression payments. The amount transferred designated shall~~ 17681
~~consist only of money deposited into the state forest credited to~~ 17682
~~the fund from the sale of standing timber taken from state forest~~ 17683
~~lands as set forth in that section.~~ 17684

The ~~chief~~ director or the director's designee may use ~~moneys~~ 17685
~~in the money designated for wildfire suppression fund payments to~~ 17686
reimburse firefighting agencies and private fire companies for 17687
their costs incurred in the suppression of wildfires in counties 17688
within fire protection areas established under section 1503.08 of 17689
the Revised Code where there is a state forest or national forest, 17690
or portion thereof. The ~~chief, with the approval of the director~~ 17691
~~of natural resources, or the director's designee~~ may provide such 17692
reimbursement in additional counties. The ~~chief~~ director or the 17693
director's designee shall provide such reimbursement pursuant to 17694
agreements and contracts entered into under section 1503.14 of the 17695
Revised Code and in accordance with the following schedule: 17696

(A) For wildfire suppression on private land, an initial 17697
seventy-dollar payment to the firefighting agency or private fire 17698

company; 17699

(B) For wildfire suppression on land under the administration 17700
or care of the department of natural resources or on land that is 17701
part of any national forest administered by the United States 17702
department of agriculture forest service, an initial 17703
one-hundred-dollar payment to the firefighting agency or private 17704
fire company; 17705

(C) For any wildfire suppression on land specified in 17706
division (A) or (B) of this section lasting more than two hours, 17707
an additional payment of thirty-five dollars per hour. 17708

~~If at any time moneys in the fund exceed two hundred thousand 17709
dollars, the chief shall transfer the moneys that exceed that 17710
amount to the state forest fund. 17711~~

As used in this section, "firefighting agency" and "private 17712
fire company" have the same meanings as in section 9.60 of the 17713
Revised Code. 17714

Sec. 1505.09. (A) There is hereby created in the state 17715
treasury the geological mapping fund, to be administered by the 17716
chief of the division of geological survey. The Except as provided 17717
in division (B) of this section, the fund shall be used for the 17718
purposes of performing the necessary field, laboratory, and 17719
administrative tasks to map and make public reports on the 17720
geology, geologic hazards, and energy and mineral resources of the 17721
state. The source of ~~moneys~~ money for the fund shall include, but 17722
not be limited to, the mineral severance tax as specified in 17723
section 5749.02 of the Revised Code transfers made to the fund in 17724
accordance with section 6111.046 of the Revised Code, and the fees 17725
collected under rules adopted under section 1505.05 of the Revised 17726
Code. The chief may seek federal or other ~~moneys~~ money in addition 17727
to the mineral severance tax and fees to carry out the purposes of 17728
this section. If the chief receives federal ~~moneys~~ money for the 17729

purposes of this section, the chief shall deposit ~~those moneys~~ 17730
that money into the state treasury to the credit of a fund created 17731
by the controlling board to carry out those purposes. Other ~~moneys~~ 17732
money received by the chief for the purposes of this section in 17733
addition to the mineral severance tax, fees, and federal ~~moneys~~ 17734
money shall be credited to the geological mapping fund. 17735

(B) Any money transferred to the geological mapping fund in 17736
accordance with section 6111.046 of the Revised Code shall be used 17737
by the chiefs of the divisions of mineral resources management, 17738
oil and gas resources management, geological survey, and water 17739
resources in the department of natural resources for the purpose 17740
of executing their duties under sections 6111.043 to 6111.047 of 17741
the Revised Code. 17742

Sec. 1506.23. (A) There is hereby created in the state 17743
treasury the Lake Erie protection fund, which shall consist of 17744
~~moneys~~ money deposited into the fund from the issuance of Lake 17745
Erie license plates under section 4503.52 of the Revised Code, 17746
money awarded to the state from the great lakes protection fund, 17747
and donations, gifts, bequests, and other moneys received for the 17748
purposes of this section. Not later than the first day of June 17749
each year, the Ohio Lake Erie commission created in section 17750
1506.21 of the Revised Code shall designate one of its members to 17751
administer the fund and, with the approval of the commission, to 17752
expend moneys from the fund for any of the following purposes: 17753

(1) Accelerating the pace of research into the economic, 17754
environmental, and human health effects of contamination of Lake 17755
Erie and its tributaries; 17756

(2) Funding cooperative research and data collection 17757
regarding Lake Erie water quality and toxic contamination; 17758

(3) Developing improved methods of measuring water quality 17759
and establishing a firm scientific base for implementing a 17760

basinwide system of water quality management for Lake Erie and its 17761
tributaries; 17762

(4) Supporting research to improve the scientific knowledge 17763
on which protection policies are based and devising new and 17764
innovative clean-up techniques for toxic contaminants; 17765

(5) Supplementing, in a stable and predictable manner, state 17766
commitments to policies and programs pertaining to Lake Erie water 17767
quality and resource protection; 17768

(6) Encouraging cooperation with and among leaders from state 17769
legislatures, state agencies, political subdivisions, business and 17770
industry, labor, institutions of higher education, environmental 17771
organizations, and conservation groups within the Lake Erie basin; 17772

(7) Awarding of grants to any agency of the United States, 17773
any state agency, as "agency" is defined in division (A)(2) of 17774
section 111.15 of the Revised Code, any political subdivision, any 17775
educational institution, or any nonprofit organization for the 17776
development and implementation of projects and programs that are 17777
designed to protect Lake Erie by reducing toxic contamination of 17778
or improving water quality in Lake Erie; 17779

(8) Expenses authorized by the Ohio Lake Erie commission 17780
necessary to implement this chapter. 17781

(B) Moneys in the Lake Erie protection fund are not intended 17782
to replace other moneys expended by any agency of the United 17783
States, any state agency, as "agency" is so defined, any political 17784
subdivision, any educational institution, or any nonprofit 17785
organization for projects and programs that are designed to 17786
protect Lake Erie by reducing toxic contamination of or improving 17787
water quality in Lake Erie. 17788

(C) Each March, the Ohio Lake Erie commission shall publish a 17789
Lake Erie protection agenda that describes proposed uses of the 17790
Lake Erie protection fund for the following state fiscal year. The 17791

agenda shall be the subject of at least one public meeting of the 17792
commission held in the Lake Erie basin. The commission shall 17793
submit the agenda to the governor, the president of the senate, 17794
and the speaker of the house of representatives. 17795

(D) Not later than September 1, 1991, and annually 17796
thereafter, the Lake Erie commission shall prepare a report of the 17797
activities that were undertaken by the commission under this 17798
section during the immediately preceding fiscal year, including, 17799
without limitation, revenues and expenses for the preceding fiscal 17800
year. The commission shall submit the report to the governor, the 17801
president of the senate, and the speaker of the house of 17802
representatives. 17803

Sec. 1509.01. As used in this chapter: 17804

(A) "Well" means any borehole, whether drilled or bored, 17805
within the state for production, extraction, or injection of any 17806
gas or liquid mineral, excluding potable water to be used as such, 17807
but including natural or artificial brines and oil field waters. 17808

(B) "Oil" means crude petroleum oil and all other 17809
hydrocarbons, regardless of gravity, that are produced in liquid 17810
form by ordinary production methods, but does not include 17811
hydrocarbons that were originally in a gaseous phase in the 17812
reservoir. 17813

(C) "Gas" means all natural gas and all other fluid 17814
hydrocarbons that are not oil, including condensate. 17815

(D) "Condensate" means liquid hydrocarbons separated at or 17816
near the well pad or along the gas production or gathering system 17817
~~prior to~~ or during gas processing. 17818

(E) "Pool" means an underground reservoir containing a common 17819
accumulation of oil or gas, or both, but does not include a gas 17820
storage reservoir. Each zone of a geological structure that is 17821

completely separated from any other zone in the same structure may 17822
contain a separate pool. 17823

(F) "Field" means the general area underlaid by one or more 17824
pools. 17825

(G) "Drilling unit" means the minimum acreage on which one 17826
well may be drilled, but does not apply to a well for injecting 17827
gas into or removing gas from a gas storage reservoir. 17828

(H) "Waste" includes all of the following: 17829

(1) Physical waste, as that term generally is understood in 17830
the oil and gas industry; 17831

(2) Inefficient, excessive, or improper use, or the 17832
unnecessary dissipation, of reservoir energy; 17833

(3) Inefficient storing of oil or gas; 17834

(4) Locating, drilling, equipping, operating, or producing an 17835
oil or gas well in a manner that reduces or tends to reduce the 17836
quantity of oil or gas ultimately recoverable under prudent and 17837
proper operations from the pool into which it is drilled or that 17838
causes or tends to cause unnecessary or excessive surface loss or 17839
destruction of oil or gas; 17840

(5) Other underground or surface waste in the production or 17841
storage of oil, gas, or condensate, however caused. 17842

(I) "Correlative rights" means the reasonable opportunity to 17843
every person entitled thereto to recover and receive the oil and 17844
gas in and under the person's tract or tracts, or the equivalent 17845
thereof, without having to drill unnecessary wells or incur other 17846
unnecessary expense. 17847

(J) "Tract" means a single, individual parcel of land or a 17848
portion of a single, individual parcel of land. 17849

(K) "Owner," unless referring to a mine, means the person who 17850
has the right to drill on a tract or drilling unit, to drill into 17851

and produce from a pool, and to appropriate the oil or gas 17852
produced therefrom either for the person or for others, except 17853
that a person ceases to be an owner with respect to a well when 17854
the well has been plugged in accordance with applicable rules 17855
adopted and orders issued under this chapter. "Owner" does not 17856
include a person who obtains a lease of the mineral rights for oil 17857
and gas on a parcel of land if the person does not attempt to 17858
produce or produce oil or gas from a well or obtain a permit under 17859
this chapter for a well or if the entire interest of a well is 17860
transferred to the person in accordance with division (B) of 17861
section 1509.31 of the Revised Code. 17862

(L) "Royalty interest" means the fee holder's share in the 17863
production from a well. 17864

(M) "Discovery well" means the first well capable of 17865
producing oil or gas in commercial quantities from a pool. 17866

(N) "Prepared clay" means a clay that is plastic and is 17867
thoroughly saturated with fresh water to a weight and consistency 17868
great enough to settle through saltwater in the well in which it 17869
is to be used, except as otherwise approved by the chief of the 17870
division of oil and gas resources management. 17871

(O) "Rock sediment" means the combined cutting and residue 17872
from drilling sedimentary rocks and formation. 17873

(P) "Excavations and workings," "mine," and "pillar" have the 17874
same meanings as in section 1561.01 of the Revised Code. 17875

(Q) "Coal bearing township" means a township designated as 17876
such by the chief of the division of mineral resources management 17877
under section 1561.06 of the Revised Code. 17878

(R) "Gas storage reservoir" means a continuous area of a 17879
subterranean porous sand or rock stratum or strata into which gas 17880
is or may be injected for the purpose of storing it therein and 17881
removing it therefrom and includes a gas storage reservoir as 17882

defined in section 1571.01 of the Revised Code. 17883

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 17884
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 17885
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 17886
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 17887
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 17888
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 17889
regulations adopted under those acts. 17890

(T) "Person" includes any political subdivision, department, 17891
agency, or instrumentality of this state; the United States and 17892
any department, agency, or instrumentality thereof; any legal 17893
entity defined as a person under section 1.59 of the Revised Code; 17894
and any other form of business organization or entity recognized 17895
by the laws of this state. 17896

(U) "Brine" means all saline geological formation water 17897
resulting from, obtained from, or produced in connection with 17898
exploration, drilling, well stimulation, production of oil or gas, 17899
or plugging of a well. 17900

(V) "Waters of the state" means all streams, lakes, ponds, 17901
marshes, watercourses, waterways, springs, irrigation systems, 17902
drainage systems, and other bodies of water, surface or 17903
underground, natural or artificial, that are situated wholly or 17904
partially within this state or within its jurisdiction, except 17905
those private waters that do not combine or effect a junction with 17906
natural surface or underground waters. 17907

(W) "Exempt Mississippian well" means a well that meets all 17908
of the following criteria: 17909

(1) Was drilled and completed before January 1, 1980; 17910

(2) Is located in an unglaciated part of the state; 17911

(3) Was completed in a reservoir no deeper than the 17912

Mississippian Big Injun sandstone in areas underlain by	17913
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea	17914
sandstone in areas directly underlain by Permian stratigraphy;	17915
(4) Is used primarily to provide oil or gas for domestic use.	17916
(X) "Exempt domestic well" means a well that meets all of the	17917
following criteria:	17918
(1) Is owned by the owner of the surface estate of the tract	17919
on which the well is located;	17920
(2) Is used primarily to provide gas for the owner's domestic	17921
use;	17922
(3) Is located more than two hundred feet horizontal distance	17923
from any inhabited private dwelling house other than an inhabited	17924
private dwelling house located on the tract on which the well is	17925
located;	17926
(4) Is located more than two hundred feet horizontal distance	17927
from any public building that may be used as a place of resort,	17928
assembly, education, entertainment, lodging, trade, manufacture,	17929
repair, storage, traffic, or occupancy by the public.	17930
(Y) "Urbanized area" means an area where a well or production	17931
facilities of a well are located within a municipal corporation or	17932
within a township that has an unincorporated population of more	17933
than five thousand in the most recent federal decennial census	17934
prior to the issuance of the permit for the well or production	17935
facilities.	17936
(Z) "Well stimulation" or "stimulation of a well" means the	17937
process of enhancing well productivity, including hydraulic	17938
fracturing operations.	17939
(AA) "Production operation" means all operations and	17940
activities and all related equipment, facilities, and other	17941
structures that may be used in or associated with the exploration	17942

and production of oil, gas, or other mineral resources that are 17943
regulated under this chapter, including operations and activities 17944
associated with site preparation, site construction, access road 17945
construction, well drilling, well completion, well stimulation, 17946
well site activities, reclamation, and plugging. "Production 17947
operation" also includes all of the following: 17948

(1) The piping, equipment, and facilities used for the 17949
production and preparation of hydrocarbon gas or liquids for 17950
transportation or delivery; 17951

(2) The processes of extraction and recovery, lifting, 17952
stabilization, treatment, separation, production processing, 17953
storage, waste disposal, and measurement of hydrocarbon gas and 17954
liquids, including related equipment and facilities; 17955

(3) The processes and related equipment and facilities 17956
associated with production compression, gas lift, gas injection, 17957
fuel gas supply, well drilling, well stimulation, and well 17958
completion activities, including dikes, pits, and earthen and 17959
other impoundments used for the temporary storage of fluids and 17960
waste substances associated with well drilling, well stimulation, 17961
and well completion activities; 17962

(4) Equipment and facilities at a wellpad or other location 17963
that are used for the transportation, handling, recycling, 17964
temporary storage, management, processing, or treatment of any 17965
equipment, material, and by-products or other substances from an 17966
operation at a wellpad that may be used or reused at the same or 17967
another operation at a wellpad or that will be disposed of in 17968
accordance with applicable laws and rules adopted under them. 17969

(BB) "Annular overpressurization" means the accumulation of 17970
fluids within an annulus with sufficient pressure to allow 17971
migration of annular fluids into underground sources of drinking 17972
water. 17973

(CC) "Idle and orphaned well" means a well for which a bond	17974
has been forfeited or an abandoned well for which no money is	17975
available to plug the well in accordance with this chapter and	17976
rules adopted under it.	17977
(DD) "Temporarily inactive well" means a well that has been	17978
granted temporary inactive status under section 1509.062 of the	17979
Revised Code.	17980
(EE) "Material and substantial violation" means any of the	17981
following:	17982
(1) Failure to obtain a permit to drill, reopen, convert,	17983
plugback, or plug a well under this chapter;	17984
(2) Failure to obtain, maintain, update, or submit proof of	17985
insurance coverage that is required under this chapter;	17986
(3) Failure to obtain, maintain, update, or submit proof of a	17987
surety bond that is required under this chapter;	17988
(4) Failure to plug an abandoned well or idle and orphaned	17989
well unless the well has been granted temporary inactive status	17990
under section 1509.062 of the Revised Code or the chief of the	17991
division of oil and gas resources management has approved another	17992
option concerning the abandoned well or idle and orphaned well;	17993
(5) Failure to restore a disturbed land surface as required	17994
by section 1509.072 of the Revised Code;	17995
(6) Failure to reimburse the oil and gas well fund pursuant	17996
to a final order issued under section 1509.071 of the Revised	17997
Code;	17998
(7) Failure to comply with a final nonappealable order of the	17999
chief issued under section 1509.04 of the Revised Code;	18000
(8) Failure to submit a report, test result, fee, or document	18001
that is required in this chapter or rules adopted under it.	18002
(FF) "Severer" has the same meaning as in section 5749.01 of	18003

the Revised Code. 18004

(GG) "Horizontal well" means a well that is drilled for the 18005
production of oil or gas in which the wellbore reaches a 18006
horizontal or near horizontal position in the Point Pleasant, 18007
Utica, or Marcellus formation and the well is stimulated. 18008

(HH) "Well pad" means the area that is cleared or prepared 18009
for the drilling of one or more horizontal wells. 18010

Sec. 1509.02. There is hereby created in the department of 18011
natural resources the division of oil and gas resources 18012
management, which shall be administered by the chief of the 18013
division of oil and gas resources management. The division has 18014
sole and exclusive authority to regulate the permitting, location, 18015
and spacing of oil and gas wells and production operations within 18016
the state, excepting only those activities regulated under federal 18017
laws for which oversight has been delegated to the environmental 18018
protection agency and activities regulated under sections 6111.02 18019
to 6111.028 of the Revised Code. The regulation of oil and gas 18020
activities is a matter of general statewide interest that requires 18021
uniform statewide regulation, and this chapter and rules adopted 18022
under it constitute a comprehensive plan with respect to all 18023
aspects of the locating, drilling, well stimulation, completing, 18024
and operating of oil and gas wells within this state, including 18025
site construction and restoration, permitting related to those 18026
activities, and the disposal of wastes from those wells. In order 18027
to assist the division in the furtherance of its sole and 18028
exclusive authority as established in this section, the chief may 18029
enter into cooperative agreements with other state agencies for 18030
advice and consultation, including visitations at the surface 18031
location of a well on behalf of the division. Such cooperative 18032
agreements do not confer on other state agencies any authority to 18033
administer or enforce this chapter and rules adopted under it. In 18034

addition, such cooperative agreements shall not be construed to 18035
dilute or diminish the division's sole and exclusive authority as 18036
established in this section. Nothing in this section affects the 18037
authority granted to the director of transportation and local 18038
authorities in section 723.01 or 4513.34 of the Revised Code, 18039
provided that the authority granted under those sections shall not 18040
be exercised in a manner that discriminates against, unfairly 18041
impedes, or obstructs oil and gas activities and operations 18042
regulated under this chapter. 18043

The chief shall not hold any other public office, nor shall 18044
the chief be engaged in any occupation or business that might 18045
interfere with or be inconsistent with the duties as chief. 18046

All moneys collected by the chief pursuant to sections 18047
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 18048
1509.28, and 1509.34, ~~and 1509.50~~ of the Revised Code, ~~ninety per~~ 18049
~~cent of moneys received by the treasurer of state from the tax~~ 18050
~~levied in divisions (A)(5) and (6) of section 5749.02 of the~~ 18051
~~Revised Code~~, all civil penalties paid under section 1509.33 of 18052
the Revised Code, and, notwithstanding any section of the Revised 18053
Code relating to the distribution or crediting of fines for 18054
violations of the Revised Code, all fines imposed under divisions 18055
(A) and (B) of section 1509.99 of the Revised Code and fines 18056
imposed under divisions (C) and (D) of section 1509.99 of the 18057
Revised Code for all violations prosecuted by the attorney general 18058
and for violations prosecuted by prosecuting attorneys that do not 18059
involve the transportation of brine by vehicle shall be deposited 18060
into the state treasury to the credit of the oil and gas well 18061
fund, which is hereby created. Fines imposed under divisions (C) 18062
and (D) of section 1509.99 of the Revised Code for violations 18063
prosecuted by prosecuting attorneys that involve the 18064
transportation of brine by vehicle and penalties associated with a 18065
compliance agreement entered into pursuant to this chapter shall 18066

be paid to the county treasury of the county where the violation 18067
occurred. 18068

The fund shall be used solely and exclusively for the 18069
purposes enumerated in division (B) of section 1509.071 of the 18070
Revised Code, for the expenses of the division associated with the 18071
administration of this chapter and Chapter 1571. of the Revised 18072
Code and rules adopted under them, and for expenses that are 18073
critical and necessary for the protection of human health and 18074
safety and the environment related to oil and gas production in 18075
this state. The expenses of the division in excess of the moneys 18076
available in the fund shall be paid from general revenue fund 18077
appropriations to the department. 18078

Sec. 1509.071. (A) When the chief of the division of oil and 18079
gas resources management finds that an owner has failed to comply 18080
with a final nonappealable order issued or compliance agreement 18081
entered into under section 1509.04, the restoration requirements 18082
of section 1509.072, plugging requirements of section 1509.12, or 18083
permit provisions of section 1509.13 of the Revised Code, or rules 18084
and orders relating thereto, the chief shall make a finding of 18085
that fact and declare any surety bond filed to ensure compliance 18086
with those sections and rules forfeited in the amount set by rule 18087
of the chief. The chief thereupon shall certify the total 18088
forfeiture to the attorney general, who shall proceed to collect 18089
the amount of the forfeiture. In addition, the chief may require 18090
an owner, operator, producer, or other person who forfeited a 18091
surety bond to post a new surety bond in the amount of fifteen 18092
thousand dollars for a single well, thirty thousand dollars for 18093
two wells, or fifty thousand dollars for three or more wells. 18094

In lieu of total forfeiture, the surety or owner, at the 18095
surety's or owner's option, may cause the well to be properly 18096
plugged and abandoned and the area properly restored or pay to the 18097

treasurer of state the cost of plugging and abandonment. 18098

(B) All moneys collected because of forfeitures of bonds as 18099
provided in this section shall be deposited in the state treasury 18100
to the credit of the oil and gas well fund created in section 18101
1509.02 of the Revised Code. 18102

~~The chief annually shall spend not less than fourteen per~~ 18103
~~cent of the revenue credited to~~ may expend money in the fund 18104
~~during the previous fiscal year~~ for the following purposes: 18105

(1) In accordance with division (D) of this section, to plug 18106
idle and orphaned wells or to restore the land surface properly as 18107
required in section 1509.072 of the Revised Code; 18108

(2) In accordance with division (E) of this section, to 18109
correct conditions that the chief reasonably has determined are 18110
causing imminent health or safety risks at an idle and orphaned 18111
well or a well for which the owner cannot be contacted in order to 18112
initiate a corrective action within a reasonable period of time as 18113
determined by the chief. 18114

Expenditures from the fund shall be made only for lawful 18115
purposes. In addition, expenditures from the fund shall not be 18116
made to purchase real property or to remove a dwelling in order to 18117
access a well. 18118

(C)(1) Upon determining that the owner of a well has failed 18119
to properly plug and abandon it or to properly restore the land 18120
surface at the well site in compliance with the applicable 18121
requirements of this chapter and applicable rules adopted and 18122
orders issued under it or that a well is an abandoned well for 18123
which no funds are available to plug the well in accordance with 18124
this chapter, the chief shall do all of the following: 18125

(a) Determine from the records in the office of the county 18126
recorder of the county in which the well is located the identity 18127
of the owner of the land on which the well is located, the 18128

identity of the owner of the oil or gas lease under which the well 18129
was drilled or the identity of each person owning an interest in 18130
the lease, and the identities of the persons having legal title 18131
to, or a lien upon, any of the equipment appurtenant to the well; 18132

(b) Mail notice to the owner of the land on which the well is 18133
located informing the landowner that the well is to be plugged. If 18134
the owner of the oil or gas lease under which the well was drilled 18135
is different from the owner of the well or if any persons other 18136
than the owner of the well own interests in the lease, the chief 18137
also shall mail notice that the well is to be plugged to the owner 18138
of the lease or to each person owning an interest in the lease, as 18139
appropriate. 18140

(c) Mail notice to each person having legal title to, or a 18141
lien upon, any equipment appurtenant to the well, informing the 18142
person that the well is to be plugged and offering the person the 18143
opportunity to plug the well and restore the land surface at the 18144
well site at the person's own expense in order to avoid forfeiture 18145
of the equipment to this state. 18146

(2) If none of the persons described in division (C)(1)(c) of 18147
this section plugs the well within sixty days after the mailing of 18148
the notice required by that division, all equipment appurtenant to 18149
the well is hereby declared to be forfeited to this state without 18150
compensation and without the necessity for any action by the state 18151
for use to defray the cost of plugging and abandoning the well and 18152
restoring the land surface at the well site. 18153

(D) Expenditures from the fund for the purpose of division 18154
(B)(1) of this section shall be made in accordance with either of 18155
the following: 18156

(1) The expenditures may be made pursuant to contracts 18157
entered into by the chief with persons who agree to furnish all of 18158
the materials, equipment, work, and labor as specified and 18159

provided in such a contract for activities associated with the 18160
restoration or plugging of a well as determined by the chief. The 18161
activities may include excavation to uncover a well, geophysical 18162
methods to locate a buried well when clear evidence of leakage 18163
from the well exists, cleanout of wellbores to remove material 18164
from a failed plugging of a well, plugging operations, 18165
installation of vault and vent systems, including associated 18166
engineering certifications and permits, restoration of property, 18167
and repair of damage to property that is caused by such 18168
activities. Expenditures shall not be used for salaries, 18169
maintenance, equipment, or other administrative purposes, except 18170
for costs directly attributed to the plugging of an idle and 18171
orphaned well. Agents or employees of persons contracting with the 18172
chief for a restoration or plugging project may enter upon any 18173
land, public or private, on which the well is located for the 18174
purpose of performing the work. Prior to such entry, the chief 18175
shall give to the following persons written notice of the 18176
existence of a contract for a project to restore or plug a well, 18177
the names of the persons with whom the contract is made, and the 18178
date that the project will commence: the owner of the well, the 18179
owner of the land upon which the well is located, the owner or 18180
agents of adjoining land, and, if the well is located in the same 18181
township as or in a township adjacent to the excavations and 18182
workings of a mine and the owner or lessee of that mine has 18183
provided written notice identifying those townships to the chief 18184
at any time during the immediately preceding three years, the 18185
owner or lessee of the mine. 18186

(2)(a) The owner of the land on which a well is located who 18187
has received notice under division (C)(1)(b) of this section may 18188
plug the well and be reimbursed by the division of oil and gas 18189
resources management for the reasonable cost of plugging the well. 18190
In order to plug the well, the landowner shall submit an 18191
application to the chief on a form prescribed by the chief and 18192

approved by the technical advisory council on oil and gas created 18193
in section 1509.38 of the Revised Code. The application, at a 18194
minimum, shall require the landowner to provide the same 18195
information as is required to be included in the application for a 18196
permit to plug and abandon under section 1509.13 of the Revised 18197
Code. The application shall be accompanied by a copy of a proposed 18198
contract to plug the well prepared by a contractor regularly 18199
engaged in the business of plugging oil and gas wells. The 18200
proposed contract shall require the contractor to furnish all of 18201
the materials, equipment, work, and labor necessary to plug the 18202
well properly and shall specify the price for doing the work, 18203
including a credit for the equipment appurtenant to the well that 18204
was forfeited to the state through the operation of division 18205
(C)(2) of this section. Expenditures under division (D)(2)(a) of 18206
this section shall be consistent with the expenditures for 18207
activities described in division (D)(1) of this section. The 18208
application also shall be accompanied by the permit fee required 18209
by section 1509.13 of the Revised Code unless the chief, in the 18210
chief's discretion, waives payment of the permit fee. The 18211
application constitutes an application for a permit to plug and 18212
abandon the well for the purposes of section 1509.13 of the 18213
Revised Code. 18214

(b) Within thirty days after receiving an application and 18215
accompanying proposed contract under division (D)(2)(a) of this 18216
section, the chief shall determine whether the plugging would 18217
comply with the applicable requirements of this chapter and 18218
applicable rules adopted and orders issued under it and whether 18219
the cost of the plugging under the proposed contract is 18220
reasonable. If the chief determines that the proposed plugging 18221
would comply with those requirements and that the proposed cost of 18222
the plugging is reasonable, the chief shall notify the landowner 18223
of that determination and issue to the landowner a permit to plug 18224
and abandon the well under section 1509.13 of the Revised Code. 18225

Upon approval of the application and proposed contract, the chief 18226
shall transfer ownership of the equipment appurtenant to the well 18227
to the landowner. The chief may disapprove an application 18228
submitted under division (D)(2)(a) of this section if the chief 18229
determines that the proposed plugging would not comply with the 18230
applicable requirements of this chapter and applicable rules 18231
adopted and orders issued under it, that the cost of the plugging 18232
under the proposed contract is unreasonable, or that the proposed 18233
contract is not a bona fide, arm's length contract. 18234

(c) After receiving the chief's notice of the approval of the 18235
application and permit to plug and abandon a well under division 18236
(D)(2)(b) of this section, the landowner shall enter into the 18237
proposed contract to plug the well. 18238

(d) Upon determining that the plugging has been completed in 18239
compliance with the applicable requirements of this chapter and 18240
applicable rules adopted and orders issued under it, the chief 18241
shall reimburse the landowner for the cost of the plugging as set 18242
forth in the proposed contract approved by the chief. The 18243
reimbursement shall be paid from the oil and gas well fund. If the 18244
chief determines that the plugging was not completed in accordance 18245
with the applicable requirements, the chief shall not reimburse 18246
the landowner for the cost of the plugging, and the landowner or 18247
the contractor, as applicable, promptly shall transfer back to 18248
this state title to and possession of the equipment appurtenant to 18249
the well that previously was transferred to the landowner under 18250
division (D)(2)(b) of this section. If any such equipment was 18251
removed from the well during the plugging and sold, the landowner 18252
shall pay to the chief the proceeds from the sale of the 18253
equipment, and the chief promptly shall pay the moneys so received 18254
to the treasurer of state for deposit into the oil and gas well 18255
fund. 18256

The chief may establish an annual limit on the number of 18257

wells that may be plugged under division (D)(2) of this section or 18258
an annual limit on the expenditures to be made under that 18259
division. 18260

As used in division (D)(2) of this section, "plug" and 18261
"plugging" include the plugging of the well and the restoration of 18262
the land surface disturbed by the plugging. 18263

(E) Expenditures from the oil and gas well fund for the 18264
purpose of division (B)(2) of this section may be made pursuant to 18265
contracts entered into by the chief with persons who agree to 18266
furnish all of the materials, equipment, work, and labor as 18267
specified and provided in such a contract. The competitive bidding 18268
requirements of Chapter 153. of the Revised Code do not apply if 18269
the chief reasonably determines that an emergency situation exists 18270
requiring immediate action for the correction of the applicable 18271
health or safety risk. A contract or purchase of materials for 18272
purposes of addressing the emergency situation is not subject to 18273
division (B) of section 127.16 of the Revised Code. The chief, 18274
designated representatives of the chief, and agents or employees 18275
of persons contracting with the chief under this division may 18276
enter upon any land, public or private, for the purpose of 18277
performing the work. 18278

(F) Contracts entered into by the chief under this section 18279
are not subject to any of the following: 18280

(1) Chapter 4115. of the Revised Code; 18281

(2) Section 153.54 of the Revised Code, except that the 18282
contractor shall obtain and provide to the chief as a bid guaranty 18283
a surety bond or letter of credit in an amount equal to ten per 18284
cent of the amount of the contract; 18285

(3) Section 4733.17 of the Revised Code. 18286

(G) The owner of land on which a well is located who has 18287
received notice under division (C)(1)(b) of this section, in lieu 18288

of plugging the well in accordance with division (D)(2) of this 18289
section, may cause ownership of the well to be transferred to an 18290
owner who is lawfully doing business in this state and who has met 18291
the financial responsibility requirements established under 18292
section 1509.07 of the Revised Code, subject to the approval of 18293
the chief. The transfer of ownership also shall be subject to the 18294
landowner's filing the appropriate forms required under section 18295
1509.31 of the Revised Code and providing to the chief sufficient 18296
information to demonstrate the landowner's or owner's right to 18297
produce a formation or formations. That information may include a 18298
deed, a lease, or other documentation of ownership or property 18299
rights. 18300

The chief shall approve or disapprove the transfer of 18301
ownership of the well. If the chief approves the transfer, the 18302
owner is responsible for operating the well in accordance with 18303
this chapter and rules adopted under it, including, without 18304
limitation, all of the following: 18305

(1) Filing an application with the chief under section 18306
1509.06 of the Revised Code if the owner intends to drill deeper 18307
or produce a formation that is not listed in the records of the 18308
division for that well; 18309

(2) Taking title to and possession of the equipment 18310
appurtenant to the well that has been identified by the chief as 18311
having been abandoned by the former owner; 18312

(3) Complying with all applicable requirements that are 18313
necessary to drill deeper, plug the well, or plug back the well. 18314

(H) The chief shall issue an order that requires the owner of 18315
a well to pay the actual documented costs of a corrective action 18316
that is described in division (B)(2) of this section concerning 18317
the well. The chief shall transmit the money so recovered to the 18318
treasurer of state who shall deposit the money in the state 18319

treasury to the credit of the oil and gas well fund. 18320

(I) The chief may engage in cooperative projects under this 18321
section with any agency of this state, another state, or the 18322
United States; any other governmental agencies; or any state 18323
university or college as defined in section 3345.27 of the Revised 18324
Code. A contract entered into for purposes of a cooperative 18325
project is not subject to division (B) of section 127.16 of the 18326
Revised Code. 18327

Sec. 1509.11. (A)(1)(a) The owner of any well, except a 18328
horizontal well, that is producing or capable of producing oil or 18329
gas shall file with the chief of the division of oil and gas 18330
resources management, on or before the thirty-first day of March, 18331
a statement of production of oil, gas, and brine for the last 18332
preceding calendar year in such form as the chief may prescribe. 18333
An owner that has more than one hundred such wells in this state 18334
shall submit electronically the statement of production in a 18335
format that is approved by the chief. 18336

(b) The owner of an exempt domestic well designated as an 18337
exempt domestic well on or after June 30, 2010, shall remit a fee 18338
of sixty dollars for each such well to the director of the 18339
department of natural resources or the director's designee on or 18340
before the thirty-first day of March of each year, together with 18341
the annual statement filed in accordance with division (A)(1)(a) 18342
of this section or with another form prescribed by the director 18343
for that purpose. Fees collected under this division shall be 18344
credited to the oil and gas well fund. 18345

(2) The owner of any horizontal well that is producing or 18346
capable of producing oil or gas shall file with the chief, on the 18347
forty-fifth day following the close of each calendar quarter, a 18348
statement of production of oil, gas, and brine for the preceding 18349
calendar quarter in a form that the chief prescribes. An owner 18350

that has more than one hundred horizontal wells in this state 18351
shall submit electronically the statement of production in a 18352
format that is approved by the chief. 18353

(B) The chief shall not disclose information received from 18354
the department of taxation under division (C)(12) of section 18355
5703.21 of the Revised Code until the related statement of 18356
production required by division (A) of this section is filed with 18357
the chief. 18358

Sec. 1509.34. (A)(1) If an owner fails to pay the fees 18359
imposed by this chapter, or if the chief of the division of oil 18360
and gas resources management incurs costs under division (E) of 18361
section 1509.071 of the Revised Code to correct conditions 18362
associated with the owner's well that the chief reasonably has 18363
determined are causing imminent health or safety risks, the 18364
division of oil and gas resources management shall have a priority 18365
lien against that owner's interest in the applicable well in front 18366
of all other creditors for the amount of any such unpaid fees and 18367
costs incurred. The chief shall file a statement in the office of 18368
the county recorder of the county in which the applicable well is 18369
located of the amount of the unpaid fees and costs incurred as 18370
described in this division. The statement shall constitute a lien 18371
on the owner's interest in the well as of the date of the filing. 18372
The lien shall remain in force so long as any portion of the lien 18373
remains unpaid or until the chief issues a certificate of release 18374
of the lien. If the chief issues a certificate of release of the 18375
lien, the chief shall file the certificate of release in the 18376
office of the applicable county recorder. 18377

(2) A lien imposed under division (A)(1) of this section 18378
shall be in addition to any lien imposed by the attorney general 18379
for failure to pay the assessment imposed by former section 18380
1509.50 of the Revised Code or the tax levied under division 18381

(A)(5) ~~or (6)~~ to (8) of section 5749.02 of the Revised Code, as 18382
applicable. 18383

(3) If the attorney general cannot collect from a severer or 18384
an owner for an outstanding balance of amounts due under former 18385
section 1509.50 of the Revised Code or of unpaid taxes levied 18386
under ~~division~~ divisions (A)(5) ~~or (6)~~ to (8) of section 5749.02 18387
of the Revised Code, as applicable, the tax commissioner may 18388
request the chief to impose a priority lien against the owner's 18389
interest in the applicable well. Such a lien has priority in front 18390
of all other creditors. 18391

(B) The chief promptly shall issue a certificate of release 18392
of a lien under either of the following circumstances: 18393

(1) Upon the repayment in full of the amount of unpaid fees 18394
imposed by this chapter or costs incurred by the chief under 18395
division (E) of section 1509.071 of the Revised Code to correct 18396
conditions associated with the owner's well that the chief 18397
reasonably has determined are causing imminent health or safety 18398
risks; 18399

(2) Any other circumstance that the chief determines to be in 18400
the best interests of the state. 18401

(C) The chief may modify the amount of a lien under this 18402
section. If the chief modifies a lien, the chief shall file a 18403
statement in the office of the county recorder of the applicable 18404
county of the new amount of the lien. 18405

(D) An owner regarding which the division has recorded a lien 18406
against the owner's interest in a well in accordance with this 18407
section shall not transfer a well, lease, or mineral rights to 18408
another owner or person until the chief issues a certificate of 18409
release for each lien against the owner's interest in the well. 18410

(E) All money from the collection of liens under this section 18411
shall be deposited in the state treasury to the credit of the oil 18412

and gas well fund created in section 1509.02 of the Revised Code. 18413

(F) As used in this section, "former section 1509.50 of the 18414
Revised Code" means section 1509.50 of the Revised Code as it 18415
existed before its repeal by ...B... of the 132nd general 18416
assembly. 18417

Sec. 1513.08. (A) After a coal mining and reclamation permit 18418
application has been approved, the applicant shall file with the 18419
chief of the division of mineral resources management, on a form 18420
prescribed and furnished by the chief, the performance security 18421
required under this section that shall be payable to the state and 18422
conditioned on the faithful performance of all the requirements of 18423
this chapter and rules adopted under it and the terms and 18424
conditions of the permit. 18425

(B) Using the information contained in the permit 18426
application; the requirements contained in the approved permit and 18427
reclamation plan; and, after considering the topography, geology, 18428
hydrology, and revegetation potential of the area of the approved 18429
permit, the probable difficulty of reclamation; the chief shall 18430
determine the estimated cost of reclamation under the initial term 18431
of the permit if the reclamation has to be performed by the 18432
division of mineral resources management in the event of 18433
forfeiture of the performance security by the applicant. The chief 18434
shall send written notice of the amount of the estimated cost of 18435
reclamation by certified mail to the applicant. The applicant 18436
shall send written notice to the chief indicating the method by 18437
which the applicant will provide the performance security pursuant 18438
to division (C) of this section. 18439

(C) The applicant shall provide the performance security in 18440
an amount using one of the following: 18441

(1) If the applicant elects to provide performance security 18442
without reliance on the reclamation forfeiture fund created in 18443

section 1513.18 of the Revised Code, the amount of the estimated 18444
cost of reclamation as determined by the chief under division (B) 18445
of this section for the increments of land on which the operator 18446
will conduct a coal mining and reclamation operation under the 18447
initial term of the permit as indicated in the application; 18448

(2) If the applicant elects to provide performance security 18449
together with reliance on the reclamation forfeiture fund through 18450
payment of the additional tax on the severance of coal that is 18451
levied under division (A)~~(8)~~(10) of section 5749.02 of the Revised 18452
Code, an amount of twenty-five hundred dollars per acre of land on 18453
which the operator will conduct coal mining and reclamation under 18454
the initial term of the permit as indicated in the application. 18455
However, in order for an applicant to be eligible to provide 18456
performance security in accordance with division (C)(2) of this 18457
section, the applicant, an owner and controller of the applicant, 18458
or an affiliate of the applicant shall have held a permit issued 18459
under this chapter for any coal mining and reclamation operation 18460
for a period of not less than five years. In the event of 18461
forfeiture of performance security that was provided in accordance 18462
with division (C)(2) of this section, the difference between the 18463
amount of that performance security and the estimated cost of 18464
reclamation as determined by the chief under division (B) of this 18465
section shall be obtained from money in the reclamation forfeiture 18466
fund as needed to complete the reclamation. 18467

The performance security provided under division (C) of this 18468
section for the entire area to be mined under one permit issued 18469
under this chapter shall not be less than ten thousand dollars. 18470

The performance security shall cover areas of land affected 18471
by mining within or immediately adjacent to the permitted area, so 18472
long as the total number of acres does not exceed the number of 18473
acres for which the performance security is provided. However, the 18474
authority for the performance security to cover areas of land 18475

immediately adjacent to the permitted area does not authorize a 18476
permittee to mine areas outside an approved permit area. As 18477
succeeding increments of coal mining and reclamation operations 18478
are to be initiated and conducted within the permit area, the 18479
permittee shall file with the chief additional performance 18480
security to cover the increments in accordance with this section. 18481
If a permittee intends to mine areas outside the approved permit 18482
area, the permittee shall provide additional performance security 18483
in accordance with this section to cover the areas to be mined. 18484

If an applicant or permittee has not held a permit issued 18485
under this chapter for any coal mining and reclamation operation 18486
for a period of five years or more, the applicant or permittee 18487
shall provide performance security in accordance with division 18488
(C)(1) of this section in the full amount of the estimated cost of 18489
reclamation as determined by the chief for a permitted coal 18490
preparation plant or coal refuse disposal area that is not located 18491
within a permitted area of a mine. If an applicant for a permit 18492
for a coal preparation plant or coal refuse disposal area or a 18493
permittee of a permitted coal preparation plant or coal refuse 18494
disposal area that is not located within a permitted area of a 18495
mine has held a permit issued under this chapter for any coal 18496
mining and reclamation operation for a period of five years or 18497
more, the applicant or permittee may provide performance security 18498
for the coal preparation plant or coal refuse disposal area either 18499
in accordance with division (C)(1) of this section in the full 18500
amount of the estimated cost of reclamation as determined by the 18501
chief or in accordance with division (C)(2) of this section in an 18502
amount of twenty-five hundred dollars per acre of land with 18503
reliance on the reclamation forfeiture fund. If a permittee has 18504
previously provided performance security under division (C)(1) of 18505
this section for a coal preparation plant or coal refuse disposal 18506
area that is not located within a permitted area of a mine and 18507
elects to provide performance security in accordance with division 18508

(C)(2) of this section, the permittee shall submit written notice 18509
to the chief indicating that the permittee elects to provide 18510
performance security in accordance with division (C)(2) of this 18511
section. Upon receipt of such a written notice, the chief shall 18512
release to the permittee the amount of the performance security 18513
previously provided under division (C)(1) of this section that 18514
exceeds the amount of performance security that is required to be 18515
provided under division (C)(2) of this section. 18516

(D) A permittee's liability under the performance security 18517
shall be limited to the obligations established under the permit, 18518
which include completion of the reclamation plan in order to make 18519
the land capable of supporting the postmining land use that was 18520
approved in the permit. The period of liability under the 18521
performance security shall be for the duration of the coal mining 18522
and reclamation operation and for a period coincident with the 18523
operator's responsibility for revegetation requirements under 18524
section 1513.16 of the Revised Code. 18525

(E) The amount of the estimated cost of reclamation 18526
determined under division (B) of this section and the amount of a 18527
permittee's performance security provided in accordance with 18528
division (C)(1) of this section shall be adjusted by the chief as 18529
the land that is affected by mining increases or decreases or if 18530
the cost of reclamation increases or decreases. If the performance 18531
security was provided in accordance with division (C)(2) of this 18532
section and the chief has issued a cessation order under division 18533
(D)(2) of section 1513.02 of the Revised Code for failure to abate 18534
a violation of the contemporaneous reclamation requirement under 18535
division (A)(15) of section 1513.16 of the Revised Code, the chief 18536
may require the permittee to increase the amount of performance 18537
security from twenty-five hundred dollars per acre of land to five 18538
thousand dollars per acre of land. 18539

The chief shall notify the permittee, each surety, and any 18540

person who has a property interest in the performance security and 18541
who has requested to be notified of any proposed adjustment to the 18542
performance security. The permittee may request an informal 18543
conference with the chief concerning the proposed adjustment, and 18544
the chief shall provide such an informal conference. 18545

If the chief increases the amount of performance security 18546
under this division, the permittee shall provide additional 18547
performance security in an amount determined by the chief. If the 18548
chief decreases the amount of performance security under this 18549
division, the chief shall determine the amount of the reduction of 18550
the performance security and send written notice of the amount of 18551
reduction to the permittee. The permittee may reduce the amount of 18552
the performance security in the amount determined by the chief. 18553

(F) A permittee may request a reduction in the amount of the 18554
performance security by submitting to the chief documentation 18555
proving that the amount of the performance security provided by 18556
the permittee exceeds the estimated cost of reclamation if the 18557
reclamation would have to be performed by the division in the 18558
event of forfeiture of the performance security. The chief shall 18559
examine the documentation and determine whether the permittee's 18560
performance security exceeds the estimated cost of reclamation. If 18561
the chief determines that the performance security exceeds that 18562
estimated cost, the chief shall determine the amount of the 18563
reduction of the performance security and send written notice of 18564
the amount to the permittee. The permittee may reduce the amount 18565
of the performance security in the amount determined by the chief. 18566
Adjustments in the amount of performance security under this 18567
division shall not be considered release of performance security 18568
and are not subject to section 1513.16 of the Revised Code. 18569

(G) If the performance security is a bond, it shall be 18570
executed by the operator and a corporate surety licensed to do 18571
business in this state. If the performance security is a cash 18572

deposit or negotiable certificates of deposit of a bank or savings 18573
and loan association, the bank or savings and loan association 18574
shall be licensed and operating in this state. The cash deposit or 18575
market value of the securities shall be equal to or greater than 18576
the amount of the performance security required under this 18577
section. The chief shall review any documents pertaining to the 18578
performance security and approve or disapprove the documents. The 18579
chief shall notify the applicant of the chief's determination. 18580

(H) If the performance security is a bond, the chief may 18581
accept the bond of the applicant itself without separate surety 18582
when the applicant demonstrates to the satisfaction of the chief 18583
the existence of a suitable agent to receive service of process 18584
and a history of financial solvency and continuous operation 18585
sufficient for authorization to self-insure or bond the amount. 18586

(I) Performance security provided under this section may be 18587
held in trust, provided that the state is the primary beneficiary 18588
of the trust and the custodian of the performance security held in 18589
trust is a bank, trust company, or other financial institution 18590
that is licensed and operating in this state. The chief shall 18591
review the trust document and approve or disapprove the document. 18592
The chief shall notify the applicant of the chief's determination. 18593

(J) If a surety, bank, savings and loan association, trust 18594
company, or other financial institution that holds the performance 18595
security required under this section becomes insolvent, the 18596
permittee shall notify the chief of the insolvency, and the chief 18597
shall order the permittee to submit a plan for replacement 18598
performance security within thirty days after receipt of notice 18599
from the chief. If the permittee provided performance security in 18600
accordance with division (C)(1) of this section, the permittee 18601
shall provide the replacement performance security within ninety 18602
days after receipt of notice from the chief. If the permittee 18603
provided performance security in accordance with division (C)(2) 18604

of this section, the permittee shall provide the replacement 18605
performance security within one year after receipt of notice from 18606
the chief, and, for a period of one year after the permittee's 18607
receipt of notice from the chief or until the permittee provides 18608
the replacement performance security, whichever occurs first, 18609
money in the reclamation forfeiture fund shall be the permittee's 18610
replacement performance security in an amount not to exceed the 18611
estimated cost of reclamation as determined by the chief. 18612

(K) If a permittee provided performance security in 18613
accordance with division (C)(1) of this section, the permittee's 18614
responsibility for repairing material damage and replacement of 18615
water supply resulting from subsidence shall be satisfied by 18616
either of the following: 18617

(1) The purchase prior to mining of a noncancelable 18618
premium-prepaid liability insurance policy in lieu of the 18619
permittee's performance security for subsidence damage. The 18620
insurance policy shall contain terms and conditions that 18621
specifically provide coverage for repairing material damage and 18622
replacement of water supply resulting from subsidence. 18623

(2) The provision of additional performance security in the 18624
amount of the estimated cost to the division of mineral resources 18625
management to repair material damage and replace water supplies 18626
resulting from subsidence until the repair or replacement is 18627
completed. However, if such repair or replacement is completed, or 18628
compensation for structures that have been damaged by subsidence 18629
is provided, by the permittee within ninety days of the occurrence 18630
of the subsidence, additional performance security is not 18631
required. In addition, the chief may extend the ninety-day period 18632
for a period not to exceed one year if the chief determines that 18633
the permittee has demonstrated in writing that subsidence is not 18634
complete and that probable subsidence-related damage likely will 18635
occur and, as a result, the completion of repairs of 18636

subsidence-related material damage to lands or protected 18637
structures or the replacement of water supply within ninety days 18638
of the occurrence of the subsidence would be unreasonable. 18639

(L) If the performance security provided in accordance with 18640
this section exceeds the estimated cost of reclamation, the chief 18641
may authorize the amount of the performance security that exceeds 18642
the estimated cost of reclamation together with any interest or 18643
other earnings on the performance security to be paid to the 18644
permittee. 18645

(M) A permittee that held a valid coal mining and reclamation 18646
permit immediately prior to April 6, 2007, shall provide, not 18647
later than a date established by the chief, performance security 18648
in accordance with division (C)(1) or (2) of this section, rather 18649
than in accordance with the law as it existed prior to that date, 18650
by filing it with the chief on a form that the chief prescribes 18651
and furnishes. Accordingly, for purposes of this section, 18652
"applicant" is deemed to include such a permittee. 18653

(N) As used in this section: 18654

(1) "Affiliate of the applicant" means an entity that has a 18655
parent entity in common with the applicant. 18656

(2) "Owner and controller of the applicant" means a person 18657
that has any relationship with the applicant that gives the person 18658
authority to determine directly or indirectly the manner in which 18659
the applicant conducts coal mining operations. 18660

Sec. 1513.18. (A) All money that becomes the property of the 18661
state under division (G) of section 1513.16 of the Revised Code 18662
shall be deposited in the reclamation forfeiture fund, which is 18663
hereby created in the state treasury. Disbursements from the fund 18664
shall be made by the chief of the division of mineral resources 18665
management for the purpose of reclaiming areas of land affected by 18666

coal mining under a coal mining and reclamation permit issued on 18667
or after September 1, 1981, on which an operator has defaulted. 18668

(B) The fund also shall consist of all money from the 18669
collection of liens under section 1513.081 of the Revised Code, 18670
~~any moneys transferred to it under section 1513.181 of the Revised~~ 18671
~~Code from the coal mining and reclamation reserve fund created in~~ 18672
~~that section,~~ all money credited to the fund from the fee levied 18673
by division (F)(8)(c) of section 1513.16 of the Revised Code, 18674
fines collected under division (E) of section 1513.02 and section 18675
1513.99 of the Revised Code, fines collected for a violation of 18676
section 2921.31 of the Revised Code that, prior to July 1, 1996, 18677
would have been a violation of division (G) of section 1513.17 of 18678
the Revised Code as it existed prior to that date, and ~~moneys~~ 18679
money collected and credited to it pursuant to section 5749.02 of 18680
the Revised Code. Disbursements from the fund shall be made by the 18681
chief in accordance with division (D) of this section for the 18682
purpose of reclaiming areas that an operator has affected by 18683
mining and failed to reclaim under a coal mining and reclamation 18684
permit issued under this chapter. 18685

The chief may expend ~~moneys~~ money from the fund to pay 18686
necessary administrative costs, including engineering and design 18687
services, incurred by the division of mineral resources management 18688
in reclaiming these areas. The chief also may expend ~~moneys~~ money 18689
from the fund to pay necessary administrative costs of the 18690
reclamation forfeiture fund advisory board created in section 18691
1513.182 of the Revised Code as authorized by the board under that 18692
section. Expenditures from the fund to pay such administrative 18693
costs need not be made under contract. 18694

(C) Except when paying necessary administrative costs 18695
authorized by division (B) of this section, expenditures from the 18696
fund shall be made under contracts entered into by the chief, with 18697
the approval of the director of natural resources, in accordance 18698

with procedures established by the chief, by rules adopted in 18699
accordance with section 1513.02 of the Revised Code. The chief may 18700
reclaim the land in the same manner as set forth in sections 18701
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 18702
the chief shall be awarded to the lowest responsive and 18703
responsible bidder, in accordance with section 9.312 of the 18704
Revised Code, after sealed bids are received, opened, and 18705
published at the time and place fixed by the chief. The chief 18706
shall publish notice of the time and place at which bids will be 18707
received, opened, and published, at least once and at least ten 18708
days before the date of the opening of the bids, in a newspaper of 18709
general circulation in the county in which the area of land to be 18710
reclaimed under the contract is located. If, after advertising, no 18711
bids are received at the time and place fixed for receiving them, 18712
the chief may advertise again for bids, or, if the chief considers 18713
the public interest will best be served, the chief may enter into 18714
a contract for the reclamation of the area of land without further 18715
advertisement for bids. The chief may reject any or all bids 18716
received and again publish notice of the time and place at which 18717
bids for contracts will be received, opened, and published. The 18718
chief, with the approval of the director, may enter into a 18719
contract with the landowner, a coal mine operator or surface mine 18720
operator mining under a current, valid permit issued under this 18721
chapter or Chapter 1514. of the Revised Code, or a contractor 18722
hired by the surety or trustee, if the performance security is 18723
held in trust, to complete reclamation on land affected by coal 18724
mining on which an operator has defaulted, or with a contractor 18725
hired by the trust administrator of an alternative financial 18726
security that is provided in accordance with division (F)(8) of 18727
section 1513.16 of the Revised Code to provide long-term water 18728
treatment or a long-term alternative water supply on areas 18729
affected by coal mining on which a permittee has defaulted or not 18730
fully funded an alternative financial security, without 18731

advertising for bids. 18732

(D)(1) The chief shall expend money credited to the 18733
reclamation forfeiture fund from the forfeiture of the performance 18734
security applicable to an area of land to pay for the cost of 18735
completing reclamation to the standards established by this 18736
chapter and rules adopted under it. 18737

(2) If the performance security for the area of land was 18738
provided under division (C)(1) of section 1513.08 of the Revised 18739
Code, the chief shall use the money from the forfeited performance 18740
security and any alternative financial security provided under 18741
division (F)(8) of section 1513.16 of the Revised Code to complete 18742
the reclamation that the operator failed to do under the 18743
operator's applicable coal mining and reclamation permit issued 18744
under this chapter. 18745

(3) If the performance security for the area of land was 18746
provided under division (C)(2) of section 1513.08 of the Revised 18747
Code, the chief shall use the money from the forfeited performance 18748
security and any alternative financial security provided under 18749
division (F)(8) of section 1513.16 of the Revised Code to complete 18750
the reclamation that the operator failed to do under the 18751
operator's applicable coal mining and reclamation permit issued 18752
under this chapter. If the money credited to the reclamation 18753
forfeiture fund from the forfeiture of the performance security 18754
provided under division (C)(2) of section 1513.08 of the Revised 18755
Code and any alternative financial security provided under 18756
division (F)(8) of section 1513.16 of the Revised Code is not 18757
sufficient to complete the reclamation to the standards 18758
established by this chapter and rules adopted under it, the chief 18759
shall notify the reclamation forfeiture fund advisory board of the 18760
amount of the insufficiency. The chief may expend money credited 18761
to the reclamation forfeiture fund under section 5749.02 of the 18762
Revised Code, or credited to the reclamation forfeiture fund from 18763

the fee levied by division (F)(8)(c) of section 1513.16 of the 18764
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 18765
~~the Revised Code~~ to complete the reclamation to the standards 18766
established by this chapter and rules adopted under it. Except as 18767
provided in division (D)(5) of this section, the chief shall not 18768
expend money from the fund in an amount that exceeds the 18769
difference between the amount of the performance security provided 18770
under division (C)(2) of section 1513.08 of the Revised Code and 18771
the estimated cost of reclamation as determined by the chief under 18772
divisions (B) and (E) of that section. 18773

(4) Except as provided in division (D)(5) of this section, 18774
money from the reclamation forfeiture fund shall not be used for 18775
reclamation of land or water resources affected by mine drainage 18776
that requires extended water treatment after reclamation is 18777
completed under the terms of the permit. In addition, money from 18778
the reclamation forfeiture fund shall not be used to supplement 18779
the performance security of an applicant or permittee that has 18780
provided performance security in accordance with division (C)(1) 18781
of section 1513.08 of the Revised Code. 18782

(5) If a permittee relies in part on the reclamation 18783
forfeiture fund for alternative financial security under division 18784
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 18785
reclamation forfeiture fund may be used for reclamation of the 18786
land or water resources affected by mine drainage that requires 18787
water treatment after reclamation is completed under the terms of 18788
the permit or an alternative water supply after reclamation is 18789
completed under the terms of the permit in an amount not to exceed 18790
the balance of the alternative financial security provided by the 18791
reclamation forfeiture fund under that division. 18792

(E) The chief shall keep a detailed accounting of the 18793
expenditures from the reclamation forfeiture fund to complete 18794
reclamation of the land or water resources, as applicable, and, 18795

upon completion of the reclamation, shall certify the expenditures 18796
to the attorney general. Upon the chief's certification of the 18797
expenditures from the reclamation forfeiture fund, the attorney 18798
general shall bring an action for that amount of money. The 18799
operator is liable for that expense in addition to any other 18800
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 18801
credited to the reclamation forfeiture fund. The chief shall not 18802
postpone the reclamation because of any action brought by the 18803
attorney general under this division. Prior to completing 18804
reclamation, the chief may collect through the attorney general 18805
any additional amount that the chief believes will be necessary 18806
for reclamation in excess of the forfeited performance security 18807
and any alternative financial security amount applicable to the 18808
land or water resources that the operator should have, but failed 18809
to, reclaim. 18810

(F) Except as otherwise provided in division (H) of this 18811
section, if any part of the ~~moneys~~ money in the reclamation 18812
forfeiture fund remains in the fund after the chief has caused the 18813
area of land to be reclaimed and has paid all the reclamation 18814
costs and expenses, the chief may expend those ~~moneys~~ money to 18815
complete other reclamation work performed under this section on 18816
forfeiture areas affected under a coal mining and reclamation 18817
permit issued on or after September 1, 1981. 18818

(G) The chief shall require every contractor performing 18819
reclamation work pursuant to this section to pay workers at the 18820
greater of their regular rate of pay, as established by contract, 18821
agreement, or prior custom or practice, or the average wage rate 18822
paid in this state for the same or similar work as determined by 18823
the chief under section 1513.02 of the Revised Code. 18824

(H) All investment earnings of the fund shall be credited to 18825
the fund and shall be used only for the reclamation of land for 18826
which performance security was provided under division (C)(2) of 18827

section 1513.08 of the Revised Code. 18828

Sec. 1513.182. (A) There is hereby created the reclamation 18829
forfeiture fund advisory board consisting of the director of 18830
natural resources, the director of insurance, and seven members 18831
appointed by the governor with the advice and consent of the 18832
senate. Of the governor's appointments, one shall be a certified 18833
public accountant, one shall be a registered professional engineer 18834
with experience in reclamation of mined land, two shall represent 18835
agriculture, agronomy, or forestry, one shall be a representative 18836
of operators of coal mining operations that have valid permits 18837
issued under this chapter and that have provided performance 18838
security under division (C)(1) of section 1513.08 of the Revised 18839
Code, one shall be a representative of operators of coal mining 18840
operations that have valid permits issued under this chapter and 18841
that have provided performance security under division (C)(2) of 18842
section 1513.08 of the Revised Code, and one shall be a 18843
representative of the public. 18844

Of the original members appointed by the governor, two shall 18845
serve an initial term of two years, three an initial term of three 18846
years, and two an initial term of four years. Thereafter, terms of 18847
appointed members shall be for four years, with each term ending 18848
on the same date as the original date of appointment. An appointed 18849
member shall hold office from the date of appointment until the 18850
end of the term for which the member was appointed. Vacancies 18851
shall be filled in the same manner as original appointments. A 18852
member appointed to fill a vacancy occurring prior to the 18853
expiration of the term for which the member's predecessor was 18854
appointed shall hold office for the remainder of that term. A 18855
member shall continue in office subsequent to the expiration date 18856
of the member's term until the member's successor takes office or 18857
until a period of sixty days has elapsed, whichever occurs first. 18858
The governor may remove an appointed member of the board for 18859

misfeasance, nonfeasance, or malfeasance. 18860

The directors of natural resources and insurance shall not 18861
receive compensation for serving on the board, but shall be 18862
reimbursed for the actual and necessary expenses incurred in the 18863
performance of their duties as members of the board. The members 18864
appointed by the governor shall receive per diem compensation 18865
fixed pursuant to division (J) of section 124.15 of the Revised 18866
Code and reimbursement for the actual and necessary expenses 18867
incurred in the performance of their duties. 18868

(B) The board annually shall elect from among its members a 18869
chairperson, a vice-chairperson, and a secretary to record the 18870
board's meetings. 18871

(C) The board shall hold meetings as often as necessary as 18872
the chairperson or a majority of the members determines. 18873

(D) The board shall establish procedures for conducting 18874
meetings and for the election of its chairperson, 18875
vice-chairperson, and secretary. 18876

(E) The board shall do all of the following: 18877

(1) Review the deposits into and expenditures from the 18878
reclamation forfeiture fund created in section 1513.18 of the 18879
Revised Code; 18880

(2) Retain periodically a qualified actuary to perform an 18881
actuarial study of the reclamation forfeiture fund; 18882

(3) Based on an actuarial study and as determined necessary 18883
by the board, adopt rules in accordance with Chapter 119. of the 18884
Revised Code to adjust the rate of the tax levied under division 18885
(A){8}(10) of section 5749.02 of the Revised Code and the balance 18886
of the reclamation forfeiture fund that pertains to that rate; 18887

(4) Evaluate any rules, procedures, and methods for 18888
estimating the cost of reclamation for purposes of determining the 18889

amount of performance security that is required under section 18890
1513.08 of the Revised Code; the collection of forfeited 18891
performance security; payments to the reclamation forfeiture fund; 18892
reclamation of sites for which operators have forfeited the 18893
performance security; and the compliance of operators with their 18894
reclamation plans; 18895

(5) Provide a forum for discussion of issues related to the 18896
reclamation forfeiture fund and the performance security that is 18897
required under section 1513.08 of the Revised Code; 18898

(6) Submit a report biennially to the governor that describes 18899
the financial status of the reclamation forfeiture fund and the 18900
adequacy of the amount of money in the fund to accomplish the 18901
purposes of the fund and that may discuss any matter related to 18902
the performance security that is required under section 1513.08 of 18903
the Revised Code; 18904

(7) Make recommendations to the governor, if necessary, of 18905
alternative methods of providing money for or using money in the 18906
reclamation forfeiture fund and issues related to the reclamation 18907
of land or water resources that have been adversely affected by 18908
past coal mining for which the performance security was forfeited; 18909

(8) Adopt rules in accordance with Chapter 119. of the 18910
Revised Code that are necessary to administer this section. 18911

Sec. 1513.20. The chief of the division of mineral resources 18912
management, with the approval of the director of natural 18913
resources, may purchase or acquire by gift, donation, or 18914
contribution any eroded land, including land affected by strip 18915
mining, for which no cash is held in the reclamation forfeiture 18916
fund created by section 1513.18 of the Revised Code. For this 18917
purpose the chief may expend ~~moneys~~ money deposited in the 18918
~~unreclaimed lands~~ mining regulation and safety fund created by 18919
section 1513.30 of the Revised Code. All lands purchased or 18920

acquired shall be deeded to the state, but no deed shall be 18921
accepted or the purchase price paid until the title has been 18922
approved by the attorney general. 18923

Sec. 1513.25. After completion of the reclamation of a tract 18924
of land acquired pursuant to section 1513.20 of the Revised Code, 18925
the chief of the division of mineral resources management may, if 18926
the land is suitable to the uses of any other department, 18927
division, office, or institution of the state, transfer the land 18928
or tract to that department, division, office, or institution, 18929
subject to the approval of the director of natural resources. 18930

With the approval of the attorney general and the director, 18931
the chief may sell any such land or tract, after completion of the 18932
plan of reclamation, when the sale is advantageous to the state. 18933

With the approval of the attorney general and the director, 18934
the chief may grant easements and leases on the land or tract 18935
under terms advantageous to the state, and may grant mineral 18936
rights on a royalty basis. 18937

All ~~moneys~~ money received from the sale of reclaimed lands, 18938
or in payment for easements, leases, or royalties, shall be paid 18939
to the ~~unreclaimed lands~~ mining regulation and safety fund created 18940
in section 1513.30 of the Revised Code. 18941

Sec. 1513.27. As used in this section and sections 1513.28, 18942
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 18943
adjacent property" means physical injury or harm to nearby 18944
property caused by the unreclaimed condition of lands mined prior 18945
to April 10, 1972, or pursuant to a license issued prior to April 18946
10, 1972, including, without limitation, injury or harm to 18947
vegetation on adjacent property, pollution of surface or 18948
underground waters on adjacent property, loss or interruption of 18949
water supply on adjacent property, flow of acid water onto or 18950

across adjacent property, flooding of adjacent property, 18951
landslides onto or across adjacent property, erosion of adjacent 18952
property, or deposition of sediment upon adjacent property. Damage 18953
to adjacent property does not include any diminution of the market 18954
value of adjacent property caused exclusively by the visual or 18955
aesthetic appearance of such unreclaimed lands. 18956

The chief of the division of mineral resources management, 18957
with the approval of the director of natural resources, may enter 18958
into a written agreement, which may be in the form of a contract, 18959
with the owner of any unreclaimed land affected by mining before 18960
April 10, 1972, or pursuant to a license issued before April 10, 18961
1972, that causes or may cause pollution of the waters of the 18962
state or damage to adjacent property, is not likely to be mined in 18963
the foreseeable future, and lies within the boundaries of a 18964
project area approved by the chief under section 1513.30 of the 18965
Revised Code, under which the state or its agents may enter the 18966
land to reclaim it at state expense with ~~moneys~~ money from the 18967
~~unreclaimed lands~~ mining regulation and safety fund by 18968
establishing vegetative cover and substantially reducing or 18969
eliminating erosion, sedimentation, landslides, pollution, 18970
accumulation or discharge of acid water, flooding, and damage to 18971
adjacent property. The agreement may include provisions pertaining 18972
to liability for damages and any other provisions necessary or 18973
desirable to achieve the purposes of this section. 18974

If the chief makes a finding of fact that land or water 18975
resources have been adversely affected by past coal mining 18976
practices; if the adverse effects are at a stage where, in the 18977
public interest, action to restore, reclaim, abate, control, or 18978
prevent the adverse effects should be taken; and if the owners of 18979
the affected land or water resources either are not known or 18980
readily available or will not give permission for the state, 18981
political subdivisions, or their agents, employees, or contractors 18982

to enter on the property to restore, reclaim, abate, control, or 18983
prevent the adverse effects, the chief or the chief's agents, 18984
employees, or contractors may enter on the affected property in 18985
order to do all things necessary or expedient to restore, reclaim, 18986
abate, control, or prevent the adverse effects. Prior to entering 18987
on the property, the chief or the chief's agents, employees, or 18988
contractors shall give notice by mail to the owners, if known, or, 18989
if not known, by posting notice on the premises and advertising 18990
once in a newspaper of general circulation in the county or 18991
municipal corporation in which the land lies. Such an entry shall 18992
be construed as an exercise of the police power for the protection 18993
of public health, safety, and welfare and shall not be construed 18994
as an act of condemnation of property or of trespass. The ~~moneys~~ 18995
money expended for the work and the benefits accruing to any 18996
premises so entered upon shall be chargeable against land and 18997
shall mitigate or offset any claim in or any action brought by any 18998
owner of any interest in the premises for any alleged damages by 18999
virtue of the entry. This provision is not intended to create new 19000
rights of action or eliminate existing immunities. 19001

Each agreement entered into pursuant to this section shall 19002
contain provisions for the reimbursement of a portion of the costs 19003
of the reclamation that is commensurate with the increase in the 19004
fair market value of the property attributable to the reclamation 19005
work thereon, as determined by appraisals made before and after 19006
reclamation in the manner stated in the agreement, unless the 19007
determination discloses an increase in value that is 19008
insubstantial. For reimbursement of the portion, the agreement may 19009
include provisions for any of the following: 19010

(A) Public use for soil, water, forest, or wildlife 19011
conservation or public recreation purposes; 19012

(B) Payment to the state of the share of the income from the 19013
crops or timber produced on the land that is stated in the 19014

agreement; 19015

(C) Imposition of a lien in the amount of the increase in 19016
fair market value payable upon transfer or conveyance of the 19017
property to a new owner. All such reimbursements and payments 19018
shall be credited to the ~~unreclaimed lands~~ mining regulation and 19019
safety fund. 19020

(D) Payment to the state in cash of the amount of the 19021
increase in fair market value, payable upon completion of the 19022
reclamation. 19023

For the purpose of selecting lands to be reclaimed within the 19024
boundaries of approved project areas, the chief shall consult the 19025
owners of unreclaimed lands, may consult with local officials, 19026
civic and professional organizations, and interested individuals, 19027
and shall consider the feasibility, cost, and public benefits of 19028
reclaiming particular lands, their potential for being mined, and 19029
the availability of federal or other assistance for reclamation. 19030
Before entering into the agreement, the chief shall prepare or 19031
approve a detailed plan with topographic maps indicating the 19032
reclamation improvements to be made. The plan may include 19033
improvements recommended by the owner, but may not include 19034
improvements that the chief finds are not necessary to establish 19035
vegetative cover or substantially reduce or eliminate erosion, 19036
sedimentation, landslides, pollution, accumulation or discharge of 19037
acid water, flooding, or damage to adjacent property. 19038

With the approval of the director and upon entering into the 19039
agreement with the owner, the chief may carry out the plan of 19040
reclamation or any part thereof with the employees and equipment 19041
of any division of the department of natural resources, or the 19042
chief may carry out the plan or any part thereof by contracting 19043
therefor. 19044

The chief, with the approval of the director and written 19045

consent of the owner, may enter into a contract with an operator 19046
mining adjacent land under a current, valid permit to carry out 19047
the plan of reclamation on the unreclaimed land or any part of the 19048
plan without advertising for bids. Contracts entered into with 19049
operators mining adjacent land are not subject to division (B) of 19050
section 127.16 of the Revised Code. 19051

The chief shall require every operator mining adjacent land 19052
who performs reclamation work pursuant to this section to pay 19053
workers at the greater of their regular rate of pay, as 19054
established by contract, agreement, or prior custom or practice, 19055
or the average wage rate paid in this state for the same or 19056
similar work performed in the same or similar locality by private 19057
companies doing their own reclamation work. Each contract awarded 19058
by the chief to other than an operator mining adjacent land shall 19059
be awarded to the lowest responsible bidder after sealed bids are 19060
received, opened, and published at the time and place fixed by the 19061
chief. The chief shall publish notice of the time and place at 19062
which bids will be received, opened, and published, at least once 19063
at least ten days before the date of the opening of the bids, in a 19064
newspaper of general circulation in the county in which the area 19065
of land to be reclaimed under the contract is located. If, after 19066
so advertising for bids, no bids are received by the chief at the 19067
time and place fixed for receiving them, the chief may advertise 19068
again for bids, or, if the chief considers the public interest 19069
will be best served, the chief may enter into a contract for the 19070
reclamation of the area of land without further advertisement for 19071
bids. The chief may reject all bids received and again publish 19072
notice of the time and place at which bids for contracts will be 19073
received, opened, and published. The chief, with the approval of 19074
the director and written consent of the owner, may enter into a 19075
contract with a licensed mine operator mining adjacent land under 19076
a valid permit to carry out the plan of reclamation on the 19077
unreclaimed land or any part of the plan without advertising for 19078

bids. 19079

Sec. 1513.28. The chief of the division of mineral resources 19080
management, with the approval of the director of natural 19081
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 19082
~~lands~~ mining regulation and safety fund created by section 1513.30 19083
of the Revised Code for the payment by the state of up to 19084
seventy-five per cent of the reasonable and necessary reclamation 19085
expenses incurred by the owner of any unreclaimed land affected by 19086
mining before April 10, 1972, or pursuant to a license issued 19087
before April 10, 1972, that causes or may cause pollution of the 19088
waters of the state or damage to adjacent property, is not likely 19089
to be mined in the foreseeable future, and lies within the 19090
boundaries of a project area approved by the chief under section 19091
1513.30 of the Revised Code. 19092

The owner shall submit application for a grant on forms 19093
furnished by the division, together with detailed plans and 19094
topographic maps indicating the reclamation improvements to be 19095
made, an itemized estimate of the project's cost, a description of 19096
the project's benefits, and such other information as the chief 19097
prescribes. The plan of reclamation may be prepared in 19098
consultation with a local soil and water conservation district. 19099

The chief may award the applicant a grant only after finding 19100
that the proposed reclamation work will establish vegetative cover 19101
and substantially reduce or eliminate erosion, sedimentation, 19102
landslides, pollution, accumulation or discharge of acid water, 19103
flooding, and damage to adjacent property. 19104

For the purpose of establishing priorities for awarding 19105
grants under this section and section 1513.31 of the Revised Code, 19106
the chief shall consider each project's feasibility, cost, and 19107
public benefits of reclaiming the particular land, its potential 19108
for being mined, and the availability of federal or other 19109

financial assistance for reclamation. 19110

The chief shall determine the amount of a grant under this 19111
section based upon the chief's determination of what constitutes 19112
reasonable and necessary expenses actually incurred for 19113
establishing vegetative cover, substantially reducing or 19114
eliminating erosion, sedimentation, landslides, pollution, 19115
accumulation or discharge of acid water, flooding, or damage to 19116
adjacent property, and preparing the plan of reclamation. The 19117
owner may elect to have other improvements made concurrently, but 19118
in no event shall any part of the grant be made for such other 19119
improvements, and in no event shall the amount of the grant exceed 19120
seventy-five per cent of the total amount, determined by the 19121
chief, of what constitutes reasonable and necessary expenses 19122
actually incurred for the reclamation measures listed in this 19123
section. 19124

The chief shall enter into a contract for funding with each 19125
applicant awarded a grant to ensure that the ~~moneys~~ money granted 19126
are used for the purposes of this section and that the reclamation 19127
work is properly done. The final payment may not be made until the 19128
chief inspects and approves the completed reclamation work. 19129

Each such contract shall contain provisions for the 19130
reimbursement of a portion of the costs of the reclamation that is 19131
commensurate with the increase in the fair market value of the 19132
property attributable to the reclamation work thereon, as 19133
determined by appraisals made before and after reclamation in the 19134
manner stated in the agreement, unless such determination 19135
discloses an increase in value that is insubstantial in comparison 19136
to the benefits to the public from the abatement of pollution or 19137
prevention of damage to adjacent property, considering the 19138
applicant's share of the reclamation cost. For reimbursement of 19139
such portion, the contract may include provisions for: 19140

(A) Public use for soil, water, forest, or wildlife 19141

conservation or public recreation purposes; 19142

(B) Payment to the state of the share of the income from the 19143
crops or timber produced on the land that is stated in the 19144
agreement; 19145

(C) Imposition of a lien in the amount of the increase in 19146
fair market value payable upon transfer or conveyance of the 19147
property to a new owner; 19148

(D) Payment to the state in cash in the amount of the 19149
increase in fair market value, payable upon completion of the 19150
reclamation. 19151

All such reimbursements and payments shall be credited to the 19152
~~unreclaimed lands~~ mining regulation and safety fund. 19153

Not more than forty per cent of the money credited to the 19154
fund during the preceding calendar year may be expended during a 19155
calendar year for grants under this section. 19156

The chief shall require every landowner performing 19157
reclamation work pursuant to this section to pay workers at the 19158
greater of their regular rate of pay, as established by contract, 19159
agreement, or prior custom or practice, or the average wage rate 19160
in this state for the same or similar work performed in the same 19161
or similar locality by private companies doing their own 19162
reclamation work. 19163

Sec. 1513.30. (A) There is hereby created in the state 19164
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 19165
to be administered by the chief of the division of mineral 19166
resources management ~~and~~. The fund shall be used for the purpose 19167
~~of reclaiming following purposes:~~ 19168

(1) Reclaiming land, public or private, affected by mining, 19169
or controlling mine drainage, for which no cash is held in the 19170
reclamation forfeiture fund created in section 1513.18 of the 19171

Revised Code ~~or the surface mining fund created in section;~~ 19172

(2) Specified purposes in sections 1514.06, 1514.11, and 19173
1561.48 of the Revised Code; 19174

(3) Administration and enforcement of Chapter 1513. of the 19175
Revised Code. 19176

All investment earnings of the fund shall be deposited into 19177
the fund. 19178

(B) In order to direct expenditures from the unreclaimed 19179
lands mining regulation and safety fund toward reclamation 19180
projects that fulfill priority needs and provide the greatest 19181
public benefits, the chief periodically shall consider projects to 19182
be financed from the ~~unreclaimed lands~~ mining regulation and 19183
safety fund. For the purpose of selecting project areas and 19184
determining the boundaries of project areas, the chief shall 19185
consider the feasibility, cost, and public benefits of reclaiming 19186
the areas, their potential for being mined, the availability of 19187
federal or other financial assistance for reclamation, and the 19188
geographic distribution of project areas to ensure fair 19189
distribution among affected areas. 19190

(C) The chief shall give priority to areas where there is 19191
little or no likelihood of mining within the foreseeable future, 19192
reclamation is feasible at reasonable cost with available funds, 19193
and either of the following applies: 19194

~~(A)~~(1) The pollution of the waters of the state and damage to 19195
adjacent property are most severe and widespread. 19196

~~(B)~~(2) Reclamation will make possible public uses for soil, 19197
water, forest, or wildlife conservation or public recreation 19198
purposes, will facilitate orderly commercial or industrial site 19199
development, or will facilitate the use or improve the enjoyment 19200
of nearby public conservation or recreation lands. 19201

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation and safety fund for reclamation projects may be made only for projects that are within the boundaries of project areas approved by the chief. Expenditures from the ~~unreclaimed lands~~ mining regulation and safety fund shall be made by the chief, with the approval of the director of natural resources.

~~The chief may expend an amount not to exceed twenty per cent of the moneys credited annually by the treasurer of state to the unreclaimed lands fund for the purpose of administering the fund.~~

(E) The chief may engage in cooperative projects under this section with any agency of the United States, appropriate state agencies, or state universities or colleges as defined in section 3345.27 of the Revised Code and may transfer money from the fund to other appropriate state agencies or to state universities or colleges in order to carry out the reclamation activities authorized by this section.

~~If the director of natural resources determines it to be necessary, the director may request the controlling board to transfer an amount of money from the fund to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.~~

Sec. 1513.31. For the purpose of promoting local or regional economic or community development, the chief of the division of mineral resources management, with the approval of the director of natural resources, may make grants of money from the ~~unreclaimed lands~~ mining regulation and safety fund created by section 1513.30 of the Revised Code for the payment by the state of up to seventy-five per cent of the reasonable and necessary expenses incurred by a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of

the Revised Code for the reclamation of any unreclaimed land 19233
affected by mining before April 10, 1972, or pursuant to a license 19234
issued before April 10, 1972, that is owned by the political 19235
subdivision or corporation, is to be reclaimed for the purpose of 19236
commercial or industrial site development by the political 19237
subdivision or corporation or the development of recreational 19238
facilities by the political subdivision, and lies within the 19239
boundaries of a project area approved by the chief. 19240

The owner shall submit an application for a grant on forms 19241
furnished by the division of mineral resources management together 19242
with detailed plans and topographic maps indicating the 19243
reclamation improvements to be made, an itemized estimate of the 19244
project's cost, a description of the project's benefits, and such 19245
other information as the chief prescribes. The chief may award the 19246
applicant a grant only after finding that the proposed reclamation 19247
work will render the unreclaimed land suitable for commercial, 19248
industrial, or, if the land is owned by a political subdivision, 19249
recreational site development and will substantially reduce or 19250
eliminate the damage, if any, to adjacent property that is or may 19251
be caused by the condition of the unreclaimed land. 19252

The chief shall determine the amount of the grant based upon 19253
the chief's determination of what constitutes reasonable and 19254
necessary expenses actually incurred for preparing the plan of 19255
reclamation; preparing the unreclaimed land for commercial, 19256
industrial, or, in the case of land owned by a political 19257
subdivision, recreational site development, including backfilling, 19258
grading, resoiling, planting, or other work to restore the land to 19259
a condition suitable for such development; and, if the condition 19260
of the unreclaimed land so requires, establishing vegetative cover 19261
or substantially reducing or eliminating erosion, sedimentation, 19262
landslides, pollution, accumulation or discharge of acid water, 19263
flooding, or damage to adjacent property. The owner may have other 19264

improvements made concurrently with the reclamation work, but 19265
shall not spend any part of the grant for such other improvements. 19266
No grant shall exceed seventy-five per cent of the total amount, 19267
as determined by the chief, of what constitutes reasonable and 19268
necessary expenses actually incurred for the reclamation measures 19269
listed in this section. 19270

The chief shall enter into a contract for funding with each 19271
applicant awarded a grant in order to ensure that the ~~moneys~~ money 19272
granted are used for the purposes of this section and that the 19273
reclamation work is properly done. The final payment under a grant 19274
may not be made until the chief inspects and approves the 19275
completed reclamation work. 19276

Sec. 1513.32. For the purpose of promoting local or regional 19277
economic or community development, the chief of the division of 19278
mineral resources management, with the approval of the director of 19279
natural resources, may enter into a written agreement, which may 19280
be in the form of a contract, with a political subdivision, 19281
community improvement corporation incorporated under Chapter 1724. 19282
of the Revised Code, or other nonprofit corporation incorporated 19283
under Chapter 1702. of the Revised Code that owns any unreclaimed 19284
land affected by mining before April 10, 1972, or pursuant to a 19285
license issued before April 10, 1972, under which the state or its 19286
agents may enter upon the land to reclaim it at state expense with 19287
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 19288
safety fund created by section 1513.30 of the Revised Code for the 19289
purpose of commercial or industrial site development if the land 19290
is owned by a political subdivision or corporation or the 19291
development of recreational facilities if the land is owned by a 19292
political subdivision. The agreement may include provisions 19293
pertaining to liability for damages and any other provisions 19294
necessary or desirable to achieve the purposes of this section. 19295

For the purpose of selecting lands to be reclaimed for 19296
commercial, industrial, or, if the lands are owned by a political 19297
subdivision, recreational site development, the chief shall 19298
consult with the owners of unreclaimed lands and with local 19299
officials, civic and professional organizations, and interested 19300
individuals and shall consider the feasibility, cost, and public 19301
benefits of reclaiming particular lands and the availability of 19302
federal or other assistance for the reclamation. The chief shall 19303
select for reclamation under this section only lands that lie 19304
within the boundaries of a project area approved by the chief. 19305

Before entering into the agreement, the chief shall prepare 19306
or approve a detailed plan with topographic maps indicating the 19307
reclamation improvements to be made, an itemized estimate of the 19308
project's cost, a description of the project's benefits, and such 19309
other information as the chief considers appropriate. The plan 19310
shall include only reclamation work that is necessary to render 19311
the unreclaimed land suitable for commercial, industrial, or, if 19312
the land is owned by a political subdivision, recreational site 19313
development and will substantially reduce or eliminate the damage, 19314
if any, to adjacent property that is or may be caused by the 19315
condition of the unreclaimed land. The plan may include 19316
improvements recommended by the owner, but may not include any 19317
improvements that the chief finds are not necessary to prepare the 19318
unreclaimed land for commercial, industrial, or, if the land is 19319
owned by a political subdivision, recreational site development, 19320
or if the condition of the unreclaimed land so requires, are not 19321
necessary to establish vegetative cover or substantially reduce or 19322
eliminate erosion, sedimentation, landslides, pollution, 19323
accumulation or discharge of acid water, flooding, or damage to 19324
adjacent property. 19325

With the approval of the director and upon entering into an 19326
agreement with the owner, the chief may carry out the plan of 19327

reclamation or any part thereof with the employees or equipment of 19328
the department, or the chief may carry out the plan or any part 19329
thereof by contracting therefor in accordance with the procedures 19330
prescribed in section 1513.27 of the Revised Code. The chief shall 19331
keep an itemized record of the state's expense in carrying out the 19332
plan. 19333

Expenditure of not more than twenty per cent of the ~~moneys~~ 19334
money credited to the ~~unreclaimed lands~~ mining regulation and 19335
safety fund during the preceding fiscal year may be approved by 19336
the chief during a fiscal year for conducting reclamation projects 19337
under this section and for making grants under section 1513.31 of 19338
the Revised Code, provided that such expenditures are primarily 19339
for the pollution abatement purposes of section 1513.30 of the 19340
Revised Code. 19341

Sec. 1513.33. The amount of any grant to a community 19342
improvement corporation or nonprofit corporation made under 19343
section 1513.31 of the Revised Code or the state's expenses 19344
incurred in reclaiming unreclaimed land owned by a community 19345
improvement corporation or nonprofit corporation under section 19346
1513.32 of the Revised Code shall constitute a loan by the state 19347
to the corporation. Entry into a grant contract under section 19348
1513.31 of the Revised Code or into a reclamation agreement under 19349
section 1513.32 of the Revised Code by the chief of the division 19350
of mineral resources management constitutes the designation of the 19351
community improvement corporation or nonprofit corporation as the 19352
state's agent for the commercial or industrial development of the 19353
land named in the contract or agreement. 19354

Each grant contract under section 1513.31 of the Revised Code 19355
or reclamation agreement under section 1513.32 of the Revised Code 19356
shall include terms for repayment of the grant or reimbursement of 19357
the state for its reclamation expenses, which shall require 19358

repayment of the loan in full upon the first sale, lease, or 19359
rental of the land reclaimed under the contract or agreement if 19360
the entire parcel of reclaimed land is sold, leased, or rented. If 19361
the corporation establishes a business enterprise on the entire 19362
parcel of reclaimed land, the contract shall require repayment of 19363
the loan in full upon the commencement of operation of the 19364
business enterprise. If the reclaimed land is sold, leased, or 19365
rented in portions or the corporation establishes a business 19366
enterprise on any portion of the reclaimed land, the contract or 19367
agreement shall require repayment of that portion of the loan that 19368
corresponds to the portion of the reclaimed land sold, leased, or 19369
rented upon the first sale, lease, or rental of that portion, or 19370
upon commencement of operation of the business enterprise on that 19371
portion, by the corporation in the proportion that the acreage of 19372
the reclaimed land sold, leased, rented, or used in business by 19373
the corporation bears to the total acreage of land reclaimed under 19374
the contract or agreement. 19375

To secure repayment of the ~~moneys~~ money granted under section 19376
1513.31 of the Revised Code or of the state's reclamation expenses 19377
under section 1513.32 of the Revised Code to or on behalf of a 19378
community improvement corporation or nonprofit corporation, the 19379
state shall have a lien on the land owned by the corporation that 19380
is land reclaimed under section 1513.31 or 1513.32 of the Revised 19381
Code equal to the amount of the grant made under section 1513.31 19382
of the Revised Code or to the state's expenses incurred in 19383
reclaiming the land under section 1513.32 of the Revised Code. 19384
Within thirty days after the final grant payment is made under 19385
section 1513.31 of the Revised Code or after the completion of the 19386
reclamation work under section 1513.32 of the Revised Code, the 19387
chief shall cause to be recorded in the office of the county 19388
recorder of the county in which the reclaimed land is located a 19389
statement that shall contain an itemized accounting of the grant 19390
paid under section 1513.31 of the Revised Code or an itemized 19391

record of the state's expenses incurred in reclaiming the land 19392
under section 1513.32 of the Revised Code. The statement shall 19393
constitute a notice of lien and operate as of the date of delivery 19394
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 19395
money paid out or the reclamation expenses incurred by the state 19396
and shall have priority as a lien second only to the lien of real 19397
property taxes imposed upon the land. The notice of lien and the 19398
lien shall not be valid as against any mortgagee, pledgee, 19399
purchaser, or judgment creditor whose rights have attached prior 19400
to the date of filing of the statement by the chief or to any 19401
prior or subsequent lien for real property taxes imposed pursuant 19402
to section 5719.04 of the Revised Code. 19403

The county recorder shall record and index the chief's 19404
statement, under the name of the state and the corporation, in the 19405
official records maintained by the county recorder's office. The 19406
county recorder shall impose no charge for the recording or 19407
indexing of the statement. If the land is registered, the county 19408
recorder shall make a notation and enter a memorial of the lien 19409
upon the page of the register in which the last certificate of 19410
title to the land is registered, stating the name of the claimant, 19411
amount claimed, volume and page of the record where recorded, and 19412
exact time the memorial was entered. 19413

The lien shall continue in force so long as any portion of 19414
the amount granted under section 1513.31 of the Revised Code or 19415
the state's reclamation expenses incurred under section 1513.32 of 19416
the Revised Code remains unpaid. Upon repayment in full of those 19417
~~moneys~~ money or expenses, the chief promptly shall issue a 19418
certificate of release of the lien. Upon presentation of the 19419
certificate of release, the county recorder of the county where 19420
the lien is recorded shall record the lien as having been 19421
discharged. 19422

A lien imposed under this section shall be foreclosed upon 19423

the substantial failure of a corporation to repay any portion of 19424
the amount granted under section 1513.31 of the Revised Code or 19425
the state's reclamation expenses incurred under section 1513.32 of 19426
the Revised Code in accordance with the terms of the grant 19427
contract or reclamation agreement. Before foreclosing any lien 19428
under this section, the chief shall make a written demand upon the 19429
corporation to comply with the repayment terms of the contract or 19430
agreement. If the corporation does not pay the amount due within 19431
sixty days, the chief shall refer the matter to the attorney 19432
general, who shall institute a civil action to foreclose the lien 19433
of the state. 19434

All ~~moneys~~ money collected from loan repayments and lien 19435
foreclosures under this section shall be credited to the 19436
~~unreclaimed lands~~ mining regulation and safety fund created by 19437
section 1513.30 of the Revised Code. 19438

Sec. 1513.37. (A) There is hereby created in the state 19439
treasury the abandoned mine reclamation fund, which shall be 19440
administered by the chief of the division of mineral resources 19441
management. The fund shall consist of grants from the secretary of 19442
the interior from the federal abandoned mine reclamation fund 19443
established by Title IV of the "Surface Mining Control and 19444
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 19445
regulations adopted under it, and amendments to the act and 19446
regulations. Expenditures from the abandoned mine reclamation fund 19447
shall be made by the chief for the following purposes: 19448

(1) Reclamation and restoration of land and water resources 19449
adversely affected by past coal mining, including, but not limited 19450
to, reclamation and restoration of abandoned strip mine areas, 19451
abandoned coal processing areas, and abandoned coal refuse 19452
disposal areas; sealing and filling of abandoned deep mine entries 19453
and voids; planting of land adversely affected by past coal 19454

mining; prevention of erosion and sedimentation; prevention,	19455
abatement, treatment, and control of water pollution created by	19456
coal mine drainage, including restoration of streambeds and	19457
construction and operation of water treatment plants; prevention,	19458
abatement, and control of burning coal refuse disposal areas and	19459
burning coal in situ; and prevention, abatement, and control of	19460
coal mine subsidence;	19461
(2) Acquisition and filling of voids and sealing of tunnels,	19462
shafts, and entryways of noncoal lands;	19463
(3) Acquisition of land as provided for in this section;	19464
(4) Administrative expenses incurred in accomplishing the	19465
purposes of this section;	19466
(5) All other necessary expenses to accomplish the purposes	19467
of this section.	19468
(B) Expenditures of ~~moneys~~ <u>money</u> from the fund on land and	19469
water eligible pursuant to division (C) of this section shall	19470
reflect the following priorities in the order stated:	19471
(1) The protection of public health, safety, general welfare,	19472
and property from extreme danger of adverse effects of coal mining	19473
practices;	19474
(2) The protection of public health, safety, and general	19475
welfare from adverse effects of coal mining practices;	19476
(3) The restoration of land and water resources and the	19477
environment previously degraded by adverse effects of coal mining	19478
practices, including measures for the conservation and development	19479
of soil and water (excluding channelization), woodland, fish and	19480
wildlife, recreation resources, and agricultural productivity;	19481
(4) Research and demonstration projects relating to the	19482
development of coal mining reclamation and water quality control	19483
program methods and techniques;	19484

(5) The protection, repair, replacement, construction, or 19485
enhancement of public facilities such as utilities, roads, 19486
recreation facilities, and conservation facilities adversely 19487
affected by coal mining practices; 19488

(6) The development of publicly owned land adversely affected 19489
by coal mining practices, including land acquired as provided in 19490
this section for recreation and historic purposes, conservation 19491
and reclamation purposes, and open space benefits. 19492

(C)(1) Lands and water eligible for reclamation or drainage 19493
abatement expenditures under this section are those that were 19494
mined for coal or were affected by such mining, wastebanks, coal 19495
processing, or other coal mining processes and that meet one of 19496
the following criteria: 19497

(a) Are lands that were abandoned or left in an inadequate 19498
reclamation status prior to August 3, 1977, and for which there is 19499
no continuing reclamation responsibility under state or federal 19500
laws; 19501

(b) Are lands for which the chief finds that surface coal 19502
mining operations occurred at any time between August 4, 1977, and 19503
August 16, 1982, and that any ~~moneys~~ money for reclamation or 19504
abatement that are available pursuant to a bond, performance 19505
security, or other form of financial guarantee or from any other 19506
source are not sufficient to provide for adequate reclamation or 19507
abatement at the site; 19508

(c) Are lands for which the chief finds that surface coal 19509
mining operations occurred at any time between August 4, 1977, and 19510
November 5, 1990, that the surety of the mining operator became 19511
insolvent during that time, and that, as of November 5, 1990, any 19512
~~moneys~~ money immediately available from proceedings relating to 19513
that insolvency or from any financial guarantee or other source 19514
are not sufficient to provide for adequate reclamation or 19515

abatement at the site. 19516

(2) In determining which sites to reclaim pursuant to 19517
divisions (C)(1)(b) and (c) of this section, the chief shall 19518
follow the priorities stated in divisions (B)(1) and (2) of this 19519
section and shall ensure that priority is given to those sites 19520
that are in the immediate vicinity of a residential area or that 19521
have an adverse economic impact on a local community. 19522

(3) Surface coal mining operations on lands eligible for 19523
remining shall not affect the eligibility of those lands for 19524
reclamation and restoration under this section after the release 19525
of the bond, performance security, or other form of financial 19526
guarantee for any such operation as provided under division (F) of 19527
section 1513.16 of the Revised Code. If the bond, performance 19528
security, or other form of financial guarantee for a surface coal 19529
mining operation on lands eligible for remining is forfeited, 19530
~~moneys~~ money available under this section may be used if the 19531
amount of the bond, performance security, or other form of 19532
financial guarantee is not sufficient to provide for adequate 19533
reclamation or abatement, except that if conditions warrant, the 19534
chief immediately shall exercise the authority granted under 19535
division (L) of this section. 19536

(D) The chief may submit to the secretary of the interior a 19537
state reclamation plan and annual projects to carry out the 19538
purposes of this section. 19539

(1) The reclamation plan generally shall identify the areas 19540
to be reclaimed, the purposes for which the reclamation is 19541
proposed, the relationship of the lands to be reclaimed and the 19542
proposed reclamation to surrounding areas, the specific criteria 19543
for ranking and identifying projects to be funded, and the legal 19544
authority and programmatic capability to perform the work in 19545
accordance with this section. 19546

(2) On an annual basis, the chief may submit to the secretary 19547
an application for support of the abandoned mine reclamation fund 19548
and implementation of specific reclamation projects. The annual 19549
requests shall include such information as may be requested by the 19550
secretary. 19551

(3) The costs for each proposed project under this section 19552
shall include actual construction costs, actual operation and 19553
maintenance costs of permanent facilities, planning and 19554
engineering costs, construction inspection costs, and other 19555
necessary administrative expenses. 19556

(4) The chief may submit annual and other reports required by 19557
the secretary when funds are provided by the secretary under Title 19558
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 19559
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 19560
amendments to the act and regulations. 19561

(E)(1) There is hereby created in the state treasury the acid 19562
mine drainage abatement and treatment fund, which shall be 19563
administered by the chief. The fund shall consist of grants from 19564
the secretary of the interior from the federal abandoned mine 19565
reclamation fund pursuant to section 402(g)(6) of Title IV of the 19566
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 19567
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 19568
be credited to the fund. 19569

(2) The chief shall make expenditures from the fund, in 19570
consultation with the United States department of agriculture, 19571
soil conservation service, to implement acid mine drainage 19572
abatement and treatment plans approved by the secretary. The plans 19573
shall provide for the comprehensive abatement of the causes and 19574
treatment of the effects of acid mine drainage within qualified 19575
hydrologic units affected by coal mining practices and shall 19576
include at least all of the following: 19577

(a) An identification of the qualified hydrologic unit. As 19578
used in division (E) of this section, "qualified hydrologic unit" 19579
means a hydrologic unit that meets all of the following criteria: 19580

(i) The water quality in the unit has been significantly 19581
affected by acid mine drainage from coal mining practices in a 19582
manner that has an adverse impact on biological resources. 19583

(ii) The unit contains lands and waters that meet the 19584
eligibility requirements established under division (C) of this 19585
section and any of the priorities established in divisions (B)(1) 19586
to (3) of this section. 19587

(iii) The unit contains lands and waters that are proposed to 19588
be the subject of expenditures from the reclamation forfeiture 19589
fund created in section 1513.18 of the Revised Code or the 19590
~~unreclaimed lands~~ mining regulation and safety fund created in 19591
section 1513.30 of the Revised Code. 19592

(b) The extent to which acid mine drainage is affecting the 19593
water quality and biological resources within the hydrologic unit; 19594

(c) An identification of the sources of acid mine drainage 19595
within the hydrologic unit; 19596

(d) An identification of individual projects and the measures 19597
proposed to be undertaken to abate and treat the causes or effects 19598
of acid mine drainage within the hydrologic unit; 19599

(e) The cost of undertaking the proposed abatement and 19600
treatment measures; 19601

(f) An identification of existing and proposed sources of 19602
funding for those measures; 19603

(g) An analysis of the cost-effectiveness and environmental 19604
benefits of abatement and treatment measures. 19605

(3) The chief may make grants of ~~moneys~~ money from the acid 19606
mine drainage abatement and treatment fund to watershed groups for 19607

conducting projects to accomplish the purposes of this section. A 19608
grant may be made in an amount equal to not more than fifty per 19609
cent of each of the following: 19610

(a) Reasonable and necessary expenses for the collection and 19611
analysis of data sufficient to do either or both of the following: 19612

(i) Identify a watershed as a qualified hydrologic unit; 19613

(ii) Monitor the quality of water in a qualified hydrologic 19614
unit before, during, and at any time after completion of the 19615
project by the watershed group. 19616

(b) Engineering design costs and construction costs involved 19617
in the project, provided that the project is conducted in a 19618
qualified hydrologic unit and the chief considers the project to 19619
be a priority. 19620

A watershed group that wishes to obtain a grant under 19621
division (E)(3) of this section shall submit an application to the 19622
chief on forms provided by the division of mineral resources 19623
management, together with detailed estimates and timetables for 19624
accomplishing the stated goals of the project and any other 19625
information that the chief requires. 19626

For the purposes of establishing priorities for awarding 19627
grants under division (E)(3) of this section, the chief shall 19628
consider each project's feasibility, cost-effectiveness, and 19629
environmental benefit, together with the availability of matching 19630
funding, including in-kind services, for the project. 19631

The chief shall enter into a contract for funding with each 19632
applicant awarded a grant to ensure that the ~~moneys~~ money granted 19633
are used for the purposes of this section and that the work that 19634
the project involves is done properly. The contract is not subject 19635
to division (B) of section 127.16 of the Revised Code. The final 19636
payment of grant ~~moneys~~ money shall not be made until the chief 19637
inspects and approves the completed project. 19638

The chief shall require each applicant awarded a grant under
this section who conducts a project involving construction work to
pay workers at the greater of their regular rate of pay, as
established by contract, agreement, or prior custom or practice,
or the average wage rate paid in this state for the same or
similar work performed in the same or a similar locality by
private companies doing similar work on similar projects.

As used in division (E)(3) of this section, "watershed group"
means a charitable organization as defined in section 1716.01 of
the Revised Code that has been established for the purpose of
conducting reclamation of land and waters adversely affected by
coal mining practices and specifically for conducting acid mine
drainage abatement.

(F)(1) If the chief makes a finding of fact that land or
water resources have been adversely affected by past coal mining
practices; the adverse effects are at a stage where, in the public
interest, action to restore, reclaim, abate, control, or prevent
the adverse effects should be taken; the owners of the land or
water resources where entry must be made to restore, reclaim,
abate, control, or prevent the adverse effects of past coal mining
practices are not known or are not readily available; or the
owners will not give permission for the state, political
subdivisions, or their agents, employees, or contractors to enter
upon the property to restore, reclaim, abate, control, or prevent
the adverse effects of past coal mining practices; then, upon
giving notice by mail to the owners, if known, or, if not known,
by posting notice upon the premises and advertising once in a
newspaper of general circulation in the municipal corporation or
county in which the land lies, the chief or the chief's agents,
employees, or contractors may enter upon the property adversely
affected by past coal mining practices and any other property to
have access to the property to do all things necessary or

expedient to restore, reclaim, abate, control, or prevent the 19671
adverse effects. The entry shall be construed as an exercise of 19672
the police power for the protection of the public health, safety, 19673
and general welfare and shall not be construed as an act of 19674
condemnation of property nor of trespass on it. The ~~moneys~~ money 19675
expended for the work and the benefits accruing to any such 19676
premises so entered upon shall be chargeable against the land and 19677
shall mitigate or offset any claim in or any action brought by any 19678
owner of any interest in the premises for any alleged damages by 19679
virtue of the entry, but this provision is not intended to create 19680
new rights of action or eliminate existing immunities. 19681

(2) The chief or the chief's authorized representatives may 19682
enter upon any property for the purpose of conducting studies or 19683
exploratory work to determine the existence of adverse effects of 19684
past coal mining practices and to determine the feasibility of 19685
restoration, reclamation, abatement, control, or prevention of 19686
such adverse effects. The entry shall be construed as an exercise 19687
of the police power for the protection of the public health, 19688
safety, and general welfare and shall not be construed as an act 19689
of condemnation of property nor trespass on it. 19690

(3) The chief may acquire any land by purchase, donation, or 19691
condemnation that is adversely affected by past coal mining 19692
practices if the chief determines that acquisition of the land is 19693
necessary to successful reclamation and that all of the following 19694
apply: 19695

(a) The acquired land, after restoration, reclamation, 19696
abatement, control, or prevention of the adverse effects of past 19697
coal mining practices, will serve recreation and historic 19698
purposes, serve conservation and reclamation purposes, or provide 19699
open space benefits. 19700

(b) Permanent facilities such as a treatment plant or a 19701
relocated stream channel will be constructed on the land for the 19702

restoration, reclamation, abatement, control, or prevention of the 19703
adverse effects of past coal mining practices. 19704

(c) Acquisition of coal refuse disposal sites and all coal 19705
refuse thereon will serve the purposes of this section or public 19706
ownership is desirable to meet emergency situations and prevent 19707
recurrences of the adverse effects of past coal mining practices. 19708

(4)(a) Title to all lands acquired pursuant to this section 19709
shall be in the name of the state. The price paid for land 19710
acquired under this section shall reflect the market value of the 19711
land as adversely affected by past coal mining practices. 19712

(b) The chief may receive grants on a matching basis from the 19713
secretary of the interior for the purpose of carrying out this 19714
section. 19715

(5)(a) Where land acquired pursuant to this section is 19716
considered to be suitable for industrial, commercial, residential, 19717
or recreational development, the chief may sell the land by public 19718
sale under a system of competitive bidding at not less than fair 19719
market value and under other requirements imposed by rule to 19720
ensure that the lands are put to proper use consistent with local 19721
and state land use plans, if any, as determined by the chief. 19722

(b) The chief, when requested, and after appropriate public 19723
notice, shall hold a public meeting in the county, counties, or 19724
other appropriate political subdivisions of the state in which 19725
lands acquired pursuant to this section are located. The meetings 19726
shall be held at a time that shall afford local citizens and 19727
governments the maximum opportunity to participate in the decision 19728
concerning the use or disposition of the lands after restoration, 19729
reclamation, abatement, control, or prevention of the adverse 19730
effects of past coal mining practices. 19731

(6) In addition to the authority to acquire land under 19732
division (F)(3) of this section, the chief may use money in the 19733

fund to acquire land by purchase, donation, or condemnation, and 19734
to reclaim and transfer acquired land to a political subdivision, 19735
or to any person, if the chief determines that it is an integral 19736
and necessary element of an economically feasible plan for the 19737
construction or rehabilitation of housing for persons disabled as 19738
the result of employment in the mines or work incidental to that 19739
employment, persons displaced by acquisition of land pursuant to 19740
this section, persons dislocated as the result of adverse effects 19741
of coal mining practices that constitute an emergency as provided 19742
in the "Surface Mining Control and Reclamation Act of 1977," 91 19743
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 19744
dislocated as the result of natural disasters or catastrophic 19745
failures from any cause. Such activities shall be accomplished 19746
under such terms and conditions as the chief requires, which may 19747
include transfers of land with or without monetary consideration, 19748
except that to the extent that the consideration is below the fair 19749
market value of the land transferred, no portion of the difference 19750
between the fair market value and the consideration shall accrue 19751
as a profit to those persons. No part of the funds provided under 19752
this section may be used to pay the actual construction costs of 19753
housing. The chief may carry out the purposes of division (F)(6) 19754
of this section directly or by making grants and commitments for 19755
grants and may advance money under such terms and conditions as 19756
the chief may require to any agency or instrumentality of the 19757
state or any public body or nonprofit organization designated by 19758
the chief. 19759

(G)(1) Within six months after the completion of projects to 19760
restore, reclaim, abate, control, or prevent adverse effects of 19761
past coal mining practices on privately owned land, the chief 19762
shall itemize the ~~moneys~~ money so expended and may file a 19763
statement of the expenditures in the office of the county recorder 19764
of the county in which the land lies, together with a notarized 19765
appraisal by an independent appraiser of the value of the land 19766

before the restoration, reclamation, abatement, control, or 19767
prevention of adverse effects of past coal mining practices if the 19768
~~moneys~~ money so expended result in a significant increase in 19769
property value. The statement shall constitute a lien upon the 19770
land as of the date of the expenditures of the ~~moneys~~ money and 19771
shall have priority as a lien second only to the lien of real 19772
property taxes imposed upon the land. The lien shall not exceed 19773
the amount determined by the appraisal to be the increase in the 19774
fair market value of the land as a result of the restoration, 19775
reclamation, abatement, control, or prevention of the adverse 19776
effects of past coal mining practices. No lien shall be filed 19777
under division (G) of this section against the property of any 19778
person who owned the surface prior to May 2, 1977, and did not 19779
consent to, participate in, or exercise control over the mining 19780
operation that necessitated the reclamation performed. 19781

(2) The landowner may petition, within sixty days after the 19782
filing of the lien, to determine the increase in the fair market 19783
value of the land as a result of the restoration, reclamation, 19784
abatement, control, or prevention of the adverse effects of past 19785
coal mining practices. The amount reported to be the increase in 19786
value of the premises shall constitute the amount of the lien and 19787
shall be recorded with the statement provided in this section. Any 19788
party aggrieved by the decision may appeal as provided by state 19789
law. 19790

(3) The lien provided in division (G) of this section shall 19791
be recorded and indexed, under the name of the state and the 19792
landowner, in the official records in the office of the county 19793
recorder of the county in which the land lies. The county recorder 19794
shall impose no charge for the recording or indexing of the lien. 19795
If the land is registered, the county recorder shall make a 19796
notation and enter a memorial of the lien upon the page of the 19797
register in which the last certificate of title to the land is 19798

registered, stating the name of the claimant, amount claimed, 19799
volume and page of the record where recorded, and exact time the 19800
memorial was entered. 19801

(4) The lien shall continue in force so long as any portion 19802
of the amount of the lien remains unpaid. If the lien remains 19803
unpaid at the time of conveyance of the land on which the lien was 19804
placed, the conveyance may be set aside. Upon repayment in full of 19805
the ~~moneys~~ money expended under this section, the chief promptly 19806
shall issue a certificate of release of the lien. Upon 19807
presentation of the certificate of release, the county recorder of 19808
the county in which the lien is recorded shall record the lien as 19809
having been discharged. 19810

(5) A lien imposed under this section shall be foreclosed 19811
upon the substantial failure of a landowner to pay any portion of 19812
the amount of the lien. Before foreclosing any lien under this 19813
section, the chief shall make a written demand upon the landowner 19814
for payment. If the landowner does not pay the amount due within 19815
sixty days, the chief shall refer the matter to the attorney 19816
general, who shall institute a civil action to foreclose the lien. 19817

(H)(1) The chief may fill voids, seal abandoned tunnels, 19818
shafts, and entryways, and reclaim surface impacts of underground 19819
or strip mines that the chief determines could endanger life and 19820
property, constitute a hazard to the public health and safety, or 19821
degrade the environment. 19822

(2) In those instances where mine waste piles are being 19823
reworked for conservation purposes, the incremental costs of 19824
disposing of the wastes from those operations by filling voids and 19825
sealing tunnels may be eligible for funding, provided that the 19826
disposal of these wastes meets the purposes of this section. 19827

(3) The chief may acquire by purchase, donation, easement, or 19828
otherwise such interest in land as the chief determines necessary 19829

to carry out division (H) of this section. 19830

(I) The chief shall report annually to the secretary of the 19831
interior on operations under the fund and include recommendations 19832
as to its future uses. 19833

(J)(1) The chief may engage in any work and do all things 19834
necessary or expedient, including the adoption of rules, to 19835
implement and administer this section. 19836

(2) The chief may engage in cooperative projects under this 19837
section with any agency of the United States, any other state, or 19838
their governmental agencies or with any state university or 19839
college as defined in section 3345.27 of the Revised Code. The 19840
cooperative projects are not subject to division (B) of section 19841
127.16 of the Revised Code. 19842

(3) The chief may request the attorney general to initiate in 19843
any court of competent jurisdiction an action in equity for an 19844
injunction to restrain any interference with the exercise of the 19845
right to enter or to conduct any work provided in this section, 19846
which remedy is in addition to any other remedy available under 19847
this section. 19848

(4) The chief may construct or operate a plant or plants for 19849
the control and treatment of water pollution resulting from mine 19850
drainage. The extent of this control and treatment may be 19851
dependent upon the ultimate use of the water. Division (J)(4) of 19852
this section does not repeal or supersede any portion of the 19853
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 19854
U.S.C.A. 1151, as amended, and no control or treatment under 19855
division (J)(4) of this section, in any way, shall be less than 19856
that required by that act. The construction of a plant or plants 19857
may include major interceptors and other facilities appurtenant to 19858
the plant. 19859

(5) The chief may transfer money from the abandoned mine 19860

reclamation fund and the acid mine drainage abatement and 19861
treatment fund to other appropriate state agencies or to state 19862
universities or colleges in order to carry out the reclamation 19863
activities authorized by this section. 19864

(K) The chief may contract for any part of work to be 19865
performed under this section, with or without advertising for 19866
bids, if the chief determines that a condition exists that could 19867
reasonably be expected to cause substantial physical harm to 19868
persons, property, or the environment and to which persons or 19869
improvements on real property are currently exposed. 19870

The chief shall require every contractor performing 19871
reclamation work under this section to pay its workers at the 19872
greater of their regular rate of pay, as established by contract, 19873
agreement, or prior custom or practice, or the average wage rate 19874
paid in this state for the same or similar work as determined by 19875
the chief under section 1513.02 of the Revised Code. 19876

(L)(1) The chief may contract for the emergency restoration, 19877
reclamation, abatement, control, or prevention of adverse effects 19878
of mining practices on eligible lands if the chief determines that 19879
an emergency exists constituting a danger to the public health, 19880
safety, or welfare and that no other person or agency will act 19881
expeditiously to restore, reclaim, abate, control, or prevent 19882
those adverse effects. The chief may enter into a contract for 19883
emergency work under division (L) of this section without 19884
advertising for bids. Any such contract or any purchase of 19885
materials for emergency work under division (L) of this section is 19886
not subject to division (B) of section 127.16 of the Revised Code. 19887

(2) The chief or the chief's agents, employees, or 19888
contractors may enter on any land where such an emergency exists, 19889
and on other land in order to have access to that land, in order 19890
to restore, reclaim, abate, control, or prevent the adverse 19891
effects of mining practices and to do all things necessary or 19892

expedient to protect the public health, safety, or welfare. Such 19893
an entry shall be construed as an exercise of the police power and 19894
shall not be construed as an act of condemnation of property or of 19895
trespass. The ~~moneys~~ money expended for the work and the benefits 19896
accruing to any premises so entered upon shall be chargeable 19897
against the land and shall mitigate or offset any claim in or any 19898
action brought by any owner of any interest in the premises for 19899
any alleged damages by virtue of the entry. This provision is not 19900
intended to create new rights of action or eliminate existing 19901
immunities. 19902

Sec. 1514.03. Within thirty days after each anniversary date 19903
of issuance of a surface or in-stream mining permit, the operator 19904
shall file with the chief of the division of mineral resources 19905
management an annual report, on a form prescribed and furnished by 19906
the chief, that, for the period covered by the report, shall state 19907
the amount of and identify the types of minerals and coal, if any 19908
coal, produced and shall state the number of acres affected and 19909
the number of acres estimated to be affected during the next year 19910
of operation. An annual report is not required to be filed if a 19911
final report is filed in lieu thereof. 19912

Each annual report for a surface mining operation shall 19913
include a progress map indicating the location of areas of land 19914
affected during the period of the report and the location of the 19915
area of land estimated to be affected during the next year. The 19916
map shall be prepared in accordance with division (A)(11) or (12) 19917
of section 1514.02 of the Revised Code, as appropriate, except 19918
that a map prepared in accordance with division (A)(12) of that 19919
section may be certified by the operator or authorized agent of 19920
the operator in lieu of certification by a professional engineer 19921
or surveyor registered under Chapter 4733. of the Revised Code. 19922
However, the chief may require that an annual progress map or a 19923
final map be prepared by a registered professional engineer or 19924

registered surveyor if the chief has reason to believe that the 19925
operator exceeded the boundaries of the permit area or, if the 19926
operator filed the map required under division (A)(11) of section 19927
1514.02 of the Revised Code, that the operator extracted ten 19928
thousand tons or more of minerals during the period covered by the 19929
report. 19930

Each annual report for an in-stream mining operation shall 19931
include a statement of the total tonnage removed by in-stream 19932
mining for each month and of the surface acreage and depth of 19933
material removed by in-stream mining and shall include a map that 19934
identifies the area affected by the in-stream mining if the 19935
in-stream mining for the year addressed by the report occurred 19936
beyond the area identified in the most recent approved map, 19937
soundings that depict the cross-sectional views of the channel 19938
bottom of the watercourse if the soundings depict a 19939
cross-sectional view of the channel bottom that is different from 19940
the most recent approved map, and water elevations for the 19941
watercourse if water elevations are different from those indicated 19942
on the most recent approved map. 19943

Each annual report shall be accompanied by a filing fee in 19944
the amount of five hundred dollars, except in the case of an 19945
annual report filed by a small operator or an in-stream mining 19946
operator. A small operator, which is a surface mine operator who 19947
intends to extract fewer than ten thousand tons of minerals and no 19948
coal during the next year of operation under the permit, or an 19949
in-stream mining operator shall include a filing fee in the amount 19950
of two hundred fifty dollars with each annual report. The annual 19951
report of any operator also shall be accompanied by an acreage fee 19952
in the amount of seventy-five dollars multiplied by the number of 19953
acres estimated in the report to be affected during the next year 19954
of operation under the permit. The acreage fee shall be adjusted 19955
by subtracting a credit of seventy-five dollars per excess acre 19956

paid for the preceding year if the acreage paid for the preceding 19957
year exceeds the acreage actually affected or by adding an 19958
additional amount of seventy-five dollars per excess acre affected 19959
if the acreage actually affected exceeds the acreage paid for the 19960
preceding year. 19961

With each annual report the operator shall file a performance 19962
bond in the amount, unless otherwise provided by rule, of five 19963
hundred dollars multiplied by the number of acres estimated to be 19964
affected during the next year of operation under the permit for 19965
which no performance bond previously was filed. Unless otherwise 19966
provided by rule, the bond shall be adjusted by subtracting a 19967
credit of five hundred dollars per excess acre for which bond was 19968
filed for the preceding year if the acreage for which the bond was 19969
filed for the preceding year exceeds the acreage actually 19970
affected, or by adding an amount of five hundred dollars per 19971
excess acre affected if the acreage actually affected exceeds the 19972
acreage for which bond was filed for the preceding year. 19973

Within thirty days after the expiration of the surface or 19974
in-stream mining permit, or completion or abandonment of the 19975
operation, whichever occurs earlier, the operator shall submit a 19976
final report containing the same information required in an annual 19977
report, but covering the time from the last annual report to the 19978
expiration of the permit, or completion or abandonment of the 19979
operation, whichever occurs earlier. 19980

Each final report shall include a map indicating the location 19981
of the area of land affected during the period of the report and 19982
the location of the total area of land affected under the permit. 19983
The map shall be prepared in accordance with division (A)(11) or 19984
(12) of section 1514.02 of the Revised Code, as appropriate. 19985

In the case of a final report for an in-stream mining 19986
operation, the map also shall include the information required 19987
under division (A)(18) of section 1514.02 of the Revised Code, as 19988

applicable. 19989

If the final report and certified map, as verified by the 19990
chief, show that the number of acres affected under the permit is 19991
larger than the number of acres for which the operator has paid an 19992
acreage fee or filed a performance bond, upon notification by the 19993
chief, the operator shall pay an additional acreage fee in the 19994
amount of seventy-five dollars multiplied by the difference 19995
between the number of acres affected under the permit and the 19996
number of acres for which the operator has paid an acreage fee and 19997
shall file an additional performance bond in the amount, unless 19998
otherwise provided by rule, of five hundred dollars multiplied by 19999
the difference between the number of acres affected under the 20000
permit and the number of acres for which the operator has filed 20001
bond. 20002

If the final report and certified map, as verified by the 20003
chief, show that the number of acres affected under the permit is 20004
smaller than the number of acres for which the operator has filed 20005
a performance bond, the chief shall order release of the excess 20006
bond. However, the chief shall retain a performance bond in a 20007
minimum amount of ten thousand dollars irrespective of the number 20008
of acres affected under the permit. The release of the excess bond 20009
shall be in an amount, unless otherwise provided by rule, equal to 20010
five hundred dollars multiplied by the difference between the 20011
number of acres affected under the permit and the number of acres 20012
for which the operator has filed bond. 20013

The fees collected pursuant to this section and section 20014
1514.02 of the Revised Code shall be deposited with the treasurer 20015
of state to the credit of the surface mining regulation and safety 20016
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 20017

If upon inspection the chief finds that any filing fee, 20018
acreage fee, performance bond, or part thereof is not paid when 20019
due or is paid on the basis of false or substantially inaccurate 20020

reports, the chief may request the attorney general to recover the 20021
unpaid amounts that are due the state, and the attorney general 20022
shall commence appropriate legal proceedings to recover the unpaid 20023
amounts. 20024

Sec. 1514.051. (A) If an operator or a partner or officer of 20025
the operator forfeits a performance bond, the division of mineral 20026
resources management shall have a priority lien in front of all 20027
other interested creditors against the assets of that operator for 20028
the amount that is needed to perform any reclamation that is 20029
required as a result of the operator's mining activities. The 20030
chief of the division of mineral resources management shall file a 20031
statement in the office of the county recorder of each county in 20032
which the mined land lies of the estimated costs to reclaim the 20033
land. Estimated costs shall include direct and indirect costs of 20034
the development, design, construction, management, and 20035
administration of the reclamation. The statement shall constitute 20036
a lien on the assets of the operator as of the date of the filing. 20037
The lien shall continue in force so long as any portion of the 20038
lien remains unpaid or until the chief issues a certificate of 20039
release of the lien. If the chief issues a certificate of release 20040
of the lien, the chief shall file a certificate of release in the 20041
office of each applicable county recorder. 20042

(B) The chief promptly shall issue a certificate of release 20043
under any of the following circumstances: 20044

(1) Upon the repayment in full of the money that is necessary 20045
to complete the reclamation; 20046

(2) Upon the transfer of an existing permit that includes the 20047
areas of the surface mine for which reclamation was not completed 20048
from the operator that forfeited the performance bond to a new 20049
operator; 20050

(3) Any other circumstance that the chief determines to be in 20051

the best interests of the state. 20052

(C) The chief may modify the amount of a lien under this 20053
section. If the chief modifies a lien, the chief shall file a 20054
statement in the office of the county recorder of each applicable 20055
county of the new amount of the lien. 20056

(D) The chief may authorize a closing agent to hold a 20057
certificate of release in escrow for a period not to exceed one 20058
hundred eighty days for the purpose of facilitating the transfer 20059
of unreclaimed mine land. 20060

(E) All money from the collection of liens under this section 20061
shall be deposited in the state treasury to the credit of the 20062
~~surface~~ mining regulation and safety fund created in section 20063
~~1514.06~~ 1513.30 of the Revised Code. 20064

Sec. 1514.06. (A) ~~There is hereby created in the state~~ 20065
~~treasury the surface mining fund consisting of all~~ All money that 20066
becomes the property of the state pursuant to sections 1514.05 and 20067
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 20068
under divisions (C)(1) and (2) of section 1514.071, and other 20069
money specified in section 1514.11 of the Revised Code shall be 20070
credited to the mining regulation and safety fund created in 20071
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 20072
~~the fund shall be credited to the fund. Expenditures from the fund~~ 20073
~~shall be made by the~~ The chief of the division of mineral 20074
resources management may expend such money for the purpose of 20075
reclaiming areas of land affected by surface or in-stream mining 20076
under a permit issued under this chapter that the operator has 20077
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 20078
~~the fund that is sufficient to achieve that purpose and, in doing~~ 20079
~~so, considers the timeliness of reclamation activity, the chief~~ 20080
~~may use the fund for other purposes specified in section 1514.11~~ 20081
~~of the Revised Code.~~ 20082

(B) Expenditures of ~~moneys~~ money from the fund for the 20083
purposes specified in division (A) of this section, except as 20084
otherwise provided by this section, shall be made pursuant to 20085
contracts entered into by the chief with persons who agree to 20086
furnish all of the materials, equipment, work, and labor, as 20087
specified and provided in the contracts, for the prices stipulated 20088
therein. With the approval of the director of natural resources, 20089
the chief may reclaim the land in the same manner as the chief 20090
required of the operator who failed to reclaim the land. Each 20091
contract awarded by the chief shall be awarded to the lowest 20092
responsive and responsible bidder, in accordance with section 20093
9.312 of the Revised Code, after sealed bids are received, opened, 20094
and published at the time and place fixed by the chief. The chief 20095
shall publish notice of the time and place at which bids will be 20096
received, opened, and published, at least once at least ten days 20097
before the date of the opening of the bids, in a newspaper of 20098
general circulation in the county in which the area of land to be 20099
reclaimed under the contract is located. If, after so advertising 20100
for bids, no bids are received by the chief at the time and place 20101
fixed for receiving them, the chief may advertise again for bids, 20102
or, if the chief considers the public interest will be best 20103
served, the chief may enter into a contract for the reclamation of 20104
the area of land without further advertisement for bids. The chief 20105
may reject any or all bids received and again publish notice of 20106
the time and place at which bids for contracts will be received, 20107
opened, and published. 20108

(C) With the approval of the director, the chief, without 20109
advertising for bids, may enter into a contract with the 20110
landowner, a surface or in-stream mine operator or coal mine 20111
operator mining under a current, valid permit issued under this 20112
chapter or Chapter 1513. of the Revised Code, or a contractor 20113
hired by a surety to complete reclamation, to carry out 20114
reclamation on land affected by surface or in-stream mining 20115

operations that an operator has failed to reclaim. 20116

(D) With the approval of the director, the chief may carry 20117
out all or part of the reclamation work on land affected by 20118
surface or in-stream mining operations that the operator has 20119
failed to reclaim using the employees and equipment of any 20120
division of the department of natural resources. 20121

(E) The chief shall require every contractor performing 20122
reclamation work under this section to pay workers at the greater 20123
of their regular rate of pay, as established by contract, 20124
agreement, or prior custom or practice, or the average wage rate 20125
paid in this state for the same or similar work, as determined by 20126
the chief under section 1513.02 of the Revised Code. 20127

(F) Each contract entered into by the chief under this 20128
section shall provide only for the reclamation of land affected by 20129
the surface or in-stream mining operation or operations of one 20130
operator and not reclaimed by the operator as required by this 20131
chapter. If there is money in the fund derived from the 20132
performance bond deposited with the chief by one operator to 20133
ensure the reclamation of two or more areas of land affected by 20134
the surface or in-stream mining operation or operations of one 20135
operator and not reclaimed by the operator as required by this 20136
chapter, the chief may award a single contract for the reclamation 20137
of all such areas of land. 20138

(G) The cost of the reclamation work done under this section 20139
on each area of land affected by surface or in-stream mining 20140
operations that an operator has failed to reclaim shall be paid 20141
out of the money in the fund derived from the performance bond 20142
that was deposited with the chief to ensure the reclamation of 20143
that area of land. ~~If the amount of money is not sufficient to pay~~ 20144
~~the cost of doing all of the reclamation work on the area of land~~ 20145
~~that the operator should have done, but failed to do, the chief~~ 20146
~~may expend from the reclamation forfeiture fund created in section~~ 20147

~~1513.18 of the Revised Code or the surface mining fund created in~~ 20148
~~this section the amount of money needed to complete reclamation to~~ 20149
~~the standards required by this chapter. The operator is liable for~~ 20150
~~that expense in addition to any other liabilities imposed by law.~~ 20151
~~At the request of the chief, the attorney general shall bring an~~ 20152
~~action against the operator for the amount of the expenditures~~ 20153
~~from either the mining regulation and safety fund. Moneys Money so~~ 20154
~~recovered shall be deposited in the state treasury to the credit~~ 20155
~~of the that fund from which the expenditures were made.~~ 20156

~~(H) If any part of the money in the surface mining fund~~ 20157
~~remains in the fund after the chief has caused the area of land to~~ 20158
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 20159
~~or if any money remains because the area of land has been~~ 20160
~~repermitted under this chapter or reclaimed by a person other than~~ 20161
~~the chief, the chief may expend the remaining money to complete~~ 20162
~~other reclamation work performed under this section. The chief~~ 20163
~~shall prepare an annual report that summarizes the money credited~~ 20164
~~to the fund and expenditures made from the fund and post the~~ 20165
~~report on the division of mineral resources management's web site.~~ 20166

Sec. 1514.071. (A) In addition to any other penalties 20167
established under this chapter, the chief of the division of 20168
mineral resources management may assess a civil penalty against 20169
any person who fails to comply with an order issued by the chief 20170
under section 1514.07 of the Revised Code by the date specified in 20171
the order or as subsequently extended by the chief. 20172

(B) Civil penalties assessed under this section shall not 20173
exceed one thousand dollars for each occurrence of noncompliance 20174
with an order. Each day of continuing noncompliance, up to a 20175
maximum of thirty days, may be deemed a separate occurrence for 20176
purposes of penalty assessments. In determining the amount of the 20177
assessment, the chief shall consider the seriousness of the 20178

noncompliance, the effect of the noncompliance, and the operator's history of noncompliance.

(C) Upon issuance of a notice of noncompliance with an order, the chief shall inform the person to whom the notice of noncompliance is issued of the amount of any civil penalty to be assessed and provide an opportunity for an adjudicatory hearing with the reclamation commission pursuant to section 1514.09 of the Revised Code. The person charged with the penalty shall have thirty days from receipt of the assessment to pay the penalty in full or, if the person wishes to contest the amount of the penalty, file a petition for review of the assessment with the commission pursuant to section 1514.09 of the Revised Code and forward the amount of the penalty to the secretary of the commission as required by this division. Failure to forward the money to the secretary within thirty days after the chief informs the person of the amount of the penalty shall result in a waiver of all legal rights to contest the amount of the penalty.

If, after a hearing, the commission affirms or modifies the amount of the penalty, the person charged with the penalty shall have thirty days after receipt of the written decision to file an appeal from the commission's order in accordance with section 1514.09 of the Revised Code.

At the time that the petition for review of the assessment is filed with the secretary, the person shall forward the amount of the penalty to the secretary for placement in the reclamation penalty fund created in division (F)(3) of section 1513.02 of the Revised Code. Pursuant to administrative or judicial review of the penalty, the secretary shall do either of the following:

(1) If it is determined that the amount of the penalty should be reduced, within thirty days, remit the appropriate amount of the penalty to the person, with interest, and forward any balance of the penalty, with interest, to the chief for deposit in the

surface mining regulation and safety fund created in section 20211
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 20212
surface or in-stream mining operations in the state; 20213

(2) If the penalty was not reduced, forward the entire 20214
penalty, with interest, to the chief for deposit in the ~~surface~~ 20215
mining regulation and safety fund for reclamation of abandoned 20216
surface or in-stream mining operations in the state. 20217

(D) Civil penalties owed under this section may be recovered 20218
in a civil action brought by the attorney general upon the request 20219
of the chief. 20220

Sec. 1514.11. In addition to the purposes otherwise 20221
authorized ~~in section 1514.06 of the Revised Code by law~~, the 20222
chief of the division of mineral resources management may use 20223
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 20224
created under ~~that~~ section 1513.30 of the Revised Code for the 20225
administration and enforcement of this chapter, for the 20226
reclamation of land affected by surface or in-stream mining under 20227
a permit issued under this chapter that the operator failed to 20228
reclaim and for which the performance bond filed by the operator 20229
is insufficient to complete the reclamation, and for the 20230
reclamation of land affected by surface or in-stream mining that 20231
was abandoned and left unreclaimed and for which no permit was 20232
issued or bond filed under this chapter. Also, the chief may use 20233
the portion of the ~~surface~~ mining regulation and safety fund that 20234
consists of ~~moneys~~ money collected from the severance taxes levied 20235
under section 5749.02 of the Revised Code for mine safety and 20236
first aid training. For purposes of reclamation under this 20237
section, the chief shall expend ~~moneys~~ money in the fund in 20238
accordance with the procedures and requirements established in 20239
section 1514.06 of the Revised Code and may enter into contracts 20240
and perform work in accordance with that section. 20241

Fees collected under sections 1514.02 and 1514.03 of the Revised Code, ~~one-half of the moneys and money~~ collected from the severance taxes levied under ~~divisions (A)(3) and (4) of~~ section 5749.02 of the Revised Code, ~~and all of the moneys collected from the severance tax levied under division (A)(7) of section 5749.02 of the Revised Code~~ shall be credited to the fund in accordance with those sections. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under section 1514.99 of the Revised Code shall be credited to the fund.

Sec. 1514.46. If the operator of a surface mining operation requests the division of mineral resources management to conduct mine safety training, the chief of the division of mineral resources management shall conduct mine safety training for the employees of that operator. For persons who are not employed by a holder of a surface mining permit issued under this chapter and who seek the training, the chief may charge a fee in an amount established in rules for conducting it. The safety training shall be conducted in accordance with rules and shall emphasize the standards adopted in rules and include any other content that the chief determines is beneficial. Any fees collected under this section shall be deposited in the state treasury to the credit of the ~~surface~~ mining regulation and safety fund created in section ~~1514.06~~ 1513.30 of the Revised Code.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for: 20273

(1) A dam that is or will be less than ten feet in height and 20274
that has or will have a storage capacity of not more than fifty 20275
acre-feet at the elevation of the top of the dam, as determined by 20276
the chief. For the purposes of this section, the height of a dam 20277
shall be measured from the natural stream bed or lowest ground 20278
elevation at the downstream or outside limit of the dam to the 20279
elevation of the top of the dam. 20280

(2) A dam, regardless of height, that has or will have a 20281
storage capacity of not more than fifteen acre-feet at the 20282
elevation of the top of the dam, as determined by the chief; 20283

(3) A dam, regardless of storage capacity, that is or will be 20284
six feet or less in height, as determined by the chief; 20285

(4) A dam or levee that belongs to a class exempted by the 20286
chief; 20287

(5) The repair, maintenance, improvement, alteration, or 20288
removal of a dam or levee that is subject to section 1521.062 of 20289
the Revised Code, unless the construction constitutes an 20290
enlargement or reconstruction of the structure as determined by 20291
the chief; 20292

(6) A dam or impoundment constructed under Chapter 1513. of 20293
the Revised Code. 20294

(B) Before a construction permit may be issued, three copies 20295
of the plans and specifications, including a detailed cost 20296
estimate, for the proposed construction, prepared by a registered 20297
professional engineer, together with ~~the~~ any filing fee specified 20298
by rules adopted by the chief in accordance with division (I) of 20299
this section and the bond or other security required by section 20300
1521.061 of the Revised Code, shall be filed with the chief. The 20301
detailed estimate of the cost shall include all costs associated 20302
with the construction of the dam or levee, including supervision 20303

and inspection of the construction by a registered professional 20304
engineer. ~~The filing fee shall be based on the detailed cost~~ 20305
~~estimate for the proposed construction as filed with and approved~~ 20306
~~by the chief, and shall be determined by the following schedule~~ 20307
~~unless otherwise provided by rules adopted under this section:~~ 20308

~~(1) For the first one hundred thousand dollars of estimated~~ 20309
~~cost, a fee of four per cent;~~ 20310

~~(2) For the next four hundred thousand dollars of estimated~~ 20311
~~cost, a fee of three per cent;~~ 20312

~~(3) For the next five hundred thousand dollars of estimated~~ 20313
~~cost, a fee of two per cent;~~ 20314

~~(4) For all costs in excess of one million dollars, a fee of~~ 20315
~~one-half of one per cent.~~ 20316

~~In no case shall the filing fee be less than one thousand~~ 20317
~~dollars or more than one hundred thousand dollars. If the actual~~ 20318
~~cost exceeds the estimated cost by more than fifteen per cent, an~~ 20319
~~additional filing fee shall be required equal to the fee~~ 20320
~~determined by the preceding schedule less the original filing fee.~~ 20321
All fees collected pursuant to this section, and all fines 20322
collected pursuant to section 1521.99 of the Revised Code, shall 20323
be deposited in the state treasury to the credit of the dam safety 20324
fund, which is hereby created. Expenditures from the fund shall be 20325
made by the chief for the purpose of administering this section 20326
and sections 1521.061 and 1521.062 of the Revised Code. 20327

(C) The chief shall, within thirty days from the date of the 20328
receipt of the application, fee, and bond or other security, issue 20329
or deny a construction permit for the construction or may issue a 20330
construction permit conditioned upon the making of such changes in 20331
the plans and specifications for the construction as the chief 20332
considers advisable if the chief determines that the construction 20333
of the proposed dam or levee, in accordance with the plans and 20334

specifications filed, would endanger life, health, or property. 20335

(D) The chief may deny a construction permit after finding 20336
that a dam or levee built in accordance with the plans and 20337
specifications would endanger life, health, or property, because 20338
of improper or inadequate design, or for such other reasons as the 20339
chief may determine. 20340

In the event the chief denies a permit for the construction 20341
of the dam or levee, or issues a permit conditioned upon a making 20342
of changes in the plans or specifications for the construction, 20343
the chief shall state the reasons therefor and so notify, in 20344
writing, the person or governmental agency making the application 20345
for a permit. If the permit is denied, the chief shall return the 20346
bond or other security to the person or governmental agency making 20347
application for the permit. 20348

The decision of the chief conditioning or denying a 20349
construction permit is subject to appeal as provided in Chapter 20350
119. of the Revised Code. A dam or levee built substantially at 20351
variance from the plans and specifications upon which a 20352
construction permit was issued is in violation of this section. 20353
The chief may at any time inspect any dam or levee, or site upon 20354
which any dam or levee is to be constructed, in order to determine 20355
whether it complies with this section. 20356

(E) A registered professional engineer shall inspect the 20357
construction for which the permit was issued during all phases of 20358
construction and shall furnish to the chief such regular reports 20359
of the engineer's inspections as the chief may require. When the 20360
chief finds that construction has been fully completed in 20361
accordance with the terms of the permit and the plans and 20362
specifications approved by the chief, the chief shall approve the 20363
construction. When one year has elapsed after approval of the 20364
completed construction, and the chief finds that within this 20365
period no fact has become apparent to indicate that the 20366

construction was not performed in accordance with the terms of the 20367
permit and the plans and specifications approved by the chief, or 20368
that the construction as performed would endanger life, health, or 20369
property, the chief shall release the bond or other security. No 20370
bond or other security shall be released until one year after 20371
final approval by the chief, unless the dam or levee has been 20372
modified so that it will not retain water and has been approved as 20373
nonhazardous after determination by the chief that the dam or 20374
levee as modified will not endanger life, health, or property. 20375

(F) When inspections required by this section are not being 20376
performed, the chief shall notify the person or governmental 20377
agency to which the permit has been issued that inspections are 20378
not being performed by the registered professional engineer and 20379
that the chief will inspect the remainder of the construction. 20380
Thereafter, the chief shall inspect the construction and the cost 20381
of inspection shall be charged against the owner. Failure of the 20382
registered professional engineer to submit required inspection 20383
reports shall be deemed notice that the engineer's inspections are 20384
not being performed. 20385

(G) The chief may order construction to cease on any dam or 20386
levee that is being built in violation of this section, and may 20387
prohibit the retention of water behind any dam or levee that has 20388
been built in violation of this section. The attorney general, 20389
upon written request of the chief, may bring an action for an 20390
injunction against any person who violates this section or to 20391
enforce an order or prohibition of the chief made pursuant to this 20392
section. 20393

(H) The chief may adopt rules in accordance with Chapter 119. 20394
of the Revised Code, for the design and construction of dams and 20395
levees for which a construction permit is required by this section 20396
or for which periodic inspection is required by section 1521.062 20397
of the Revised Code, ~~for establishing a filing fee schedule in~~ 20398

~~lieu of the schedule established under division (B) of this~~ 20399
~~section,~~ for deposit and forfeiture of bonds and other securities 20400
required by section 1521.061 of the Revised Code, for the periodic 20401
inspection, operation, repair, improvement, alteration, or removal 20402
of all dams and levees, as specified in section 1521.062 of the 20403
Revised Code, and for establishing classes of dams or levees that 20404
are exempt from the requirements of this section and section 20405
1521.062 of the Revised Code as being of a size, purpose, or 20406
situation that does not present a substantial hazard to life, 20407
health, or property. The chief may, by rule, limit the period 20408
during which a construction permit issued under this section is 20409
valid. The rules may allow for the extension of the period during 20410
which a permit is valid upon written request, provided that the 20411
written request includes a revised construction cost estimate, and 20412
may require the payment of an additional filing fee for the 20413
requested extension. If a construction permit expires without an 20414
extension before construction is completed, the person or agency 20415
shall apply for a new permit, and shall not continue construction 20416
until the new permit is issued. 20417

(I) The chief shall adopt rules in accordance with Chapter 20418
119. of the Revised Code establishing a filing fee schedule for 20419
purposes of division (B) of this section. 20420

Sec. 1521.063. (A) Except for the federal government, the 20421
owner of a dam, that is classified as a class I, class II, or 20422
class III dam under rules adopted under section 1521.06 of the 20423
Revised Code and subject to section 1521.062 of the Revised Code 20424
shall pay an annual fee, ~~based upon the height of the dam, the~~ 20425
~~linear foot length of the dam, and the per acre foot of volume of~~ 20426
~~water impounded by the dam~~ in accordance with the annual fee 20427
schedule established in rules adopted under division (B) of this 20428
section. The fee shall be paid to the division of water resources 20429
on or before the thirtieth day of June of each year. ~~The annual~~ 20430

~~fee shall be as follows until otherwise provided by rules adopted~~ 20431
~~under this section:~~ 20432

~~(1) For any dam classified as a class I dam under rules~~ 20433
~~adopted by the chief of the division of water resources under~~ 20434
~~section 1521.06 of the Revised Code, three hundred dollars plus~~ 20435
~~ten dollars per foot of height of dam, five cents per foot of~~ 20436
~~length of the dam and five cents per acre foot of water impounded~~ 20437
~~by the dam;~~ 20438

~~(2) For any dam classified as a class II dam under those~~ 20439
~~rules, ninety dollars plus six dollars per foot of height of dam,~~ 20440
~~five cents per foot of length of the dam and five cents per acre~~ 20441
~~foot of water impounded by the dam;~~ 20442

~~(3) For any dam classified as a class III dam under those~~ 20443
~~rules, ninety dollars plus four dollars per foot of height of the~~ 20444
~~dam, five cents per foot of length of the dam, and five cents~~ 20445
~~per acre foot of volume of water impounded by the dam.~~ 20446

~~For purposes of this section, the height of a dam is the~~ 20447
~~vertical height, to the nearest foot, as determined by the~~ 20448
~~division under section 1521.062 of the Revised Code.~~ 20449

All fees collected under this section shall be deposited in 20450
the dam safety fund created in section 1521.06 of the Revised 20451
Code. Any owner who fails to pay any annual fee required by this 20452
section within sixty days after the due date shall be assessed a 20453
penalty of ten per cent of the annual fee plus interest at the 20454
rate of one-half per cent per month from the due date until the 20455
date of payment. 20456

There is hereby created the compliant dam discount program to 20457
be administered by the chief of the division of water resources. 20458
Under the program, the chief may reduce the amount of the annual 20459
fee that an owner of a dam is required to pay in accordance with 20460
rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) 20461

of this section if the owner is in compliance with section 20462
1521.062 of the Revised Code and has developed an emergency action 20463
plan pursuant to standards established in rules adopted under this 20464
section. The chief shall not discount an annual fee by more than 20465
twenty-five per cent of the total annual fee that is due. In 20466
addition, the chief shall not discount the annual fee that is due 20467
from the owner of a dam who has been assessed a penalty under this 20468
section. 20469

(B)(1) The chief shall, in accordance with Chapter 119. of 20470
the Revised Code and subject to the prior approval of the director 20471
of natural resources, adopt, and may amend or rescind, rules for 20472
the collection of fees and the administration, implementation, and 20473
enforcement of this section ~~and~~. 20474

(2) The chief shall, in accordance with Chapter 119. of the 20475
Revised Code, adopt rules for the establishment of an annual fee 20476
schedule in lieu of the schedule established in division (A) for 20477
purposes of this section. 20478

(3) The annual fee schedule must be based on the height of 20479
the dam, the linear foot length of the dam, and the per-acre foot 20480
of volume of water impounded by the dam. For purposes of this 20481
section, the height of a dam is the vertical height, to the 20482
nearest foot, as determined by the division under section 1521.062 20483
of the Revised Code. 20484

(C)(1) No person, political subdivision, or state 20485
governmental agency shall violate or fail to comply with this 20486
section or any rule or order adopted or issued under it. 20487

(2) The attorney general, upon written request of the chief, 20488
may commence an action against any such violator. Any action under 20489
division (C)(2) of this section is a civil action. 20490

(D) As used in this section, "political subdivision" includes 20491
townships, municipal corporations, counties, school districts, 20492

municipal universities, park districts, sanitary districts, and 20493
conservancy districts and subdivisions thereof. 20494

Sec. 1561.14. A person who applies for a certificate as a 20495
mine electrician shall be able to read and write the English 20496
language, and prior to the date of the application for examination 20497
either shall have had at least one year's experience in performing 20498
electrical work underground in a coal mine, in the surface work 20499
area of an underground coal mine, in a surface coal mine, or in a 20500
noncoal mine, or shall have had such experience as the chief of 20501
the division of mineral resources management determines to be 20502
equivalent. Each applicant for examination shall pay a fee of ten 20503
dollars to the chief on the first day of the examination. Any 20504
~~moneys~~ money collected under this section shall be paid into the 20505
state treasury to the credit of the mining regulation and safety 20506
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 20507

Sec. 1561.16. (A) As used in this section and sections 20508
1561.17 to 1561.21 of the Revised Code, "actual practical 20509
experience" means previous employment that involved a person's 20510
regular presence in the type of mining operation in which the 20511
experience is required to exist; participation in functions 20512
relating to the hazards involved in and the utilization of 20513
equipment, tools, and work crews and individuals for that type of 20514
mining; and regular exposure to the methods, procedures, and 20515
safety laws applicable to that type of mining. Credit of up to one 20516
year for a portion of the required experience time may be given 20517
upon documentation to the chief of the division of mineral 20518
resources management of an educational degree in a field related 20519
to mining. Credit of up to two years of the required experience 20520
time may be given upon presentation to the chief of proof of 20521
graduation from an accredited school of mines or mining after a 20522
four-year course of study with employment in the mining industry 20523

during interim breaks during the school years. 20524

(B) A person who applies for a certificate as a mine 20525
foreperson of gaseous mines shall be able to read and write the 20526
English language; shall have had at least five years' actual 20527
practical experience in the underground workings of a gaseous mine 20528
or the equivalent thereof in the judgment of the chief; and shall 20529
have had practical experience obtained by actual contact with gas 20530
in mines and have knowledge of the dangers and nature of noxious 20531
and explosive gases and ventilation of gaseous mines. An applicant 20532
for a certificate as a foreperson of gaseous mines shall meet the 20533
same requirements, except that the applicant shall have had at 20534
least three years' actual practical experience in the underground 20535
workings of a gaseous mine or the equivalent thereof in the 20536
judgment of the chief. Each applicant for examination shall pay a 20537
fee established in rules adopted under this section to the chief 20538
on the first day of such examination. 20539

(C) A person who has been issued a certificate as a mine 20540
foreperson or a foreperson of a gaseous mine and who has not 20541
worked in an underground coal mine for a period of more than two 20542
calendar years shall apply for and obtain recertification from the 20543
chief in accordance with rules adopted under this section before 20544
performing the duties of a mine foreperson or a foreperson of a 20545
gaseous mine. An applicant for recertification shall pay a fee 20546
established in rules adopted under this section at the time of 20547
application for recertification. 20548

(D) A person who has been issued a certificate as a mine 20549
foreperson or a foreperson of a gaseous mine and who has not 20550
worked in an underground coal mine for a period of one or more 20551
calendar years shall successfully complete a retraining course in 20552
accordance with rules adopted under this section before performing 20553
the duties of a mine foreperson or a foreperson of a gaseous mine. 20554

(E) The chief, in consultation with a statewide association 20555

representing the coal mining industry and a statewide association 20556
representing employees of coal mines, shall adopt rules in 20557
accordance with Chapter 119. of the Revised Code that do all of 20558
the following: 20559

(1) Prescribe requirements, criteria, and procedures for the 20560
recertification of a mine foreperson or a foreperson of a gaseous 20561
mine who has not worked in an underground coal mine for a period 20562
of more than two calendar years; 20563

(2) Prescribe requirements, criteria, and procedures for the 20564
retraining of a mine foreperson or a foreperson of a gaseous mine 20565
who has not worked in an underground coal mine for a period of one 20566
or more calendar years; 20567

(3) Establish fees for the examination and recertification of 20568
mine forepersons or forepersons of gaseous mines under this 20569
section; 20570

(4) Prescribe any other requirements, criteria, and 20571
procedures that the chief determines are necessary to administer 20572
this section. 20573

(F) Any ~~moneys~~ money collected under this section shall be 20574
paid into the state treasury to the credit of the mining 20575
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20576
the Revised Code. 20577

Sec. 1561.17. (A) A person who applies for a certificate as 20578
mine foreperson or foreperson of nongaseous mines shall be able to 20579
read and write the English language; shall have had at least three 20580
years' actual practical experience in mines, or the equivalent 20581
thereof in the judgment of the chief of the division of mineral 20582
resources management; and shall have knowledge of the dangers and 20583
nature of noxious gases. Each applicant for examination shall pay 20584
a fee established in rules adopted under this section to the chief 20585

on the first day of the examination. 20586

(B) A person who has been issued a certificate as a mine 20587
foreperson or a foreperson of a nongaseous coal mine and who has 20588
not worked in an underground coal mine for a period of more than 20589
two calendar years shall apply for and obtain recertification from 20590
the chief in accordance with rules adopted under this section 20591
before performing the duties of a mine foreperson or a foreperson 20592
of a nongaseous coal mine. An applicant for recertification shall 20593
pay a fee established in rules adopted under this section at the 20594
time of application for recertification. 20595

(C) A person who has been issued a certificate as a mine 20596
foreperson or a foreperson of a nongaseous coal mine and who has 20597
not worked in an underground coal mine for a period of one or more 20598
calendar years shall successfully complete a retraining course in 20599
accordance with rules adopted under this section before performing 20600
the duties of a mine foreperson or a foreperson of a nongaseous 20601
coal mine. 20602

(D) The chief, in consultation with a statewide association 20603
representing the coal mining industry and a statewide association 20604
representing employees of coal mines, shall adopt rules in 20605
accordance with Chapter 119. of the Revised Code that do all of 20606
the following: 20607

(1) Prescribe requirements, criteria, and procedures for the 20608
recertification of a mine foreperson or a foreperson of a 20609
nongaseous coal mine who has not worked in an underground coal 20610
mine for a period of more than two calendar years; 20611

(2) Prescribe requirements, criteria, and procedures for the 20612
retraining of a mine foreperson or a foreperson of a nongaseous 20613
coal mine who has not worked in an underground coal mine for a 20614
period of one or more calendar years; 20615

(3) Establish fees for the examination and recertification of 20616

mine forepersons or forepersons of nongaseous coal mines under 20617
this section; 20618

(4) Prescribe any other requirements, criteria, and 20619
procedures that the chief determines are necessary to administer 20620
this section. 20621

(E) Any ~~moneys~~ money collected under this section shall be 20622
paid into the state treasury to the credit of the mining 20623
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20624
the Revised Code. 20625

Sec. 1561.18. A person who applies for a certificate as a 20626
foreperson of surface maintenance facilities at underground or 20627
surface mines shall be able to read and write the English language 20628
and shall have had at least three years' actual practical 20629
experience in or around the surface maintenance facilities of 20630
underground or surface mines or the equivalent thereof in the 20631
judgment of the chief of the division of mineral resources 20632
management. Each applicant for examination shall pay a fee of ten 20633
dollars to the chief on the first day of the examination. Any 20634
~~moneys~~ money collected under this section shall be paid into the 20635
state treasury to the credit of the mining regulation and safety 20636
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 20637

Sec. 1561.19. A person who applies for a certificate as a 20638
mine foreperson of surface mines shall be able to read and write 20639
the English language and shall have had at least five years' 20640
actual practical experience in surface mines. An applicant for a 20641
certificate as a foreperson of surface mines shall meet the same 20642
requirements, except that the applicant shall have had at least 20643
three years' actual practical experience in surface mines or the 20644
equivalent thereof in the judgment of the chief of the division of 20645
mineral resources management. Each applicant for examination shall 20646

pay a fee of ten dollars to the chief on the first day of the 20647
examination. Any ~~moneys~~ money collected under this section shall 20648
be paid into the state treasury to the credit of the mining 20649
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20650
the Revised Code. 20651

Sec. 1561.20. A person who applies for a certificate as a 20652
surface mine blaster shall be able to read and write the English 20653
language; shall have had at least one year's actual practical 20654
experience in surface mines or the equivalent thereof in the 20655
judgment of the chief of the division of mineral resources 20656
management; shall have knowledge of the dangers and nature of the 20657
use of explosives, related equipment, and blasting techniques; and 20658
shall have knowledge of safety laws and rules, including those 20659
related to the storage, use, and transportation of explosives. 20660
Each applicant for examination shall pay a fee of ten dollars to 20661
the chief on the first day of the examination. Any ~~moneys~~ money 20662
collected under this section shall be paid into the state treasury 20663
to the credit of the mining regulation and safety fund created in 20664
section ~~1561.48~~ 1513.30 of the Revised Code. 20665

Sec. 1561.21. A person who applies for a certificate as a 20666
shot firer shall be able to read and write the English language; 20667
shall have had at least one year's actual practical experience in 20668
the underground workings of mines or the equivalent thereof in the 20669
judgment of the chief of the division of mineral resources 20670
management; shall have knowledge of the dangers and nature of 20671
noxious and explosive gases; shall have knowledge of the dangers 20672
and nature of the use of explosives, related equipment, and 20673
blasting techniques; and shall have knowledge of safety laws and 20674
rules, including those related to the underground storage, use, 20675
and transportation of explosives. Each applicant for examination 20676
shall pay a fee of ten dollars to the chief on the first day of 20677

the examination. Any ~~moneys~~ money collected under this section 20678
shall be paid into the state treasury to the credit of the mining 20679
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 20680
the Revised Code. 20681

Any person who possesses a mine foreperson or foreperson 20682
certificate issued by the chief shall be considered certified as a 20683
shot firer. 20684

Sec. 1561.22. A person who applies for a certificate as fire 20685
boss shall be able to read and write the English language; shall 20686
have had at least three years' actual practical experience in the 20687
underground workings of a gaseous mine or the equivalent thereof 20688
in the judgment of the chief of the division of mineral resources 20689
management; and shall have knowledge of the dangers and nature of 20690
noxious and explosive gases gained by actual contact with gas in 20691
mines and ventilation of gaseous mines. Each applicant for 20692
examination shall pay a fee of ten dollars to the chief on the 20693
first day of the examination. Any ~~moneys~~ money collected under 20694
this section shall be paid into the state treasury to the credit 20695
of the mining regulation and safety fund created in section 20696
~~1561.48~~ 1513.30 of the Revised Code. 20697

Sec. 1561.26. (A) As used in this section: 20698

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 20699
meanings as in section 4765.01 of the Revised Code. 20700

(2) "Mine medical responder" has the same meaning as in 20701
section 1565.15 of the Revised Code. 20702

(B) The superintendent of rescue stations, with the approval 20703
of the chief of the division of mineral resources management, 20704
shall, at each rescue station provided for in section 1561.25 of 20705
the Revised Code, train and employ rescue crews of six members 20706
each, one of whom shall hold a mine foreperson or fire boss 20707

certificate and be designated captain, and train and employ any 20708
number of such rescue crews as the superintendent believes 20709
necessary. One member of a rescue crew shall be certified as an 20710
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 20711
member of a rescue crew shall devote the time specified by the 20712
chief each month for training purposes and shall be available at 20713
all times to assist in rescue work at explosions, mine fires, and 20714
other emergencies. 20715

A captain of mine rescue crews shall receive for service as 20716
captain the sum of twenty-four dollars per month, and each member 20717
shall receive the sum of twenty dollars per month, all payable on 20718
requisition approved by the chief. When engaged in rescue work at 20719
explosions, mine fires, or other emergencies away from their 20720
station, the members of the rescue crews and captains of the same 20721
shall be paid the sum of six dollars per hour for work on the 20722
surface, which includes the time consumed by those members in 20723
traveling to and from the scene of the emergency when the scene is 20724
away from the station of the members, and the sum of seven dollars 20725
per hour for all work underground at the emergency, and in 20726
addition thereto, the necessary living expenses of the members 20727
when the emergency is away from their home station, all payable on 20728
requisition approved by the chief. 20729

Each member of a mine rescue crew shall undergo an annual 20730
medical examination. The chief may designate to perform an 20731
examination any individual authorized by the Revised Code to do 20732
so, including a physician assistant, a clinical nurse specialist, 20733
a certified nurse practitioner, or a certified nurse-midwife. In 20734
designating the individual to perform a medical examination, the 20735
chief shall choose one near the station of the member of the 20736
rescue crews. The examiner shall report the examination results to 20737
the chief and if, in the opinion of the chief, the report 20738
indicates that the member is physically unfit for further 20739

services, the chief shall relieve the member from further duty. 20740
The fee charged by the examiner for the examination shall be paid 20741
in the same manner as fees are paid to doctors employed by the 20742
industrial commission for special medical examinations. 20743

The chief may remove any member of a rescue crew for any 20744
reason. Such crews shall be subject to the orders of the chief, 20745
the superintendent, and the deputy mine inspectors when engaged in 20746
actual mine rescue work. Mine rescue crews shall, in case of death 20747
or injury when engaged in rescue work, wherever the same may 20748
occur, be paid compensation, or their dependents shall be paid 20749
death benefits, from the workers' compensation fund, in the same 20750
manner as other employees of the state. 20751

(C) In addition to the training of rescue crews, each 20752
assistant superintendent of rescue stations, with the approval of 20753
the superintendent, shall provide for and conduct safety, first 20754
aid, and rescue classes at any mine or for any group of miners who 20755
make application for the conducting of such classes. The chief may 20756
assess a fee for safety and first aid classes for the purpose of 20757
covering the costs associated with providing those classes. The 20758
chief shall establish a fee schedule for safety and first aid 20759
classes by rule adopted in accordance with Chapter 119. of the 20760
Revised Code. Fees collected under this section shall be deposited 20761
in the ~~surface~~ mining regulation and safety fund created in 20762
section ~~1514.06~~ 1513.30 of the Revised Code. 20763

The superintendent shall prescribe and provide for a uniform 20764
schedule of conducting such safety and rescue classes as will 20765
provide a competent knowledge of modern safety and rescue methods 20766
in, at, and about mines. 20767

(D) No member of a mine rescue crew who performs mine rescue 20768
at an underground coal mine and no operator of a mine whose 20769
employee participates as a member of such a mine rescue crew is 20770
liable in any civil action that arises under the laws of this 20771

state for damage or injury caused in the performance of rescue 20772
work at an underground coal mine. However, a member of such a mine 20773
rescue crew may be liable if the member acted with malicious 20774
purpose, in bad faith, or in a wanton or reckless manner. 20775

This division does not eliminate, limit, or reduce any 20776
immunity from civil liability that is conferred on a member of 20777
such a mine rescue crew or an operator by any other provision of 20778
the Revised Code or by case law. 20779

Sec. 1561.45. Fines collected by reason of prosecutions under 20780
this chapter and Chapters 1563., 1565., and 1567. of the Revised 20781
Code shall be paid to the chief of the division of mineral 20782
resources management, and by the chief paid into the state 20783
treasury to the credit of the mining regulation and safety fund 20784
created in section ~~1561.48~~ 1513.30 of the Revised Code. 20785

Sec. 1561.46. Fees received by the chief of the division of 20786
mineral resources management under sections 1561.16 to 1561.22 of 20787
the Revised Code shall be paid by the chief into the state 20788
treasury to the credit of the mining regulation and safety fund 20789
created in section ~~1561.48~~ 1513.30 of the Revised Code. 20790

Sec. 1561.48. All ~~moneys~~ money collected under sections 20791
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 20792
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 20793
into the state treasury to the credit of the mining regulation and 20794
safety fund, ~~which is hereby created by section 1513.30 of the~~ 20795
Revised Code. The department of natural resources shall use the 20796
~~moneys~~ money in the fund to pay the operating expenses of the 20797
division of mineral resources management. 20798

Sec. 1721.01. A company or association incorporated for 20799
cemetery purposes may appropriate or otherwise acquire, and may 20800

hold, not more than six hundred forty acres of land at any one 20801
location, which shall be exempt from execution, and from being 20802
appropriated for any public purpose, except as otherwise provided 20803
in this section, ~~and from taxation, if held exclusively for~~ 20804
~~cemetery or burial purposes, and with no view to profit.~~ A company 20805
or association of that nature may own land at multiple locations, 20806
and as many as six hundred forty acres owned at each location in 20807
accordance with this section are entitled to the exemptions 20808
specified in this section. 20809

Lands of cemetery associations not containing graves or not 20810
containing graves that are in use as such on the date a written 20811
notice, as provided in this section, is served upon the officers 20812
of a cemetery, shall be subject to appropriation for highway or 20813
street purposes if an appropriation commences within four years of 20814
the serving of the notice. For such purposes said lands shall be 20815
subject to the exercise of the right of eminent domain by the 20816
municipal corporation in which such lands are located, by the 20817
board of county commissioners of the county in which such lands 20818
are located, or by the director of transportation under the same 20819
conditions and in the same manner as any private property; and, if 20820
any burial occurs within the area specifically designated in the 20821
written notice, the appropriating agency shall have the same 20822
powers with respect to such burial as are given to a board of 20823
township trustees by section 517.21 of the Revised Code and shall 20824
pay any costs resulting from the exercise of these powers. This 20825
section shall not be construed as authorizing an appropriating 20826
agency to exercise the powers specified by section 517.21 of the 20827
Revised Code in any part of a cemetery other than the area 20828
specifically designated in the written notice. 20829

The appropriating agency shall serve upon the officers or 20830
agents having control of a cemetery a written notice that a 20831
specifically designated area of the cemetery may be needed for 20832

highway purposes. No such notice may be served more than once. 20833

Such appropriation proceedings shall be made in the manner 20834
provided for in sections 163.01 to 163.22 of the Revised Code or, 20835
if by the director of transportation, as otherwise provided by 20836
law. 20837

The board of trustees of such company or association, 20838
whenever in its opinion any portion of such lands is unsuitable 20839
for burial purposes, may sell and convey by deed in fee simple, in 20840
such manner, and upon such terms, as are provided by resolution of 20841
such board, any such portion of said lands, and apply the proceeds 20842
thereof to the general purposes of the company or association; but 20843
on such sale being made, the lands so sold shall be returned by 20844
the board to the auditor of the proper county and placed by that 20845
auditor upon the grand tax list and duplicate of real and public 20846
utility property for taxation. 20847

Such company or association may also take, set aside, or hold 20848
any personal property received by it from any source for cemetery 20849
purposes; and if such company or association is incorporated not 20850
for profit, all personal property, including the income therefrom, 20851
owned or held by it, or for its use, for cemetery purposes and 20852
with no view to profit, shall be exempt from execution, from being 20853
appropriated for any public purpose, and from taxation, and no tax 20854
shall be assessed upon any personal property or the income 20855
therefrom expressly exempted under this section. 20856

~~This chapter does not authorize the exemption of real 20857
property used for a funeral home or any other activity not 20858
permitted to be conducted by a cemetery association exempt from 20859
taxation under section 501(c)(13) of the "Internal Revenue Code of 20860
1954," 26 U.S.C.A. 501, or any successor provision. 20861~~

All exemptions ~~from taxation~~ provided for in this section 20862
shall be in addition to such other exemptions ~~from taxation~~ as a 20863

company or association incorporated for cemetery purposes, or its 20864
real or personal property, has under any other provisions of the 20865
Revised Code. 20866

Sec. 1721.10. Except as otherwise provided in this section, 20867
lands appropriated and set apart as burial grounds, either for 20868
public or for private use, and recorded or filed as such in the 20869
office of the county recorder of the county where they are 20870
situated, and any burial ground that has been used as such for 20871
fifteen years are exempt from sale on execution on a judgment, 20872
~~taxation,~~ dower, and compulsory partition; but land appropriated 20873
and set apart as a private burial ground is not so exempt if it 20874
exceeds in value the sum of fifty dollars. 20875

The lien for taxes against such burial grounds may be 20876
enforced in the same manner prescribed for abandoned lands under 20877
sections 323.65 to 323.79 of the Revised Code except that the 20878
burial ground may be transferred only to a municipal corporation, 20879
county, or township under division (D) of section 323.74 of the 20880
Revised Code. No burial ground that is otherwise exempt from sale 20881
or execution under this section shall be offered for sale at 20882
public auction. 20883

Sec. 1923.02. (A) Proceedings under this chapter may be had 20884
as follows: 20885

(1) Against tenants or manufactured home park residents 20886
holding over their terms; 20887

(2) Against tenants or manufactured home park residents in 20888
possession under an oral tenancy, who are in default in the 20889
payment of rent as provided in division (B) of this section; 20890

(3) In sales of real estate, on executions, orders, or other 20891
judicial process, when the judgment debtor was in possession at 20892
the time of the rendition of the judgment or decree, by virtue of 20893

which the sale was made; 20894

(4) In sales by executors, administrators, or guardians, and 20895
on partition, when any of the parties to the complaint were in 20896
possession at the commencement of the action, after the sales, so 20897
made on execution or otherwise, have been examined by the proper 20898
court and adjudged legal; 20899

(5) When the defendant is an occupier of lands or tenements, 20900
without color of title, and the complainant has the right of 20901
possession to them; 20902

(6) In any other case of the unlawful and forcible detention 20903
of lands or tenements. For purposes of this division, in addition 20904
to any other type of unlawful and forcible detention of lands or 20905
tenements, such a detention may be determined to exist when both 20906
of the following apply: 20907

(a) A tenant fails to vacate residential premises within 20908
three days after both of the following occur: 20909

(i) The tenant's landlord has actual knowledge of or has 20910
reasonable cause to believe that the tenant, any person in the 20911
tenant's household, or any person on the premises with the consent 20912
of the tenant previously has or presently is engaged in a 20913
violation of Chapter 2925. or 3719. of the Revised Code, or of a 20914
municipal ordinance that is substantially similar to any section 20915
in either of those chapters, which involves a controlled substance 20916
and which occurred in, is occurring in, or otherwise was or is 20917
connected with the premises, whether or not the tenant or other 20918
person has been charged with, has pleaded guilty to or been 20919
convicted of, or has been determined to be a delinquent child for 20920
an act that, if committed by an adult, would be a violation as 20921
described in this division. For purposes of this division, a 20922
landlord has "actual knowledge of or has reasonable cause to 20923
believe" that a tenant, any person in the tenant's household, or 20924

any person on the premises with the consent of the tenant 20925
previously has or presently is engaged in a violation as described 20926
in this division if a search warrant was issued pursuant to 20927
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 20928
affidavit presented to obtain the warrant named or described the 20929
tenant or person as the individual to be searched and particularly 20930
described the tenant's premises as the place to be searched, named 20931
or described one or more controlled substances to be searched for 20932
and seized, stated substantially the offense under Chapter 2925. 20933
or 3719. of the Revised Code or the substantially similar 20934
municipal ordinance that occurred in, is occurring in, or 20935
otherwise was or is connected with the tenant's premises, and 20936
states the factual basis for the affiant's belief that the 20937
controlled substances are located on the tenant's premises; the 20938
warrant was properly executed by a law enforcement officer and any 20939
controlled substance described in the affidavit was found by that 20940
officer during the search and seizure; and, subsequent to the 20941
search and seizure, the landlord was informed by that or another 20942
law enforcement officer of the fact that the tenant or person has 20943
or presently is engaged in a violation as described in this 20944
division and it occurred in, is occurring in, or otherwise was or 20945
is connected with the tenant's premises. 20946

(ii) The landlord gives the tenant the notice required by 20947
division (C) of section 5321.17 of the Revised Code. 20948

(b) The court determines, by a preponderance of the evidence, 20949
that the tenant, any person in the tenant's household, or any 20950
person on the premises with the consent of the tenant previously 20951
has or presently is engaged in a violation as described in 20952
division (A)(6)(a)(i) of this section. 20953

(7) In cases arising out of Chapter 5313. of the Revised 20954
Code. In those cases, the court has the authority to declare a 20955
forfeiture of the vendee's rights under a land installment 20956

contract and to grant any other claims arising out of the 20957
contract. 20958

(8) Against tenants who have breached an obligation that is 20959
imposed by section 5321.05 of the Revised Code, other than the 20960
obligation specified in division (A)(9) of that section, and that 20961
materially affects health and safety. Prior to the commencement of 20962
an action under this division, notice shall be given to the tenant 20963
and compliance secured with section 5321.11 of the Revised Code. 20964

(9) Against tenants who have breached an obligation imposed 20965
upon them by a written rental agreement; 20966

(10) Against manufactured home park residents who have 20967
defaulted in the payment of rent or breached the terms of a rental 20968
agreement with a park operator. Nothing in this division precludes 20969
the commencement of an action under division (A)(12) of this 20970
section when the additional circumstances described in that 20971
division apply. 20972

(11) Against manufactured home park residents who have 20973
committed two material violations of the rules of the manufactured 20974
home park, of the ~~manufactured homes commission~~ division of 20975
industrial compliance of the department of commerce, or of 20976
applicable state and local health and safety codes and who have 20977
been notified of the violations in compliance with section 4781.45 20978
of the Revised Code; 20979

(12) Against a manufactured home park resident, or the estate 20980
of a manufactured home park resident, who as a result of death or 20981
otherwise has been absent from the manufactured home park for a 20982
period of thirty consecutive days prior to the commencement of an 20983
action under this division and whose manufactured home or mobile 20984
home, or recreational vehicle that is parked in the manufactured 20985
home park, has been left unoccupied for that thirty-day period, 20986
without notice to the park operator and without payment of rent 20987

due under the rental agreement with the park operator; 20988

(13) Against occupants of self-service storage facilities, as 20989
defined in division (A) of section 5322.01 of the Revised Code, 20990
who have breached the terms of a rental agreement or violated 20991
section 5322.04 of the Revised Code; 20992

(14) Against any resident or occupant who, pursuant to a 20993
rental agreement, resides in or occupies residential premises 20994
located within one thousand feet of any school premises or 20995
preschool or child day-care center premises and to whom both of 20996
the following apply: 20997

(a) The resident's or occupant's name appears on the state 20998
registry of sex offenders and child-victim offenders maintained 20999
under section 2950.13 of the Revised Code. 21000

(b) The state registry of sex offenders and child-victim 21001
offenders indicates that the resident or occupant was convicted of 21002
or pleaded guilty to a sexually oriented offense or a child-victim 21003
oriented offense in a criminal prosecution and was not sentenced 21004
to a serious youthful offender dispositional sentence for that 21005
offense. 21006

(15) Against any tenant who permits any person to occupy 21007
residential premises located within one thousand feet of any 21008
school premises or preschool or child day-care center premises if 21009
both of the following apply to the person: 21010

(a) The person's name appears on the state registry of sex 21011
offenders and child-victim offenders maintained under section 21012
2950.13 of the Revised Code. 21013

(b) The state registry of sex offenders and child-victim 21014
offenders indicates that the person was convicted of or pleaded 21015
guilty to a sexually oriented offense or a child-victim oriented 21016
offense in a criminal prosecution and was not sentenced to a 21017
serious youthful offender dispositional sentence for that offense. 21018

(B) If a tenant or manufactured home park resident holding 21019
under an oral tenancy is in default in the payment of rent, the 21020
tenant or resident forfeits the right of occupancy, and the 21021
landlord may, at the landlord's option, terminate the tenancy by 21022
notifying the tenant or resident, as provided in section 1923.04 21023
of the Revised Code, to leave the premises, for the restitution of 21024
which an action may then be brought under this chapter. 21025

(C)(1) If a tenant or any other person with the tenant's 21026
permission resides in or occupies residential premises that are 21027
located within one thousand feet of any school premises and is a 21028
resident or occupant of the type described in division (A)(14) of 21029
this section or a person of the type described in division (A)(15) 21030
of this section, the landlord for those residential premises, upon 21031
discovery that the tenant or other person is a resident, occupant, 21032
or person of that nature, may terminate the rental agreement or 21033
tenancy for those residential premises by notifying the tenant and 21034
all other occupants, as provided in section 1923.04 of the Revised 21035
Code, to leave the premises. 21036

(2) If a landlord is authorized to terminate a rental 21037
agreement or tenancy pursuant to division (C)(1) of this section 21038
but does not so terminate the rental agreement or tenancy, the 21039
landlord is not liable in a tort or other civil action in damages 21040
for any injury, death, or loss to person or property that 21041
allegedly result from that decision. 21042

(D) This chapter does not apply to a student tenant as 21043
defined by division (H) of section 5321.01 of the Revised Code 21044
when the college or university proceeds to terminate a rental 21045
agreement pursuant to section 5321.031 of the Revised Code. 21046

Sec. 2135.01. As used in sections 2135.01 to 2135.14 of the 21047
Revised Code: 21048

(A) "Adult" means a person who is eighteen years of age or 21049

older.	21050
(B) "Capacity to consent to mental health treatment decisions" means the functional ability to understand information about the risks of, benefits of, and alternatives to the proposed mental health treatment, to rationally use that information, to appreciate how that information applies to the declarant, and to express a choice about the proposed treatment.	21051 21052 21053 21054 21055 21056
(C) "Declarant" means an adult who has executed a declaration for mental health treatment in accordance with this chapter.	21057 21058
(D) "Declaration for mental health treatment" or "declaration" means a written document declaring preferences or instructions regarding mental health treatment executed in accordance with this chapter.	21059 21060 21061 21062
(E) "Designated physician" means the physician the declarant has named in a declaration for mental health treatment and has assigned the primary responsibility for the declarant's mental health treatment or, if the declarant has not so named a physician, the physician who has accepted that responsibility.	21063 21064 21065 21066 21067
(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	21068 21069 21070
(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.	21071 21072 21073
(H) "Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	21074 21075
(I) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	21076 21077
(J) "Informed consent" means consent voluntarily given by a person after a sufficient explanation and disclosure of the	21078 21079

subject matter involved to enable that person to have a general 21080
understanding of the nature, purpose, and goal of the treatment or 21081
procedures, including the substantial risks and hazards inherent 21082
in the proposed treatment or procedures and any alternative 21083
treatment or procedures, and to make a knowing health care 21084
decision without coercion or undue influence. 21085

(K) "Medical record" means any document or combination of 21086
documents that pertains to a declarant's medical history, 21087
diagnosis, prognosis, or medical condition and that is generated 21088
and maintained in the process of the declarant's health care. 21089

(L) "Mental health treatment" means any care, treatment, 21090
service, or procedure to maintain, diagnose, or treat an 21091
individual's mental condition or mental health, including, but not 21092
limited to, electroconvulsive or other convulsive treatment, 21093
treatment of mental illness with medication, and admission to and 21094
retention in a health care facility. 21095

(M) "Mental health treatment decision" means informed 21096
consent, refusal to give informed consent, or withdrawal of 21097
informed consent to mental health treatment. 21098

(N) "Mental health treatment provider" means physicians, 21099
physician assistants, psychologists, licensed independent social 21100
workers, licensed professional clinical counselors, and 21101
psychiatric nurses. 21102

(O) "Physician" means a person who is authorized under 21103
Chapter 4731. of the Revised Code to practice medicine and surgery 21104
or osteopathic medicine and surgery. 21105

(P) "Professional disciplinary action" means action taken by 21106
the board or other entity that regulates the professional conduct 21107
of health care personnel, including, but not limited to, the state 21108
medical board, the state behavioral health and social work board 21109
~~of psychology~~, and the state board of nursing. 21110

(Q) "Proxy" means an adult designated to make mental health treatment decisions for a declarant under a valid declaration for mental health treatment.

(R) "Psychiatric nurse" means a registered nurse who holds a master's degree or doctorate in nursing with a specialization in psychiatric nursing.

(S) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(T) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(U) "Registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(V) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.

Sec. 2151.43. In cases against an adult under sections 2151.01 to 2151.54 of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the county department of job and family services shall file charges against any person who fails to provide support to a child in violation of section 2919.21 of the Revised Code, unless the department files charges under section 3113.06 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless action to enforce support is brought under Chapter 3115. of the Revised Code.

In such prosecution an indictment by the grand jury or

information by the prosecuting attorney shall not be required. The 21141
clerk shall issue a warrant for the arrest of the accused, who, 21142
when arrested, shall be taken before the juvenile judge and tried 21143
according to such sections. 21144

The affidavit may be amended at any time before or during the 21145
trial. 21146

The judge may bind such adult over to the grand jury, where 21147
the act complained of constitutes a felony. 21148

Sec. 2151.49. In every case of conviction under sections 21149
2151.01 to 2151.54 of the Revised Code, where imprisonment is 21150
imposed as part of the punishment, the juvenile judge may suspend 21151
sentence, before or during commitment, upon such condition as the 21152
juvenile judge imposes. In the case of conviction for nonsupport 21153
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 21154
the Revised Code, if the juvenile judge suspends sentence on 21155
condition that the person make payments for support, the payment 21156
shall be made to the county department of job and family services 21157
rather than to the child or custodian of the child. 21158

The court, in accordance with sections 3119.29 to 3119.56 of 21159
the Revised Code, shall include in each support order made under 21160
this section the requirement that one or both of the parents 21161
provide for the health care needs of the child to the satisfaction 21162
of the court. 21163

Sec. 2301.56. (A) A facility governing board that proposes or 21164
establishes one or more community-based correctional facilities 21165
and programs or district community-based correctional facilities 21166
and programs may apply to the division of parole and community 21167
services of the department of rehabilitation and correction for 21168
state financial assistance for the cost of renovation, 21169
maintenance, and operation of any of the facilities and programs. 21170

If the facility governing board has proposed or established more 21171
than one facility and program and if it desires state financial 21172
assistance for more than one of the facilities and programs, the 21173
board shall submit a separate application for each facility and 21174
program for which it desires the financial assistance. 21175

An application for state financial assistance under this 21176
section may be made when the facility governing board submits for 21177
approval of the division of parole and community services its 21178
proposal for the establishment of the facility and program in 21179
question under division (B) of section 2301.51 of the Revised 21180
Code, or at any time after the division has approved the proposal. 21181
All applications for state financial assistance for proposed or 21182
approved facilities and programs shall be made on forms that are 21183
prescribed and furnished by the department of rehabilitation and 21184
correction, and in accordance with section 5120.112 of the Revised 21185
Code. 21186

(B) The facility governing board may submit a request for 21187
funding of some or all of its community-based correctional 21188
facilities and programs or district community-based correctional 21189
facilities and programs to the board of county commissioners of 21190
the county, if the facility governing board serves a 21191
community-based correctional facility and program, or to the 21192
boards of county commissioners of all of the member counties, if 21193
the facility governing board serves a district community-based 21194
correctional facility and program. The board or boards may 21195
appropriate, but are not required to appropriate, a sum of money 21196
for funding all aspects of each facility and program as outlined 21197
in sections 2301.51 to 2301.58 of the Revised Code. The facility 21198
governing board has no recourse against a board or boards of 21199
county commissioners if the board or boards of county 21200
commissioners do not appropriate money for funding any facility 21201
and program or if they appropriate money for funding a facility 21202

and program in an amount less than the total amount of the 21203
submitted request for funding. 21204

(C) Pursuant to section 2929.37 of the Revised Code, a board 21205
of county commissioners may require a person who was convicted of 21206
an offense and who is confined in a community-based correctional 21207
facility or district community-based correctional facility as 21208
provided in sections 2301.51 to 2301.58 of the Revised Code to 21209
reimburse the county for its expenses incurred by reason of the 21210
person's confinement. 21211

(D)(1) Community-based correctional facilities and programs 21212
and district community-based correctional facilities and programs 21213
are public offices under section 117.01 of the Revised Code and 21214
are subject to audit under section 117.10 of the Revised Code. The 21215
audits of the facilities and programs shall include financial 21216
audits and, in addition, in the circumstances specified in this 21217
division, performance audits by the auditor of state. If a private 21218
or nonprofit entity performs the day-to-day operation of any 21219
community-based correctional facility and program or district 21220
community-based correctional facility and program, the private or 21221
nonprofit entity also is subject to financial audits under section 21222
117.10 of the Revised Code, and, in addition, in the circumstances 21223
specified in this division, to performance audits by the auditor 21224
of state. The auditor of state shall conduct the performance 21225
audits of a facility and program and of an entity required under 21226
section 117.10 of the Revised Code and this division and, 21227
notwithstanding the time period for audits specified in section 21228
117.11 of the Revised Code, shall conduct the financial audits of 21229
a facility and program and of an entity required under section 21230
117.10 of the Revised Code and this division, in accordance with 21231
the following criteria: 21232

(a) For each facility and program and each entity, the 21233
auditor of state shall conduct the initial financial audit within 21234

two years after March 31, 2003, or, if the facility and program in 21235
question is established on or after March 31, 2003, within two 21236
years after the date on which it is established. 21237

(b) After the initial financial audit described in division 21238
(D)(1)(a) of this section, for each facility and program and each 21239
entity, the auditor of state shall conduct the financial audits of 21240
the facility and program or the entity at least once every two 21241
fiscal years. 21242

(c) At any time after March 31, 2003, regarding a facility 21243
and program or regarding an entity that performs the day-to-day 21244
operation of a facility and program, the department of 21245
rehabilitation and correction or the facility governing board that 21246
established the facility and program may request, or the auditor 21247
of state on its own initiative may undertake, a performance audit 21248
of the facility and program or the entity. Upon the receipt of the 21249
request, or upon the auditor of state's own initiative as 21250
described in this division, the auditor of state shall conduct a 21251
performance audit of the facility and program or the entity. 21252

~~(2) The department of rehabilitation and correction~~ Each 21253
~~community-based correctional facility and program, district~~ 21254
~~community-based correctional facility and program, and, to the~~ 21255
~~extent that information is available, private or nonprofit entity~~ 21256
~~that performs the day-to-day operation of any community-based~~ 21257
~~correctional facility and program or district community-based~~ 21258
~~correctional facility and program~~ shall prepare and provide to the 21259
auditor of state quarterly an annual financial reports for each 21260
~~community-based correctional facility and program, for each~~ 21261
~~district community-based correctional facility and program, and,~~ 21262
~~to the extent that information is available, for each private or~~ 21263
~~nonprofit entity that performs the day-to-day operation of any~~ 21264
~~community-based correctional facility and program or district~~ 21265
~~community-based correctional facility and program. Each report~~ 21266

~~shall cover a three-month period and shall be provided to the~~ 21267
~~auditor of state not later than fifteen days after the end of the~~ 21268
~~period covered by the report in accordance with section 117.38 of~~ 21269
~~the Revised Code.~~ 21270

Sec. 2305.113. (A) Except as otherwise provided in this 21271
section, an action upon a medical, dental, optometric, or 21272
chiropractic claim shall be commenced within one year after the 21273
cause of action accrued. 21274

(B)(1) If prior to the expiration of the one-year period 21275
specified in division (A) of this section, a claimant who 21276
allegedly possesses a medical, dental, optometric, or chiropractic 21277
claim gives to the person who is the subject of that claim written 21278
notice that the claimant is considering bringing an action upon 21279
that claim, that action may be commenced against the person 21280
notified at any time within one hundred eighty days after the 21281
notice is so given. 21282

(2) An insurance company shall not consider the existence or 21283
nonexistence of a written notice described in division (B)(1) of 21284
this section in setting the liability insurance premium rates that 21285
the company may charge the company's insured person who is 21286
notified by that written notice. 21287

(C) Except as to persons within the age of minority or of 21288
unsound mind as provided by section 2305.16 of the Revised Code, 21289
and except as provided in division (D) of this section, both of 21290
the following apply: 21291

(1) No action upon a medical, dental, optometric, or 21292
chiropractic claim shall be commenced more than four years after 21293
the occurrence of the act or omission constituting the alleged 21294
basis of the medical, dental, optometric, or chiropractic claim. 21295

(2) If an action upon a medical, dental, optometric, or 21296

chiropractic claim is not commenced within four years after the 21297
occurrence of the act or omission constituting the alleged basis 21298
of the medical, dental, optometric, or chiropractic claim, then, 21299
any action upon that claim is barred. 21300

(D)(1) If a person making a medical claim, dental claim, 21301
optometric claim, or chiropractic claim, in the exercise of 21302
reasonable care and diligence, could not have discovered the 21303
injury resulting from the act or omission constituting the alleged 21304
basis of the claim within three years after the occurrence of the 21305
act or omission, but, in the exercise of reasonable care and 21306
diligence, discovers the injury resulting from that act or 21307
omission before the expiration of the four-year period specified 21308
in division (C)(1) of this section, the person may commence an 21309
action upon the claim not later than one year after the person 21310
discovers the injury resulting from that act or omission. 21311

(2) If the alleged basis of a medical claim, dental claim, 21312
optometric claim, or chiropractic claim is the occurrence of an 21313
act or omission that involves a foreign object that is left in the 21314
body of the person making the claim, the person may commence an 21315
action upon the claim not later than one year after the person 21316
discovered the foreign object or not later than one year after the 21317
person, with reasonable care and diligence, should have discovered 21318
the foreign object. 21319

(3) A person who commences an action upon a medical claim, 21320
dental claim, optometric claim, or chiropractic claim under the 21321
circumstances described in division (D)(1) or (2) of this section 21322
has the affirmative burden of proving, by clear and convincing 21323
evidence, that the person, with reasonable care and diligence, 21324
could not have discovered the injury resulting from the act or 21325
omission constituting the alleged basis of the claim within the 21326
three-year period described in division (D)(1) of this section or 21327
within the one-year period described in division (D)(2) of this 21328

section, whichever is applicable. 21329

(E) As used in this section: 21330

(1) "Hospital" includes any person, corporation, association, 21331
board, or authority that is responsible for the operation of any 21332
hospital licensed or registered in the state, including, but not 21333
limited to, those that are owned or operated by the state, 21334
political subdivisions, any person, any corporation, or any 21335
combination of the state, political subdivisions, persons, and 21336
corporations. "Hospital" also includes any person, corporation, 21337
association, board, entity, or authority that is responsible for 21338
the operation of any clinic that employs a full-time staff of 21339
physicians practicing in more than one recognized medical 21340
specialty and rendering advice, diagnosis, care, and treatment to 21341
individuals. "Hospital" does not include any hospital operated by 21342
the government of the United States or any of its branches. 21343

(2) "Physician" means a person who is licensed to practice 21344
medicine and surgery or osteopathic medicine and surgery by the 21345
state medical board or a person who otherwise is authorized to 21346
practice medicine and surgery or osteopathic medicine and surgery 21347
in this state. 21348

(3) "Medical claim" means any claim that is asserted in any 21349
civil action against a physician, podiatrist, hospital, home, or 21350
residential facility, against any employee or agent of a 21351
physician, podiatrist, hospital, home, or residential facility, or 21352
against a licensed practical nurse, registered nurse, advanced 21353
practice registered nurse, physical therapist, physician 21354
assistant, emergency medical technician-basic, emergency medical 21355
technician-intermediate, or emergency medical 21356
technician-paramedic, and that arises out of the medical 21357
diagnosis, care, or treatment of any person. "Medical claim" 21358
includes the following: 21359

(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	21360 21361
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	21362 21363 21364
(i) The claim results from acts or omissions in providing medical care.	21365 21366
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	21367 21368 21369
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	21370 21371 21372
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	21373 21374 21375
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	21376 21377
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	21378 21379
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.	21380 21381 21382 21383 21384 21385
(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental	21386 21387 21388 21389

operation, optometric diagnosis, care, or treatment, or 21390
chiropractic diagnosis, care, or treatment, that arise from that 21391
diagnosis, care, treatment, or operation, and that seek the 21392
recovery of damages for any of the following: 21393

(a) Loss of society, consortium, companionship, care, 21394
assistance, attention, protection, advice, guidance, counsel, 21395
instruction, training, or education, or any other intangible loss 21396
that was sustained by the parent, guardian, custodian, or spouse; 21397

(b) Expenditures of the parent, guardian, custodian, or 21398
spouse for medical, dental, optometric, or chiropractic care or 21399
treatment, for rehabilitation services, or for other care, 21400
treatment, services, products, or accommodations provided to the 21401
individual who was the subject of the medical diagnosis, care, or 21402
treatment, the dental diagnosis, care, or treatment, the dental 21403
operation, the optometric diagnosis, care, or treatment, or the 21404
chiropractic diagnosis, care, or treatment. 21405

(8) "Registered nurse" means any person who is licensed to 21406
practice nursing as a registered nurse by the board of nursing. 21407

(9) "Chiropractic claim" means any claim that is asserted in 21408
any civil action against a chiropractor, or against any employee 21409
or agent of a chiropractor, and that arises out of the 21410
chiropractic diagnosis, care, or treatment of any person. 21411
"Chiropractic claim" includes derivative claims for relief that 21412
arise from the chiropractic diagnosis, care, or treatment of a 21413
person. 21414

(10) "Chiropractor" means any person who is licensed to 21415
practice chiropractic by the state chiropractic board. 21416

(11) "Optometric claim" means any claim that is asserted in 21417
any civil action against an optometrist, or against any employee 21418
or agent of an optometrist, and that arises out of the optometric 21419
diagnosis, care, or treatment of any person. "Optometric claim" 21420

includes derivative claims for relief that arise from the	21421
optometric diagnosis, care, or treatment of a person.	21422
(12) "Optometrist" means any person licensed to practice	21423
optometry by the state ~~board of optometry~~ <u>vision and hearing</u>	21424
<u>professionals board</u> .	21425
(13) "Physical therapist" means any person who is licensed to	21426
practice physical therapy under Chapter 4755. of the Revised Code.	21427
(14) "Home" has the same meaning as in section 3721.10 of the	21428
Revised Code.	21429
(15) "Residential facility" means a facility licensed under	21430
section 5123.19 of the Revised Code.	21431
(16) "Advanced practice registered nurse" has the same	21432
meaning as in section 4723.01 of the Revised Code.	21433
(17) "Licensed practical nurse" means any person who is	21434
licensed to practice nursing as a licensed practical nurse by the	21435
board of nursing pursuant to Chapter 4723. of the Revised Code.	21436
(18) "Physician assistant" means any person who is licensed	21437
as a physician assistant under Chapter 4730. of the Revised Code.	21438
(19) "Emergency medical technician-basic," "emergency medical	21439
technician-intermediate," and "emergency medical	21440
technician-paramedic" means any person who is certified under	21441
Chapter 4765. of the Revised Code as an emergency medical	21442
technician-basic, emergency medical technician-intermediate, or	21443
emergency medical technician-paramedic, whichever is applicable.	21444
(20) "Skilled nursing care" and "personal care services" have	21445
the same meanings as in section 3721.01 of the Revised Code.	21446
Sec. 2329.66. (A) Every person who is domiciled in this state	21447
may hold property exempt from execution, garnishment, attachment,	21448
or sale to satisfy a judgment or order, as follows:	21449

(1)(a) In the case of a judgment or order regarding money 21450
owed for health care services rendered or health care supplies 21451
provided to the person or a dependent of the person, one parcel or 21452
item of real or personal property that the person or a dependent 21453
of the person uses as a residence. Division (A)(1)(a) of this 21454
section does not preclude, affect, or invalidate the creation 21455
under this chapter of a judgment lien upon the exempted property 21456
but only delays the enforcement of the lien until the property is 21457
sold or otherwise transferred by the owner or in accordance with 21458
other applicable laws to a person or entity other than the 21459
surviving spouse or surviving minor children of the judgment 21460
debtor. Every person who is domiciled in this state may hold 21461
exempt from a judgment lien created pursuant to division (A)(1)(a) 21462
of this section the person's interest, not to exceed one hundred 21463
twenty-five thousand dollars, in the exempted property. 21464

(b) In the case of all other judgments and orders, the 21465
person's interest, not to exceed one hundred twenty-five thousand 21466
dollars, in one parcel or item of real or personal property that 21467
the person or a dependent of the person uses as a residence. 21468

(c) For purposes of divisions (A)(1)(a) and (b) of this 21469
section, "parcel" means a tract of real property as identified on 21470
the records of the auditor of the county in which the real 21471
property is located. 21472

(2) The person's interest, not to exceed three thousand two 21473
hundred twenty-five dollars, in one motor vehicle; 21474

(3) The person's interest, not to exceed four hundred 21475
dollars, in cash on hand, money due and payable, money to become 21476
due within ninety days, tax refunds, and money on deposit with a 21477
bank, savings and loan association, credit union, public utility, 21478
landlord, or other person, other than personal earnings. 21479

(4)(a) The person's interest, not to exceed five hundred 21480

twenty-five dollars in any particular item or ten thousand seven 21481
hundred seventy-five dollars in aggregate value, in household 21482
furnishings, household goods, wearing apparel, appliances, books, 21483
animals, crops, musical instruments, firearms, and hunting and 21484
fishing equipment that are held primarily for the personal, 21485
family, or household use of the person; 21486

(b) The person's aggregate interest in one or more items of 21487
jewelry, not to exceed one thousand three hundred fifty dollars, 21488
held primarily for the personal, family, or household use of the 21489
person or any of the person's dependents. 21490

(5) The person's interest, not to exceed an aggregate of two 21491
thousand twenty-five dollars, in all implements, professional 21492
books, or tools of the person's profession, trade, or business, 21493
including agriculture; 21494

(6)(a) The person's interest in a beneficiary fund set apart, 21495
appropriated, or paid by a benevolent association or society, as 21496
exempted by section 2329.63 of the Revised Code; 21497

(b) The person's interest in contracts of life or endowment 21498
insurance or annuities, as exempted by section 3911.10 of the 21499
Revised Code; 21500

(c) The person's interest in a policy of group insurance or 21501
the proceeds of a policy of group insurance, as exempted by 21502
section 3917.05 of the Revised Code; 21503

(d) The person's interest in money, benefits, charity, 21504
relief, or aid to be paid, provided, or rendered by a fraternal 21505
benefit society, as exempted by section 3921.18 of the Revised 21506
Code; 21507

(e) The person's interest in the portion of benefits under 21508
policies of sickness and accident insurance and in lump sum 21509
payments for dismemberment and other losses insured under those 21510
policies, as exempted by section 3923.19 of the Revised Code. 21511

(7) The person's professionally prescribed or medically necessary health aids;	21512 21513
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	21514 21515 21516
(9) The person's interest in the following:	21517
(a) Moneys paid or payable for ~~living~~ maintenance or rights, as exempted by section 3304.19 of the Revised Code;	21518 21519
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	21520 21521
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	21522 21523
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	21524 21525
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	21526 21527 21528
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	21529 21530
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	21531 21532
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and	21533 21534 21535 21536 21537 21538 21539 21540 21541

only to the extent provided in the order, and except as provided 21542
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 21543
and 3123.06 of the Revised Code, the person's rights to or 21544
interests in a pension, benefit, annuity, retirement allowance, or 21545
accumulated contributions, the person's rights to or interests in 21546
a participant account in any deferred compensation program offered 21547
by the Ohio public employees deferred compensation board, a 21548
government unit, or a municipal corporation, or the person's other 21549
accrued or accruing rights or interests, as exempted by section 21550
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 21551
5505.22 of the Revised Code, and the person's rights to or 21552
interests in benefits from the Ohio public safety officers death 21553
benefit fund; 21554

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 21555
3121.03, and 3123.06 of the Revised Code, the person's rights to 21556
receive or interests in receiving a payment or other benefits 21557
under any pension, annuity, or similar plan or contract, not 21558
including a payment or benefit from a stock bonus or 21559
profit-sharing plan or a payment included in division (A)(6)(b) or 21560
(10)(a) of this section, on account of illness, disability, death, 21561
age, or length of service, to the extent reasonably necessary for 21562
the support of the person and any of the person's dependents, 21563
except if all the following apply: 21564

(i) The plan or contract was established by or under the 21565
auspices of an insider that employed the person at the time the 21566
person's rights or interests under the plan or contract arose. 21567

(ii) The payment is on account of age or length of service. 21568

(iii) The plan or contract is not qualified under the 21569
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 21570
amended. 21571

(c) Except for any portion of the assets that were deposited 21572

for the purpose of evading the payment of any debt and except as 21573
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 21574
3123.06 of the Revised Code, the person's rights or interests in 21575
the assets held in, or to directly or indirectly receive any 21576
payment or benefit under, any individual retirement account, 21577
individual retirement annuity, "Roth IRA," account opened pursuant 21578
to a program administered by a state under section 529 or 529A of 21579
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 21580
as amended, or education individual retirement account that 21581
provides payments or benefits by reason of illness, disability, 21582
death, retirement, or age or provides payments or benefits for 21583
purposes of education or qualified disability expenses, to the 21584
extent that the assets, payments, or benefits described in 21585
division (A)(10)(c) of this section are attributable to or derived 21586
from any of the following or from any earnings, dividends, 21587
interest, appreciation, or gains on any of the following: 21588

(i) Contributions of the person that were less than or equal 21589
to the applicable limits on deductible contributions to an 21590
individual retirement account or individual retirement annuity in 21591
the year that the contributions were made, whether or not the 21592
person was eligible to deduct the contributions on the person's 21593
federal tax return for the year in which the contributions were 21594
made; 21595

(ii) Contributions of the person that were less than or equal 21596
to the applicable limits on contributions to a Roth IRA or 21597
education individual retirement account in the year that the 21598
contributions were made; 21599

(iii) Contributions of the person that are within the 21600
applicable limits on rollover contributions under subsections 219, 21601
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 21602
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 21603
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 21604

(iv) Contributions by any person into any plan, fund, or 21605
account that is formed, created, or administered pursuant to, or 21606
is otherwise subject to, section 529 or 529A of the "Internal 21607
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 21608

(d) Except for any portion of the assets that were deposited 21609
for the purpose of evading the payment of any debt and except as 21610
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 21611
3123.06 of the Revised Code, the person's rights or interests in 21612
the assets held in, or to receive any payment under, any Keogh or 21613
"H.R. 10" plan that provides benefits by reason of illness, 21614
disability, death, retirement, or age, to the extent reasonably 21615
necessary for the support of the person and any of the person's 21616
dependents. 21617

(e) The person's rights to or interests in any assets held 21618
in, or to directly or indirectly receive any payment or benefit 21619
under, any individual retirement account, individual retirement 21620
annuity, "Roth IRA," account opened pursuant to a program 21621
administered by a state under section 529 or 529A of the "Internal 21622
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 21623
education individual retirement account that a decedent, upon or 21624
by reason of the decedent's death, directly or indirectly left to 21625
or for the benefit of the person, either outright or in trust or 21626
otherwise, including, but not limited to, any of those rights or 21627
interests in assets or to receive payments or benefits that were 21628
transferred, conveyed, or otherwise transmitted by the decedent by 21629
means of a will, trust, exercise of a power of appointment, 21630
beneficiary designation, transfer or payment on death designation, 21631
or any other method or procedure. 21632

(f) The exemptions under divisions (A)(10)(a) to (e) of this 21633
section also shall apply or otherwise be available to an alternate 21634
payee under a qualified domestic relations order (QDRO) or other 21635
similar court order. 21636

(g) A person's interest in any plan, program, instrument, or device described in divisions (A)(10)(a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a

dependent, to the extent reasonably necessary for the support of 21668
the debtor and any of the debtor's dependents. 21669

(13) Except as provided in sections 3119.80, 3119.81, 21670
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 21671
earnings of the person owed to the person for services in an 21672
amount equal to the greater of the following amounts: 21673

(a) If paid weekly, thirty times the current federal minimum 21674
hourly wage; if paid biweekly, sixty times the current federal 21675
minimum hourly wage; if paid semimonthly, sixty-five times the 21676
current federal minimum hourly wage; or if paid monthly, one 21677
hundred thirty times the current federal minimum hourly wage that 21678
is in effect at the time the earnings are payable, as prescribed 21679
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 21680
U.S.C. 206(a)(1), as amended; 21681

(b) Seventy-five per cent of the disposable earnings owed to 21682
the person. 21683

(14) The person's right in specific partnership property, as 21684
exempted by the person's rights in a partnership pursuant to 21685
section 1776.50 of the Revised Code, except as otherwise set forth 21686
in section 1776.50 of the Revised Code; 21687

(15) A seal and official register of a notary public, as 21688
exempted by section 147.04 of the Revised Code; 21689

(16) The person's interest in a tuition unit or a payment 21690
under section 3334.09 of the Revised Code pursuant to a tuition 21691
payment contract, as exempted by section 3334.15 of the Revised 21692
Code; 21693

(17) Any other property that is specifically exempted from 21694
execution, attachment, garnishment, or sale by federal statutes 21695
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 21696
U.S.C.A. 101, as amended; 21697

(18) The person's aggregate interest in any property, not to 21698
exceed one thousand seventy-five dollars, except that division 21699
(A)(18) of this section applies only in bankruptcy proceedings. 21700

(B) On April 1, 2010, and on the first day of April in each 21701
third calendar year after 2010, the Ohio judicial conference shall 21702
adjust each dollar amount set forth in this section to reflect any 21703
increase in the consumer price index for all urban consumers, as 21704
published by the United States department of labor, or, if that 21705
index is no longer published, a generally available comparable 21706
index, for the three-year period ending on the thirty-first day of 21707
December of the preceding year. Any adjustments required by this 21708
division shall be rounded to the nearest twenty-five dollars. 21709

The Ohio judicial conference shall prepare a memorandum 21710
specifying the adjusted dollar amounts. The judicial conference 21711
shall transmit the memorandum to the director of the legislative 21712
service commission, and the director shall publish the memorandum 21713
in the register of Ohio. (Publication of the memorandum in the 21714
register of Ohio shall continue until the next memorandum 21715
specifying an adjustment is so published.) The judicial conference 21716
also may publish the memorandum in any other manner it concludes 21717
will be reasonably likely to inform persons who are affected by 21718
its adjustment of the dollar amounts. 21719

(C) As used in this section: 21720

(1) "Disposable earnings" means net earnings after the 21721
garnishee has made deductions required by law, excluding the 21722
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 21723
3121.03, or 3123.06 of the Revised Code. 21724

(2) "Insider" means: 21725

(a) If the person who claims an exemption is an individual, a 21726
relative of the individual, a relative of a general partner of the 21727
individual, a partnership in which the individual is a general 21728

partner, a general partner of the individual, or a corporation of 21729
which the individual is a director, officer, or in control; 21730

(b) If the person who claims an exemption is a corporation, a 21731
director or officer of the corporation; a person in control of the 21732
corporation; a partnership in which the corporation is a general 21733
partner; a general partner of the corporation; or a relative of a 21734
general partner, director, officer, or person in control of the 21735
corporation; 21736

(c) If the person who claims an exemption is a partnership, a 21737
general partner in the partnership; a general partner of the 21738
partnership; a person in control of the partnership; a partnership 21739
in which the partnership is a general partner; or a relative in, a 21740
general partner of, or a person in control of the partnership; 21741

(d) An entity or person to which or whom any of the following 21742
applies: 21743

(i) The entity directly or indirectly owns, controls, or 21744
holds with power to vote, twenty per cent or more of the 21745
outstanding voting securities of the person who claims an 21746
exemption, unless the entity holds the securities in a fiduciary 21747
or agency capacity without sole discretionary power to vote the 21748
securities or holds the securities solely to secure to debt and 21749
the entity has not in fact exercised the power to vote. 21750

(ii) The entity is a corporation, twenty per cent or more of 21751
whose outstanding voting securities are directly or indirectly 21752
owned, controlled, or held with power to vote, by the person who 21753
claims an exemption or by an entity to which division (C)(2)(d)(i) 21754
of this section applies. 21755

(iii) A person whose business is operated under a lease or 21756
operating agreement by the person who claims an exemption, or a 21757
person substantially all of whose business is operated under an 21758
operating agreement with the person who claims an exemption. 21759

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2743.75. (A) In order to provide for an expeditious and economical procedure that attempts to resolve disputes alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, except for a court that hears a mandamus action pursuant to that section, the court of claims shall be the sole and exclusive authority in this state that adjudicates or resolves complaints based on alleged violations of

that section. The clerk of the court of claims shall designate one 21790
or more current employees or hire one or more individuals to serve 21791
as special masters to hear complaints brought under this section. 21792
All special masters shall have been engaged in the practice of law 21793
in this state for at least four years and be in good standing with 21794
the supreme court at the time of designation or hiring. The clerk 21795
may assign administrative and clerical work associated with 21796
complaints brought under this section to current employees or may 21797
hire such additional employees as may be necessary to perform such 21798
work. 21799

(B) The clerk of the court of common pleas in each county 21800
shall act as the clerk of the court of claims for purposes of 21801
accepting those complaints filed with the clerk under division 21802
(D)(1) of this section, accepting filing fees for those 21803
complaints, and serving those complaints. 21804

(C)(1) Subject to division (C)(2) of this section, a person 21805
allegedly aggrieved by a denial of access to public records in 21806
violation of division (B) of section 149.43 of the Revised Code 21807
may seek relief under that section or under this section, 21808
provided, however, that if the allegedly aggrieved person files a 21809
complaint under either section, that person may not seek relief 21810
that pertains to the same request for records in a complaint filed 21811
under the other section. 21812

(2) If the allegedly aggrieved person files a complaint under 21813
this section and the court of claims determines that the complaint 21814
constitutes a case of first impression that involves an issue of 21815
substantial public interest, the court shall dismiss the complaint 21816
without prejudice and direct the allegedly aggrieved person to 21817
commence a mandamus action in the court of appeals with 21818
appropriate jurisdiction as provided in division (C)(1) of section 21819
149.43 of the Revised Code. 21820

(D)(1) An allegedly aggrieved person who proceeds under this 21821
section shall file a complaint, on a form prescribed by the clerk 21822
of the court of claims, with the clerk of the court of claims or 21823
with the clerk of the court of common pleas of the county in which 21824
the public office from which the records are requested is located. 21825
The person shall attach to the complaint copies of the original 21826
records request and any written responses or other communications 21827
relating to the request from the public office or person 21828
responsible for public records and shall pay a filing fee of 21829
twenty-five dollars made payable to the clerk of the court with 21830
whom the complaint is filed. The clerk shall serve a copy of the 21831
complaint on the public office or person responsible for public 21832
records for the particular public office in accordance with Civil 21833
Rule 4.1 and, if the complaint is filed with the clerk of the 21834
court of common pleas, shall forward the complaint to the clerk of 21835
the court of claims, and to no other court, within three business 21836
days after service is complete. 21837

(2) Upon receipt of a complaint filed under division (D)(1) 21838
of this section, the clerk of the court of claims shall assign a 21839
case number for the action and a special master to examine the 21840
complaint. Notwithstanding any provision to the contrary in this 21841
section, upon the recommendation of the special master, the court 21842
of claims on its own motion may dismiss the complaint at any time. 21843
The allegedly aggrieved person may voluntarily dismiss the 21844
complaint filed by that person under division (D)(1) of this 21845
section. 21846

(E)(1) Upon service of a complaint under division (D)(1) of 21847
this section, except as otherwise provided in this division, the 21848
special master assigned by the clerk under division (D)(2) of this 21849
section immediately shall refer the case to mediation services 21850
that the court of claims makes available to persons. If, in the 21851
interest of justice considering the circumstances of the case or 21852

the parties, the special master determines that the case should 21853
not be referred to mediation, the special master shall notify the 21854
court that the case was not referred to mediation, and the case 21855
shall proceed in accordance with division (F) of this section. If 21856
the case is referred to mediation, any further proceedings under 21857
division (F) of this section shall be stayed until the conclusion 21858
of the mediation. Any mediation proceedings under this division 21859
may be conducted by teleconference, telephone, or other electronic 21860
means. If an agreement is reached during mediation, the court 21861
shall dismiss the complaint. If an agreement is not reached, the 21862
special master shall notify the court that the case was not 21863
resolved and that the mediation has been terminated. 21864

(2) Within ten business days after the termination of the 21865
mediation or the notification to the court that the case was not 21866
referred to mediation under division (E)(1) of this section, the 21867
public office or person responsible for public records shall file 21868
a response, and if applicable, a motion to dismiss the complaint, 21869
with the clerk of the court of claims and transmit copies of the 21870
pleadings to the allegedly aggrieved party. No further motions or 21871
pleadings shall be accepted by the clerk of the court of claims or 21872
by the special master assigned by the clerk under division (D)(2) 21873
of this section unless the special master directs in writing that 21874
a further motion or pleading be filed. 21875

(3) All of the following apply prior to the submission of the 21876
special master's report and recommendation to the court of claims 21877
under division (F)(1) of this section: 21878

(a) The special master shall not permit any discovery. 21879

(b) The parties may attach supporting affidavits to their 21880
respective pleadings. 21881

(c) The special master may require either or both of the 21882
parties to submit additional information or documentation 21883

supported by affidavits. 21884

(F)(1) Not later than seven business days after receiving the 21885
response, or motion to dismiss the complaint, if applicable, of 21886
the public office or person responsible for public records, the 21887
special master shall submit to the court of claims a report and 21888
recommendation based on the ordinary application of statutory law 21889
and case law as they existed at the time of the filing of the 21890
complaint. For good cause shown, the special master may extend the 21891
seven-day period for the submission of the report and 21892
recommendation to the court of claims under this division by an 21893
additional seven business days. 21894

(2) Upon submission of the special master's report and 21895
recommendation to the court of claims under division (F)(1) of 21896
this section, the clerk shall send copies of the report and 21897
recommendation to each party by certified mail, return receipt 21898
requested, not later than three business days after the report and 21899
recommendation is filed. Either party may object to the report and 21900
recommendation within seven business days after receiving the 21901
report and recommendation by filing a written objection with the 21902
clerk and sending a copy to the other party by certified mail, 21903
return receipt requested. Any objection to the report and 21904
recommendation shall be specific and state with particularity all 21905
grounds for the objection. If neither party timely objects, the 21906
court of claims shall promptly issue a final order adopting the 21907
report and recommendation, unless it determines that there is an 21908
error of law or other defect evident on the face of the report and 21909
recommendation. If either party timely objects, the other party 21910
may file with the clerk a response within seven business days 21911
after receiving the objection and send a copy of the response to 21912
the objecting party by certified mail, return receipt requested. 21913
The court, within seven business days after the response to the 21914
objection is filed, shall issue a final order that adopts, 21915

modifies, or rejects the report and recommendation. 21916

(3) If the court of claims determines that the public office 21917
or person responsible for the public records denied the aggrieved 21918
person access to the public records in violation of division (B) 21919
of section 149.43 of the Revised Code and if no appeal from the 21920
court's final order is taken under division (G) of this section, 21921
both of the following apply: 21922

(a) The public office or the person responsible for the 21923
public records shall permit the aggrieved person to inspect or 21924
receive copies of the public records that the court requires to be 21925
disclosed in its order. 21926

(b) The aggrieved person shall be entitled to recover from 21927
the public office or person responsible for the public records the 21928
amount of the filing fee of twenty-five dollars and any other 21929
costs associated with the action that are incurred by the 21930
aggrieved person, but shall not be entitled to recover attorney's 21931
fees, except that division (G)(2) of this section applies if an 21932
appeal is taken under division (G)(1) of this section. 21933

(G)(1) Any appeal from a final order of the court of claims 21934
under this section or from an order of the court of claims 21935
dismissing the complaint as provided in division (D)(2) of this 21936
section shall be taken to the court of appeals of the appellate 21937
district where the principal place of business of the public 21938
office from which the public record is requested is located. 21939
However, no appeal may be taken from a final order of the court of 21940
claims that adopts the special master's report and recommendation 21941
unless a timely objection to that report and recommendation was 21942
filed under division (F)(2) of this section. If the court of 21943
claims materially modifies the special master's report and 21944
recommendation, either party may take an appeal to the court of 21945
appeals of the appellate district of the principal place of 21946
business where that public office is located but the appeal shall 21947

be limited to the issue in the report and recommendation that is 21948
materially modified by the court of claims. In order to facilitate 21949
the expeditious resolution of disputes over alleged denials of 21950
access to public records in violation of division (B) of section 21951
149.43 of the Revised Code, the appeal shall be given such 21952
precedence over other pending matters as will ensure that the 21953
court will reach a decision promptly. 21954

(2) If a court of appeals in any appeal taken under division 21955
(G)(1) of this section by the public office or person responsible 21956
for the public records determines that the public office or person 21957
denied the aggrieved person access to the public records in 21958
violation of division (B) of section 149.43 of the Revised Code 21959
and obviously filed the appeal with the intent to either delay 21960
compliance with the court of claims' order from which the appeal 21961
is taken for no reasonable cause or unduly harass the aggrieved 21962
person, the court of appeals may award reasonable attorney's fees 21963
to the aggrieved person in accordance with division (C) of section 21964
149.43 of the Revised Code. No discovery may be conducted on the 21965
issue of the public office or person responsible for the public 21966
records filing the appeal with the alleged intent to either delay 21967
compliance with the court of claims' order for no reasonable cause 21968
or unduly harass the aggrieved person. This division shall not be 21969
construed as creating a presumption that the public office or the 21970
person responsible for the public records filed the appeal with 21971
the intent to either delay compliance with the court of claims' 21972
order for no reasonable cause or unduly harass the aggrieved 21973
person. 21974

(H) The powers of the court of claims prescribed in section 21975
2743.05 of the Revised Code apply to the proceedings in that court 21976
under this section. 21977

(I)(1) All filing fees collected by a clerk of the court of 21978
common pleas under division (D)(1) of this section shall be paid 21979

to the county treasurer for deposit into the county general 21980
revenue fund. All such money collected during a month shall be 21981
transmitted on or before the twentieth day of the following month 21982
by the clerk of the court of common pleas to the county treasurer. 21983

(2) All filing fees collected by the clerk of the court of 21984
claims under division (D)(1) of this section shall be ~~kept~~ 21985
deposited into the state treasury to the credit of the public 21986
records fund, which is hereby created. Money credited to the fund 21987
shall be used by the court of claims to assist in paying for its 21988
costs to implement this section. All investment earnings of the 21989
fund shall be credited to the fund. Not later than the first day 21990
of February of each year, the clerk of the court of claims shall 21991
prepare a report accessible to the public that details the fees 21992
collected during the preceding calendar year by the clerk of the 21993
court of claims and the clerks of the courts of common pleas under 21994
this section. 21995

(J) Nothing in this section shall be construed to limit the 21996
authority of the auditor of state under division (G) of section 21997
109.43 of the Revised Code. 21998

Sec. 2925.01. As used in this chapter: 21999

(A) "Administer," "controlled substance," "controlled 22000
substance analog," "dispense," "distribute," "hypodermic," 22001
"manufacturer," "official written order," "person," "pharmacist," 22002
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 22003
"schedule IV," "schedule V," and "wholesaler" have the same 22004
meanings as in section 3719.01 of the Revised Code. 22005

(B) "Drug dependent person" and "drug of abuse" have the same 22006
meanings as in section 3719.011 of the Revised Code. 22007

(C) "Drug," "dangerous drug," "licensed health professional 22008
authorized to prescribe drugs," and "prescription" have the same 22009

meanings as in section 4729.01 of the Revised Code. 22010

(D) "Bulk amount" of a controlled substance means any of the 22011
following: 22012

(1) For any compound, mixture, preparation, or substance 22013
included in schedule I, schedule II, or schedule III, with the 22014
exception of controlled substance analogs, marihuana, cocaine, 22015
L.S.D., heroin, and hashish and except as provided in division 22016
(D)(2) or (5) of this section, whichever of the following is 22017
applicable: 22018

(a) An amount equal to or exceeding ten grams or twenty-five 22019
unit doses of a compound, mixture, preparation, or substance that 22020
is or contains any amount of a schedule I opiate or opium 22021
derivative; 22022

(b) An amount equal to or exceeding ten grams of a compound, 22023
mixture, preparation, or substance that is or contains any amount 22024
of raw or gum opium; 22025

(c) An amount equal to or exceeding thirty grams or ten unit 22026
doses of a compound, mixture, preparation, or substance that is or 22027
contains any amount of a schedule I hallucinogen other than 22028
tetrahydrocannabinol or lysergic acid amide, or a schedule I 22029
stimulant or depressant; 22030

(d) An amount equal to or exceeding twenty grams or five 22031
times the maximum daily dose in the usual dose range specified in 22032
a standard pharmaceutical reference manual of a compound, mixture, 22033
preparation, or substance that is or contains any amount of a 22034
schedule II opiate or opium derivative; 22035

(e) An amount equal to or exceeding five grams or ten unit 22036
doses of a compound, mixture, preparation, or substance that is or 22037
contains any amount of phencyclidine; 22038

(f) An amount equal to or exceeding one hundred twenty grams 22039

or thirty times the maximum daily dose in the usual dose range 22040
specified in a standard pharmaceutical reference manual of a 22041
compound, mixture, preparation, or substance that is or contains 22042
any amount of a schedule II stimulant that is in a final dosage 22043
form manufactured by a person authorized by the "Federal Food, 22044
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 22045
amended, and the federal drug abuse control laws, as defined in 22046
section 3719.01 of the Revised Code, that is or contains any 22047
amount of a schedule II depressant substance or a schedule II 22048
hallucinogenic substance; 22049

(g) An amount equal to or exceeding three grams of a 22050
compound, mixture, preparation, or substance that is or contains 22051
any amount of a schedule II stimulant, or any of its salts or 22052
isomers, that is not in a final dosage form manufactured by a 22053
person authorized by the Federal Food, Drug, and Cosmetic Act and 22054
the federal drug abuse control laws. 22055

(2) An amount equal to or exceeding one hundred twenty grams 22056
or thirty times the maximum daily dose in the usual dose range 22057
specified in a standard pharmaceutical reference manual of a 22058
compound, mixture, preparation, or substance that is or contains 22059
any amount of a schedule III or IV substance other than an 22060
anabolic steroid or a schedule III opiate or opium derivative; 22061

(3) An amount equal to or exceeding twenty grams or five 22062
times the maximum daily dose in the usual dose range specified in 22063
a standard pharmaceutical reference manual of a compound, mixture, 22064
preparation, or substance that is or contains any amount of a 22065
schedule III opiate or opium derivative; 22066

(4) An amount equal to or exceeding two hundred fifty 22067
milliliters or two hundred fifty grams of a compound, mixture, 22068
preparation, or substance that is or contains any amount of a 22069
schedule V substance; 22070

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

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

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense	22102
that would constitute a felony under the laws of this state, any	22103
other state, or the United States.	22104
(I) "Harmful intoxicant" does not include beer or	22105
intoxicating liquor but means any of the following:	22106
(1) Any compound, mixture, preparation, or substance the gas,	22107
fumes, or vapor of which when inhaled can induce intoxication,	22108
excitement, giddiness, irrational behavior, depression,	22109
stupefaction, paralysis, unconsciousness, asphyxiation, or other	22110
harmful physiological effects, and includes, but is not limited	22111
to, any of the following:	22112
(a) Any volatile organic solvent, plastic cement, model	22113
cement, fingernail polish remover, lacquer thinner, cleaning	22114
fluid, gasoline, or other preparation containing a volatile	22115
organic solvent;	22116
(b) Any aerosol propellant;	22117
(c) Any fluorocarbon refrigerant;	22118
(d) Any anesthetic gas.	22119
(2) Gamma Butyrolactone;	22120
(3) 1,4 Butanediol.	22121
(J) "Manufacture" means to plant, cultivate, harvest,	22122
process, make, prepare, or otherwise engage in any part of the	22123
production of a drug, by propagation, extraction, chemical	22124
synthesis, or compounding, or any combination of the same, and	22125
includes packaging, repackaging, labeling, and other activities	22126
incident to production.	22127
(K) "Possess" or "possession" means having control over a	22128
thing or substance, but may not be inferred solely from mere	22129
access to the thing or substance through ownership or occupation	22130
of the premises upon which the thing or substance is found.	22131

(L) "Sample drug" means a drug or pharmaceutical preparation 22132
that would be hazardous to health or safety if used without the 22133
supervision of a licensed health professional authorized to 22134
prescribe drugs, or a drug of abuse, and that, at one time, had 22135
been placed in a container plainly marked as a sample by a 22136
manufacturer. 22137

(M) "Standard pharmaceutical reference manual" means the 22138
current edition, with cumulative changes if any, of references 22139
that are approved by the state board of pharmacy. 22140

(N) "Juvenile" means a person under eighteen years of age. 22141

(O) "Counterfeit controlled substance" means any of the 22142
following: 22143

(1) Any drug that bears, or whose container or label bears, a 22144
trademark, trade name, or other identifying mark used without 22145
authorization of the owner of rights to that trademark, trade 22146
name, or identifying mark; 22147

(2) Any unmarked or unlabeled substance that is represented 22148
to be a controlled substance manufactured, processed, packed, or 22149
distributed by a person other than the person that manufactured, 22150
processed, packed, or distributed it; 22151

(3) Any substance that is represented to be a controlled 22152
substance but is not a controlled substance or is a different 22153
controlled substance; 22154

(4) Any substance other than a controlled substance that a 22155
reasonable person would believe to be a controlled substance 22156
because of its similarity in shape, size, and color, or its 22157
markings, labeling, packaging, distribution, or the price for 22158
which it is sold or offered for sale. 22159

(P) An offense is "committed in the vicinity of a school" if 22160
the offender commits the offense on school premises, in a school 22161

building, or within one thousand feet of the boundaries of any 22162
school premises, regardless of whether the offender knows the 22163
offense is being committed on school premises, in a school 22164
building, or within one thousand feet of the boundaries of any 22165
school premises. 22166

(Q) "School" means any school operated by a board of 22167
education, any community school established under Chapter 3314. of 22168
the Revised Code, or any nonpublic school for which the state 22169
board of education prescribes minimum standards under section 22170
3301.07 of the Revised Code, whether or not any instruction, 22171
extracurricular activities, or training provided by the school is 22172
being conducted at the time a criminal offense is committed. 22173

(R) "School premises" means either of the following: 22174

(1) The parcel of real property on which any school is 22175
situated, whether or not any instruction, extracurricular 22176
activities, or training provided by the school is being conducted 22177
on the premises at the time a criminal offense is committed; 22178

(2) Any other parcel of real property that is owned or leased 22179
by a board of education of a school, the governing authority of a 22180
community school established under Chapter 3314. of the Revised 22181
Code, or the governing body of a nonpublic school for which the 22182
state board of education prescribes minimum standards under 22183
section 3301.07 of the Revised Code and on which some of the 22184
instruction, extracurricular activities, or training of the school 22185
is conducted, whether or not any instruction, extracurricular 22186
activities, or training provided by the school is being conducted 22187
on the parcel of real property at the time a criminal offense is 22188
committed. 22189

(S) "School building" means any building in which any of the 22190
instruction, extracurricular activities, or training provided by a 22191
school is conducted, whether or not any instruction, 22192

extracurricular activities, or training provided by the school is 22193
being conducted in the school building at the time a criminal 22194
offense is committed. 22195

(T) "Disciplinary counsel" means the disciplinary counsel 22196
appointed by the board of commissioners on grievances and 22197
discipline of the supreme court under the Rules for the Government 22198
of the Bar of Ohio. 22199

(U) "Certified grievance committee" means a duly constituted 22200
and organized committee of the Ohio state bar association or of 22201
one or more local bar associations of the state of Ohio that 22202
complies with the criteria set forth in Rule V, section 6 of the 22203
Rules for the Government of the Bar of Ohio. 22204

(V) "Professional license" means any license, permit, 22205
certificate, registration, qualification, admission, temporary 22206
license, temporary permit, temporary certificate, or temporary 22207
registration that is described in divisions (W)(1) to (36) of this 22208
section and that qualifies a person as a professionally licensed 22209
person. 22210

(W) "Professionally licensed person" means any of the 22211
following: 22212

(1) A person who has obtained a license as a manufacturer of 22213
controlled substances or a wholesaler of controlled substances 22214
under Chapter 3719. of the Revised Code; 22215

(2) A person who has received a certificate or temporary 22216
certificate as a certified public accountant or who has registered 22217
as a public accountant under Chapter 4701. of the Revised Code and 22218
who holds an Ohio permit issued under that chapter; 22219

(3) A person who holds a certificate of qualification to 22220
practice architecture issued or renewed and registered under 22221
Chapter 4703. of the Revised Code; 22222

- (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 22223
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- (5) A person licensed under Chapter 4707. of the Revised Code; 22226
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 22228
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 22231
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 22234
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- (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; 22244
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- (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 22249
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- (11) A person who has been licensed as a registered nurse or 22253

practical nurse, or who has been issued a certificate for the	22254
practice of nurse-midwifery under Chapter 4723. of the Revised	22255
Code;	22256
(12) A person who has been licensed to practice optometry or	22257
to engage in optical dispensing under Chapter 4725. of the Revised	22258
Code;	22259
(13) A person licensed to act as a pawnbroker under Chapter	22260
4727. of the Revised Code;	22261
(14) A person licensed to act as a precious metals dealer	22262
under Chapter 4728. of the Revised Code;	22263
(15) A person licensed as a pharmacist, a pharmacy intern, a	22264
wholesale distributor of dangerous drugs, or a terminal	22265
distributor of dangerous drugs under Chapter 4729. of the Revised	22266
Code;	22267
(16) A person who is authorized to practice as a physician	22268
assistant under Chapter 4730. of the Revised Code;	22269
(17) A person who has been issued a ~~certificate~~ <u>license</u> to	22270
practice medicine and surgery, osteopathic medicine and surgery, a	22271
~~limited branch of medicine,~~ or ~~podiatry~~ <u>podiatric medicine and</u>	22272
<u>surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued</u>	22273
<u>a certificate to practice a limited branch of medicine under that</u>	22274
<u>chapter;</u>	22275
(18) A person licensed as a psychologist or school	22276
psychologist under Chapter 4732. of the Revised Code;	22277
(19) A person registered to practice the profession of	22278
engineering or surveying under Chapter 4733. of the Revised Code;	22279
(20) A person who has been issued a license to practice	22280
chiropractic under Chapter 4734. of the Revised Code;	22281
(21) A person licensed to act as a real estate broker or real	22282
estate salesperson under Chapter 4735. of the Revised Code;	22283

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	22284 22285
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	22286 22287
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	22288 22289
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	22290 22291
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	22292 22293 22294 22295
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	22296 22297 22298
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	22299 22300 22301
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	22302 22303 22304
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	22305 22306 22307
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	22308 22309
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a	22310 22311 22312 22313

social work assistant under Chapter 4757. of the Revised Code;	22314
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	22315 22316
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	22317 22318 22319
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	22320 22321
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	22322 22323 22324
(X) "Cocaine" means any of the following:	22325
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	22326 22327
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	22328 22329 22330 22331
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	22332 22333 22334 22335 22336 22337
(Y) "L.S.D." means lysergic acid diethylamide.	22338
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	22339 22340 22341
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	22342 22343

(BB) An offense is "committed in the vicinity of a juvenile" 22344
if the offender commits the offense within one hundred feet of a 22345
juvenile or within the view of a juvenile, regardless of whether 22346
the offender knows the age of the juvenile, whether the offender 22347
knows the offense is being committed within one hundred feet of or 22348
within view of the juvenile, or whether the juvenile actually 22349
views the commission of the offense. 22350

(CC) "Presumption for a prison term" or "presumption that a 22351
prison term shall be imposed" means a presumption, as described in 22352
division (D) of section 2929.13 of the Revised Code, that a prison 22353
term is a necessary sanction for a felony in order to comply with 22354
the purposes and principles of sentencing under section 2929.11 of 22355
the Revised Code. 22356

(DD) "Major drug offender" has the same meaning as in section 22357
2929.01 of the Revised Code. 22358

(EE) "Minor drug possession offense" means either of the 22359
following: 22360

(1) A violation of section 2925.11 of the Revised Code as it 22361
existed prior to July 1, 1996; 22362

(2) A violation of section 2925.11 of the Revised Code as it 22363
exists on and after July 1, 1996, that is a misdemeanor or a 22364
felony of the fifth degree. 22365

(FF) "Mandatory prison term" has the same meaning as in 22366
section 2929.01 of the Revised Code. 22367

(GG) "Adulterate" means to cause a drug to be adulterated as 22368
described in section 3715.63 of the Revised Code. 22369

(HH) "Public premises" means any hotel, restaurant, tavern, 22370
store, arena, hall, or other place of public accommodation, 22371
business, amusement, or resort. 22372

(II) "Methamphetamine" means methamphetamine, any salt, 22373

isomer, or salt of an isomer of methamphetamine, or any compound, 22374
mixture, preparation, or substance containing methamphetamine or 22375
any salt, isomer, or salt of an isomer of methamphetamine. 22376

(JJ) "Lawful prescription" means a prescription that is 22377
issued for a legitimate medical purpose by a licensed health 22378
professional authorized to prescribe drugs, that is not altered or 22379
forged, and that was not obtained by means of deception or by the 22380
commission of any theft offense. 22381

(KK) "Deception" and "theft offense" have the same meanings 22382
as in section 2913.01 of the Revised Code. 22383

Sec. 2925.23. (A) No person shall knowingly make a false 22384
statement in any prescription, order, report, or record required 22385
by Chapter 3719. or 4729. of the Revised Code. 22386

(B) No person shall intentionally make, utter, or sell, or 22387
knowingly possess any of the following that is a false or forged: 22388

(1) Prescription; 22389

(2) Uncompleted preprinted prescription blank used for 22390
writing a prescription; 22391

(3) Official written order; 22392

(4) License for a terminal distributor of dangerous drugs, as 22393
~~required~~ defined in section ~~4729.60~~ 4729.01 of the Revised Code; 22394

(5) ~~Registration certificate~~ License for a wholesale 22395
distributor of dangerous drugs, as ~~required~~ defined in section 22396
~~4729.60~~ 4729.01 of the Revised Code. 22397

(C) No person, by theft as defined in section 2913.02 of the 22398
Revised Code, shall acquire any of the following: 22399

(1) A prescription; 22400

(2) An uncompleted preprinted prescription blank used for 22401
writing a prescription; 22402

(3) An official written order;	22403
(4) A blank official written order;	22404
(5) A license or blank license for a terminal distributor of dangerous drugs, as ~~required~~ <u>defined</u> in section ~~4729.60~~ <u>4729.01</u> of the Revised Code;	22405 22406 22407
(6) A ~~registration certificate~~ <u>license</u> or blank ~~registration certificate~~ <u>license</u> for a wholesale distributor of dangerous drugs, as ~~required~~ <u>defined</u> in section ~~4729.60~~ <u>4729.01</u> of the Revised Code.	22408 22409 22410 22411
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	22412 22413 22414
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	22415 22416 22417 22418 22419
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	22420 22421 22422 22423 22424 22425 22426 22427
(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	22428 22429 22430 22431 22432 22433

(2) If the drug involved is a dangerous drug or a compound, 22434
mixture, preparation, or substance included in schedule III, IV, 22435
or V or is marihuana, illegal processing of drug documents is a 22436
felony of the fifth degree, and division (C) of section 2929.13 of 22437
the Revised Code applies in determining whether to impose a prison 22438
term on the offender. 22439

(G)(1) In addition to any prison term authorized or required 22440
by division (F) of this section and sections 2929.13 and 2929.14 22441
of the Revised Code and in addition to any other sanction imposed 22442
for the offense under this section or sections 2929.11 to 2929.18 22443
of the Revised Code, the court that sentences an offender who is 22444
convicted of or pleads guilty to any violation of divisions (A) to 22445
(D) of this section may suspend for not more than five years the 22446
offender's driver's or commercial driver's license or permit. 22447
However, if the offender pleaded guilty to or was convicted of a 22448
violation of section 4511.19 of the Revised Code or a 22449
substantially similar municipal ordinance or the law of another 22450
state or the United States arising out of the same set of 22451
circumstances as the violation, the court shall suspend the 22452
offender's driver's or commercial driver's license or permit for 22453
not more than five years. 22454

If the offender is a professionally licensed person, in 22455
addition to any other sanction imposed for a violation of this 22456
section, the court immediately shall comply with section 2925.38 22457
of the Revised Code. 22458

(2) Any offender who received a mandatory suspension of the 22459
offender's driver's or commercial driver's license or permit under 22460
this section prior to ~~the effective date of this amendment~~ 22461
September 13, 2016, may file a motion with the sentencing court 22462
requesting the termination of the suspension. However, an offender 22463
who pleaded guilty to or was convicted of a violation of section 22464
4511.19 of the Revised Code or a substantially similar municipal 22465

ordinance or law of another state or the United States that arose 22466
out of the same set of circumstances as the violation for which 22467
the offender's license or permit was suspended under this section 22468
shall not file such a motion. 22469

Upon the filing of a motion under division (G)(2) of this 22470
section, the sentencing court, in its discretion, may terminate 22471
the suspension. 22472

(H) Notwithstanding any contrary provision of section 3719.21 22473
of the Revised Code, the clerk of court shall pay a fine imposed 22474
for a violation of this section pursuant to division (A) of 22475
section 2929.18 of the Revised Code in accordance with and subject 22476
to the requirements of division (F) of section 2925.03 of the 22477
Revised Code. The agency that receives the fine shall use the fine 22478
as specified in division (F) of section 2925.03 of the Revised 22479
Code. 22480

Sec. 2929.34. (A) A person who is convicted of or pleads 22481
guilty to aggravated murder, murder, or an offense punishable by 22482
life imprisonment and who is sentenced to a term of life 22483
imprisonment or a prison term pursuant to that conviction shall 22484
serve that term in an institution under the control of the 22485
department of rehabilitation and correction. 22486

(B)(1) A person who is convicted of or pleads guilty to a 22487
felony other than aggravated murder, murder, or an offense 22488
punishable by life imprisonment and who is sentenced to a term of 22489
imprisonment or a prison term pursuant to that conviction shall 22490
serve that term as follows: 22491

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 22492
this section, in an institution under the control of the 22493
department of rehabilitation and correction if the term is a 22494
prison term of more than twelve months or as otherwise determined 22495
by the sentencing court pursuant to section 2929.16 of the Revised 22496

Code if the term is not a prison term;	22497
(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.	22498 22499 22500
(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.	22501 22502 22503 22504 22505
<u>(3)(a) Except as provided in division (B)(3)(b) of this section, on and after July 1, 2018, no person sentenced to a prison term that is twelve months or less for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.</u>	22506 22507 22508 22509 22510 22511 22512 22513
<u>(b) Division (B)(3)(a) of this section does not apply to any person to whom any of the following apply:</u>	22514 22515
<u>(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, or any offense for which a mandatory prison term is required.</u>	22516 22517 22518 22519
<u>(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code.</u>	22520 22521 22522
<u>(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.</u>	22523 22524 22525
(C) A person who is convicted of or pleads guilty to one or	22526

more misdemeanors and who is sentenced to a jail term or term of 22527
imprisonment pursuant to the conviction or convictions shall serve 22528
that term in a county, multicounty, municipal, municipal-county, 22529
or multicounty-municipal jail or workhouse; in a community 22530
alternative sentencing center or district community alternative 22531
sentencing center when authorized by section 307.932 of the 22532
Revised Code; or, if the misdemeanor or misdemeanors are not 22533
offenses of violence, in a minimum security jail. 22534

(D) Nothing in this section prohibits the commitment, 22535
referral, or sentencing of a person who is convicted of or pleads 22536
guilty to a felony to a community-based correctional facility. 22537

Sec. 2941.51. (A) Counsel appointed to a case or selected by 22538
an indigent person under division (E) of section 120.16 or 22539
division (E) of section 120.26 of the Revised Code, or otherwise 22540
appointed by the court, except for counsel appointed by the court 22541
to provide legal representation for a person charged with a 22542
violation of an ordinance of a municipal corporation, shall be 22543
paid for their services by the county the compensation and 22544
expenses that the trial court approves. Each request for payment 22545
shall ~~be accompanied by~~ include a financial disclosure form ~~and an~~ 22546
~~affidavit of indigency that are~~ completed by the indigent person 22547
on ~~forms~~ a form prescribed by the state public defender. 22548
Compensation and expenses shall not exceed the amounts fixed by 22549
the board of county commissioners pursuant to division (B) of this 22550
section. 22551

(B) The board of county commissioners shall establish a 22552
schedule of fees by case or on an hourly basis to be paid by the 22553
county for legal services provided by appointed counsel. Prior to 22554
establishing such schedule, the board shall request the bar 22555
association or associations of the county to submit a proposed 22556
schedule for cases other than capital cases. The schedule 22557

submitted shall be subject to the review, amendment, and approval 22558
of the board of county commissioners, except with respect to 22559
capital cases. With respect to capital cases, the schedule shall 22560
provide for fees by case or on an hourly basis to be paid to 22561
counsel in the amount or at the rate set by the capital case 22562
attorney fee council pursuant to division (D) of section 120.33 of 22563
the Revised Code, and the board of county commissioners shall 22564
approve that amount or rate. 22565

With respect to capital cases, counsel shall be paid 22566
compensation and expenses in accordance with the amount or at the 22567
rate set by the capital case attorney fee council pursuant to 22568
division (D) of section 120.33 of the Revised Code. 22569

(C) In a case where counsel have been appointed to conduct an 22570
appeal under Chapter 120. of the Revised Code, such compensation 22571
shall be fixed by the court of appeals or the supreme court, as 22572
provided in divisions (A) and (B) of this section. 22573

(D) The fees and expenses approved by the court under this 22574
section shall not be taxed as part of the costs and shall be paid 22575
by the county. However, if the person represented has, or 22576
reasonably may be expected to have, the means to meet some part of 22577
the cost of the services rendered to the person, the person shall 22578
pay the county an amount that the person reasonably can be 22579
expected to pay. Pursuant to section 120.04 of the Revised Code, 22580
the county shall pay to the state public defender a percentage of 22581
the payment received from the person in an amount proportionate to 22582
the percentage of the costs of the person's case that were paid to 22583
the county by the state public defender pursuant to this section. 22584
The money paid to the state public defender shall be credited to 22585
the client payment fund created pursuant to division (B)(5) of 22586
section 120.04 of the Revised Code. 22587

(E) The county auditor shall draw a warrant on the county 22588
treasurer for the payment of such counsel in the amount fixed by 22589

the court, plus the expenses that the court fixes and certifies to 22590
the auditor. The county auditor shall report periodically, but not 22591
less than annually, to the board of county commissioners and to 22592
the Ohio public defender commission the amounts paid out pursuant 22593
to the approval of the court under this section, separately 22594
stating costs and expenses that are reimbursable under section 22595
120.35 of the Revised Code. The board, after review and approval 22596
of the auditor's report, may then certify it to the state public 22597
defender for reimbursement. The request for reimbursement shall be 22598
accompanied by a financial disclosure form completed by each 22599
indigent person for whom counsel was provided on a form prescribed 22600
by the state public defender. The state public defender shall 22601
review the report and, in accordance with the standards, 22602
guidelines, and maximums established pursuant to divisions (B)(7) 22603
and (8) of section 120.04 of the Revised Code, pay fifty per cent 22604
of the total cost, other than costs and expenses that are 22605
reimbursable under section 120.35 of the Revised Code, if any, of 22606
paying appointed counsel in each county and pay fifty per cent of 22607
costs and expenses that are reimbursable under section 120.35 of 22608
the Revised Code, if any, to the board. 22609

(F) If any county system for paying appointed counsel fails 22610
to maintain the standards for the conduct of the system 22611
established by the rules of the Ohio public defender commission 22612
pursuant to divisions (B) and (C) of section 120.03 of the Revised 22613
Code or the standards established by the state public defender 22614
pursuant to division (B)(7) of section 120.04 of the Revised Code, 22615
the commission shall notify the board of county commissioners of 22616
the county that the county system for paying appointed counsel has 22617
failed to comply with its rules. Unless the board corrects the 22618
conduct of its appointed counsel system to comply with the rules 22619
within ninety days after the date of the notice, the state public 22620
defender may deny all or part of the county's reimbursement from 22621
the state provided for in this section. 22622

Sec. 2953.25. (A) As used in this section: 22623

(1) "Collateral sanction" means a penalty, disability, or 22624
disadvantage that is related to employment or occupational 22625
licensing, however denominated, as a result of the individual's 22626
conviction of or plea of guilty to an offense and that applies by 22627
operation of law in this state whether or not the penalty, 22628
disability, or disadvantage is included in the sentence or 22629
judgment imposed. 22630

"Collateral sanction" does not include imprisonment, 22631
probation, parole, supervised release, forfeiture, restitution, 22632
fine, assessment, or costs of prosecution. 22633

(2) "Decision-maker" includes, but is not limited to, the 22634
state acting through a department, agency, board, commission, or 22635
instrumentality established by the law of this state for the 22636
exercise of any function of government, a political subdivision, 22637
an educational institution, or a government contractor or 22638
subcontractor made subject to this section by contract, law, or 22639
ordinance. 22640

(3) "Department-funded program" means a residential or 22641
nonresidential program that is not a term in a state correctional 22642
institution, that is funded in whole or part by the department of 22643
rehabilitation and correction, and that is imposed as a sanction 22644
for an offense, as part of a sanction that is imposed for an 22645
offense, or as a term or condition of any sanction that is imposed 22646
for an offense. 22647

(4) "Designee" means the person designated by the deputy 22648
director of the division of parole and community services to 22649
perform the duties designated in division (B) of this section. 22650

(5) "Division of parole and community services" means the 22651
division of parole and community services of the department of 22652

rehabilitation and correction. 22653

(6) "Offense" means any felony or misdemeanor under the laws 22654
of this state. 22655

(7) "Political subdivision" has the same meaning as in 22656
section 2969.21 of the Revised Code. 22657

~~(B)(1) After the provisions of this division become operative~~ 22658
~~as described in division (J) of this section, an~~ An individual who 22659
is subject to one or more collateral sanctions as a result of 22660
being convicted of or pleading guilty to an offense and who either 22661
has served a term in a state correctional institution for any 22662
offense or has spent time in a department-funded program for any 22663
offense may file a petition with the designee of the deputy 22664
director of the division of parole and community services for a 22665
certificate of qualification for employment. 22666

~~(2) After the provisions of this division become operative as~~ 22667
~~described in division (J) of this section, an~~ An individual who is 22668
subject to one or more collateral sanctions as a result of being 22669
convicted of or pleading guilty to an offense and who is not in a 22670
category described in division (B)(1) of this section may file a 22671
~~petition with the court of common pleas of the county in which the~~ 22672
~~person resides or with the designee of the deputy director of the~~ 22673
~~division of parole and community services for a certificate of~~ 22674
qualification for employment by doing either of the following: 22675

(a) In the case of an individual who resides in this state, 22676
filing a petition with the court of common pleas of the county in 22677
which the person resides or with the designee of the deputy 22678
director of the division of parole and community services; 22679

(b) In the case of an individual who resides outside of this 22680
state, filing a petition with the court of common pleas of any 22681
county in which any conviction or plea of guilty from which the 22682
individual seeks relief was entered or with the designee of the 22683

deputy director of the division of parole and community services. 22684

(3) A petition under division (B)(1) or (2) of this section 22685
shall be made on a copy of the form prescribed by the division of 22686
parole and community services under division (J) of this section 22687
and shall contain all of the information described in division (F) 22688
of this section. 22689

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this 22690
section, an individual may file a petition under division (B)(1) 22691
or (2) of this section at any time after the expiration of 22692
whichever of the following is applicable: 22693

~~(a)(i)~~ If the offense that resulted in the collateral 22694
sanction from which the individual seeks relief is a felony, at 22695
any time after the expiration of one year from the date of release 22696
of the individual from any period of incarceration in a state or 22697
local correctional facility that was imposed for that offense and 22698
all periods of supervision imposed after release from the period 22699
of incarceration or, if the individual was not incarcerated for 22700
that offense, at any time after the expiration of one year from 22701
the date of the individual's final release from all other 22702
sanctions imposed for that offense. 22703

~~(b)(ii)~~ If the offense that resulted in the collateral 22704
sanction from which the individual seeks relief is a misdemeanor, 22705
at any time after the expiration of six months from the date of 22706
release of the individual from any period of incarceration in a 22707
local correctional facility that was imposed for that offense and 22708
all periods of supervision imposed after release from the period 22709
of incarceration or, if the individual was not incarcerated for 22710
that offense, at any time after the expiration of six months from 22711
the date of the final release of the individual from all sanctions 22712
imposed for that offense including any period of supervision. 22713

(b) The department of rehabilitation and correction may 22714

establish criteria by rule adopted under Chapter 119. of the 22715
Revised Code that, if satisfied by an individual, would allow the 22716
individual to file a petition before the expiration of six months 22717
or one year from the date of final release, whichever is 22718
applicable under division (B)(4)(a) of this section. 22719

(5)(a) A designee that receives a petition for a 22720
~~certification~~ certificate of qualification for employment from an 22721
individual under division (B)(1) or (2) of this section shall 22722
review the petition to determine whether it is complete. If the 22723
petition is complete, the designee shall forward the petition, and 22724
any other information the designee possesses that relates to the 22725
petition, to the court of common pleas of the county in which the 22726
individual resides if the individual submitting the petition 22727
resides in this state or, if the individual resides outside of 22728
this state, to the court of common pleas of the county in which 22729
the conviction or plea of guilty from which the individual seeks 22730
relief was entered. 22731

(b) A court of common pleas that receives a petition for a 22732
certificate of qualification for employment from an individual 22733
under division (B)(2) of this section, or that is forwarded a 22734
petition for such a certificate under division (B)(5)(a) of this 22735
section, shall attempt to determine all other courts in this state 22736
in which the individual was convicted of or pleaded guilty to an 22737
offense other than the offense from which the individual is 22738
seeking relief. The court that receives or is forwarded the 22739
petition shall notify all other courts in this state that it 22740
determines under this division were courts in which the individual 22741
was convicted of or pleaded guilty to an offense other than the 22742
offense from which the individual is seeking relief that the 22743
individual has filed the petition and that the court may send 22744
comments regarding the possible issuance of the certificate. 22745

A court of common pleas that receives a petition for a 22746

certificate of qualification for employment under division (B)(2) 22747
of this section shall notify the county's prosecuting attorney of 22748
~~the county in which the individual resides~~ that the individual has 22749
filed the petition. 22750

A court of common pleas that receives a petition for a 22751
certificate of qualification for employment under division (B)(2) 22752
of this section, or that is forwarded a petition for qualification 22753
under division (B)(5)(a) of this section may direct the clerk of 22754
court to process and record all notices required in or under this 22755
section. 22756

(C)(1) Upon receiving a petition for a certificate of 22757
qualification for employment filed by an individual under division 22758
(B)(2) of this section or being forwarded a petition for such a 22759
certificate under division (B)(5)(a) of this section, the court 22760
shall review the individual's petition, the individual's criminal 22761
history, all filings submitted by the prosecutor or by the victim 22762
in accordance with rules adopted by the division of parole and 22763
community services, the applicant's military service record, if 22764
applicable, and whether the applicant has an emotional, mental, or 22765
physical condition that is traceable to the applicant's military 22766
service in the armed forces of the United States and that was a 22767
contributing factor in the commission of the offense or offenses, 22768
and all other relevant evidence. The court may order any report, 22769
investigation, or disclosure by the individual that the court 22770
believes is necessary for the court to reach a decision on whether 22771
to approve the individual's petition for a certificate of 22772
qualification for employment. 22773

(2) Upon receiving a petition for a certificate of 22774
qualification for employment filed by an individual under division 22775
(B)(2) of this section or being forwarded a petition for such a 22776
certificate under division (B)(5)(a) of this section, except as 22777
otherwise provided in this division, the court shall decide 22778

whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Subject to division (C)(5) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

(a) Granting the petition will materially assist the individual in obtaining employment or occupational licensing.

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

~~(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual shall not create relief from any of the following collateral sanctions:~~

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the

Revised Code;	22810
(b) A driver's license, commercial driver's license, or	22811
probationary license suspension, cancellation, or revocation	22812
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the	22813
Revised Code if the relief sought is available pursuant to section	22814
4510.021 or division (B) of section 4510.13 of the Revised Code;	22815
(c) Restrictions on employment as a prosecutor or law	22816
enforcement officer;	22817
(d) The denial, ineligibility, or automatic suspension of a	22818
license that is imposed upon an individual applying for or holding	22819
a license as a health care professional under Title XLVII of the	22820
Revised Code if the individual is convicted of, pleads guilty to,	22821
is subject to a judicial finding of eligibility for intervention	22822
in lieu of conviction in this state under section 2951.041 of the	22823
Revised Code, or is subject to treatment or intervention in lieu	22824
of conviction for a violation of section 2903.01, 2903.02,	22825
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02,	22826
2911.01, 2911.11, or 2919.123 of the Revised Code;	22827
(e) The immediate suspension of a license, certificate, or	22828
evidence of registration that is imposed upon an individual	22829
holding a license as a health care professional under Title XLVII	22830
of the Revised Code pursuant to division (C) of section 3719.121	22831
of the Revised Code;	22832
(f) The denial or ineligibility for employment in a pain	22833
clinic under division (B)(4) of section 4729.552 of the Revised	22834
Code;	22835
(g) The mandatory suspension of a license that is imposed on	22836
an individual applying for or holding a license as a health care	22837
professional under Title XLVII of the Revised Code pursuant to	22838
section 3123.43 of the Revised Code.	22839
(6) If a court that receives an individual's petition for a	22840

certificate of qualification for employment under division (B)(2) 22841
of this section or that is forwarded a petition for such a 22842
certificate under division (B)(5)(a) of this section denies the 22843
petition, the court shall provide written notice to the individual 22844
of the court's denial. The court may place conditions on the 22845
individual regarding the individual's filing of any subsequent 22846
petition for a certificate of qualification for employment. The 22847
written notice must notify the individual of any conditions placed 22848
on the individual's filing of a subsequent petition for a 22849
certificate of qualification for employment. 22850

If a court of common pleas that receives an individual's 22851
petition for a certificate of qualification for employment under 22852
division (B)(2) of this section or that is forwarded a petition 22853
for such a certificate under division (B)(5)(a) of this section 22854
denies the petition, the individual may appeal the decision to the 22855
court of appeals only if the individual alleges that the denial 22856
was an abuse of discretion on the part of the court of common 22857
pleas. 22858

(D)(1) A certificate of qualification for employment issued 22859
to an individual lifts the automatic bar of a collateral sanction, 22860
and a decision-maker shall consider on a case-by-case basis 22861
whether to grant or deny the issuance or restoration of an 22862
occupational license or an employment opportunity, notwithstanding 22863
the individual's possession of the certificate, without, however, 22864
reconsidering or rejecting any finding made by a designee or court 22865
under division (C)(3) of this section. 22866

(2) The certificate constitutes a rebuttable presumption that 22867
the person's criminal convictions are insufficient evidence that 22868
the person is unfit for the license, employment opportunity, or 22869
certification in question. Notwithstanding the presumption 22870
established under this division, the agency may deny the license 22871
or certification for the person if it determines that the person 22872

is unfit for issuance of the license. 22873

(3) If an employer that has hired a person who has been 22874
issued a certificate of qualification for employment applies to a 22875
licensing agency for a license or certification and the person has 22876
a conviction or guilty plea that otherwise would bar the person's 22877
employment with the employer or licensure for the employer because 22878
of a mandatory civil impact, the agency shall give the person 22879
individualized consideration, notwithstanding the mandatory civil 22880
impact, the mandatory civil impact shall be considered for all 22881
purposes to be a discretionary civil impact, and the certificate 22882
constitutes a rebuttable presumption that the person's criminal 22883
convictions are insufficient evidence that the person is unfit for 22884
the employment, or that the employer is unfit for the license or 22885
certification, in question. 22886

(E) A certificate of qualification for employment does not 22887
grant the individual to whom the certificate was issued relief 22888
from the mandatory civil impacts identified in division (A)(1) of 22889
section 2961.01 or division (B) of section 2961.02 of the Revised 22890
Code. 22891

(F) A petition for a certificate of qualification for 22892
employment filed by an individual under division (B)(1) or (2) of 22893
this section shall include all of the following: 22894

(1) The individual's name, date of birth, and social security 22895
number; 22896

(2) All aliases of the individual and all social security 22897
numbers associated with those aliases; 22898

(3) The individual's residence address, including the city, 22899
county, and state of residence and zip code; 22900

(4) The length of time that the individual has ~~been a~~ 22901
resident of this resided in the individual's current state of 22902
residence, expressed in years and months of residence; 22903

(5) ~~The name or type of each collateral sanction from which~~ 22904
~~the individual is requesting a certificate of qualification for~~ 22905
~~employment~~ A general statement as to why the individual has filed 22906
the petition and how the certificate of qualification for 22907
employment would assist the individual; 22908

(6) A summary of the individual's criminal history with 22909
respect to each offense that is a disqualification from employment 22910
or licensing in an occupation or profession, including the years 22911
of each conviction or plea of guilty for each of those offenses; 22912

(7) A summary of the individual's employment history, 22913
specifying the name of, and dates of employment with, each 22914
employer; 22915

(8) Verifiable references and endorsements; 22916

(9) The name of one or more immediate family members of the 22917
individual, or other persons with whom the individual has a close 22918
relationship, who support the individual's reentry plan; 22919

(10) A summary of the reason the individual believes the 22920
certificate of qualification for employment should be granted; 22921

(11) Any other information required by rule by the department 22922
of rehabilitation and correction. 22923

(G)(1) In a judicial or administrative proceeding alleging 22924
negligence or other fault, a certificate of qualification for 22925
employment issued to an individual under this section may be 22926
introduced as evidence of a person's due care in hiring, 22927
retaining, licensing, leasing to, admitting to a school or 22928
program, or otherwise transacting business or engaging in activity 22929
with the individual to whom the certificate of qualification for 22930
employment was issued if the person knew of the certificate at the 22931
time of the alleged negligence or other fault. 22932

(2) In any proceeding on a claim against an employer for 22933

negligent hiring, a certificate of qualification for employment 22934
issued to an individual under this section shall provide immunity 22935
for the employer as to the claim if the employer knew of the 22936
certificate at the time of the alleged negligence. 22937

(3) If an employer hires an individual who has been issued a 22938
certificate of qualification for employment under this section, if 22939
the individual, after being hired, subsequently demonstrates 22940
dangerousness or is convicted of or pleads guilty to a felony, and 22941
if the employer retains the individual as an employee after the 22942
demonstration of dangerousness or the conviction or guilty plea, 22943
the employer may be held liable in a civil action that is based on 22944
or relates to the retention of the individual as an employee only 22945
if it is proved by a preponderance of the evidence that the person 22946
having hiring and firing responsibility for the employer had 22947
actual knowledge that the employee was dangerous or had been 22948
convicted of or pleaded guilty to the felony and was willful in 22949
retaining the individual as an employee after the demonstration of 22950
dangerousness or the conviction or guilty plea of which the person 22951
has actual knowledge. 22952

(H) A certificate of qualification for employment issued 22953
under this section shall be ~~presumptively~~ revoked if the 22954
individual to whom the certificate of qualification for employment 22955
was issued is convicted of or pleads guilty to a felony offense 22956
committed subsequent to the issuance of the certificate of 22957
qualification for employment. The department of rehabilitation and 22958
correction shall periodically review the certificates listed in 22959
the database described in division (K) of this section to identify 22960
those that are subject to revocation under this division. Upon 22961
identifying a certificate of qualification for employment that is 22962
subject to revocation, the department shall note in the database 22963
that the certificate has been revoked, the reason for revocation, 22964
and the effective date of revocation, which shall be the date of 22965

the conviction or plea of guilty subsequent to the issuance of the 22966
certificate. 22967

(I) A designee's forwarding, or failure to forward, a 22968
petition for a certificate of qualification for employment to a 22969
court or a court's issuance, or failure to issue, a petition for a 22970
certificate of qualification for employment to an individual under 22971
division (B) of this section does not give rise to a claim for 22972
damages against the department of rehabilitation and correction or 22973
court. 22974

~~(J) Not later than ninety days after September 28, 2012, the~~ 22975
~~The~~ division of parole and community services shall adopt rules in 22976
accordance with Chapter 119. of the Revised Code for the 22977
implementation and administration of this section and shall 22978
prescribe the form for the petition to be used under division 22979
(B)(1) or (2) of this section. The form for the petition shall 22980
include places for all of the information specified in division 22981
(F) of this section. ~~Upon the adoption of the rules, the~~ 22982
~~provisions of divisions (A) to (I) of this section become~~ 22983
~~operative.~~ 22984

(K) The department of rehabilitation and correction shall 22985
~~conduct a study to determine the manner for transferring the~~ 22986
~~mechanism for the issuance of a certificate of qualification for~~ 22987
~~employment created by this section to an electronic database~~ 22988
~~established and maintained by the department. The~~ maintain a 22989
~~database to which the mechanism is to be transferred shall include~~ 22990
that identifies granted certificates and revoked certificates and 22991
~~shall be designed to track~~ tracks the number of certificates 22992
granted and revoked, the industries, occupations, and professions 22993
with respect to which the certificates have been most applicable, 22994
and the types of employers that have accepted the certificates, 22995
~~and the recidivism rates of individuals who have been issued the~~ 22996
~~certificates. Not later than the date that is one year after~~ 22997

~~September 28, 2012, the The department of rehabilitation and~~ 22998
~~correction shall submit to the general assembly and the governor~~ 22999
~~annually create a report that contains the results of the study~~ 23000
~~and recommendations for transferring the mechanism for the~~ 23001
~~issuance of certificate of qualification for employment created by~~ 23002
~~this section to an electronic summarizes the information~~ 23003
~~maintained in the database established and maintained by the~~ 23004
~~department and shall make the report available to the public on~~ 23005
~~its internet web site.~~ 23006

~~(L) The department of rehabilitation and correction, in~~ 23007
~~conjunction with the Ohio judicial conference, shall conduct a~~ 23008
~~study to determine whether the application process for~~ 23009
~~certificates of qualification for employment created by this~~ 23010
~~section is feasible based upon the caseload capacity of the~~ 23011
~~department and the courts of common pleas. Not later than the date~~ 23012
~~that is one year after September 28, 2012, the department shall~~ 23013
~~submit to the general assembly a report that contains the results~~ 23014
~~of the study and any recommendations for improvement of the~~ 23015
~~application process.~~ 23016

Sec. 2967.193. (A)(1) Except as provided in division (C) of 23017
this section and subject to the maximum aggregate total specified 23018
in division (A)(2)(3) of this section, a person confined in a 23019
state correctional institution or placed in the substance use 23020
disorder treatment program may provisionally earn one day or five 23021
days of credit, based on the category set forth in division 23022
(D)(1), (2), (3), (4), or (5) of this section in which the person 23023
is included, toward satisfaction of the person's stated prison 23024
term for each completed month during which the person, if confined 23025
in a state correctional institution, productively participates in 23026
an education program, vocational training, employment in prison 23027
industries, treatment for substance abuse, or any other 23028
constructive program developed by the department with specific 23029

standards for performance by prisoners or during which the person, 23030
if placed in the substance use disorder treatment program, 23031
productively participates in the program. Except as provided in 23032
division (C) of this section and subject to the maximum aggregate 23033
total specified in division (A)(2)(3) of this section, a person so 23034
confined in a state correctional institution who successfully 23035
completes two programs or activities of that type may, in 23036
addition, provisionally earn up to five days of credit toward 23037
satisfaction of the person's stated prison term for the successful 23038
completion of the second program or activity. The person shall not 23039
be awarded any provisional days of credit for the successful 23040
completion of the first program or activity or for the successful 23041
completion of any program or activity that is completed after the 23042
second program or activity. At the end of each calendar month in 23043
which a person productively participates in a program or activity 23044
listed in this division or successfully completes a program or 23045
activity listed in this division, the department of rehabilitation 23046
and correction shall determine and record the total number of days 23047
credit that the person provisionally earned in that calendar 23048
month. If the person in a state correctional institution violates 23049
prison rules or the person in the substance use disorder treatment 23050
program violates program or department rules, the department may 23051
deny the person a credit that otherwise could have been 23052
provisionally awarded to the person or may withdraw one or more 23053
credits previously provisionally earned by the person. Days of 23054
credit provisionally earned by a person shall be finalized and 23055
awarded by the department subject to administrative review by the 23056
department of the person's conduct. 23057

(2) The Regardless of the category in which a person is 23058
included in division (D) of this section, and notwithstanding the 23059
maximum aggregate total specified in division (A)(3) of this 23060
section, each person who successfully completes an Ohio high 23061
school diploma or Ohio certificate of high school equivalence 23062

certified by the Ohio central school system shall earn ninety days 23063
of credit toward satisfaction of the person's stated prison term. 23064

(3) Except for persons described in division (A)(2) of this 23065
section, the aggregate days of credit provisionally earned by a 23066
person for program or activity participation and program and 23067
activity completion under this section and the aggregate days of 23068
credit finally credited to a person under this section shall not 23069
exceed eight per cent of the total number of days in the person's 23070
stated prison term. 23071

(B) The department of rehabilitation and correction shall 23072
adopt rules that specify the programs or activities for which 23073
credit may be earned under this section, the criteria for 23074
determining productive participation in, or completion of, the 23075
programs or activities and the criteria for awarding credit, 23076
including criteria for awarding additional credit for successful 23077
program or activity completion, and the criteria for denying or 23078
withdrawing previously provisionally earned credit as a result of 23079
a violation of prison rules, or program or department rules, 23080
whichever is applicable. 23081

(C) No person confined in a state correctional institution or 23082
placed in a substance use disorder treatment program to whom any 23083
of the following applies shall be awarded any days of credit under 23084
division (A) of this section: 23085

(1) The person is serving a prison term that section 2929.13 23086
or section 2929.14 of the Revised Code specifies cannot be reduced 23087
pursuant to this section or this chapter or is serving a sentence 23088
for which section 2967.13 or division (B) of section 2929.143 of 23089
the Revised Code specifies that the person is not entitled to any 23090
earned credit under this section. 23091

(2) The person is sentenced to death or is serving a prison 23092
term or a term of life imprisonment for aggravated murder, murder, 23093

or a conspiracy or attempt to commit, or complicity in committing, 23094
aggravated murder or murder. 23095

(3) The person is serving a sentence of life imprisonment 23096
without parole imposed pursuant to section 2929.03 or 2929.06 of 23097
the Revised Code, a prison term or a term of life imprisonment 23098
without parole imposed pursuant to section 2971.03 of the Revised 23099
Code, or a sentence for a sexually oriented offense that was 23100
committed on or after September 30, 2011. 23101

(D) This division does not apply to a determination of 23102
whether a person confined in a state correctional institution or 23103
placed in a substance use disorder treatment program may earn any 23104
days of credit under division (A) of this section for successful 23105
completion of a second program or activity. The determination of 23106
whether a person confined in a state correctional institution may 23107
earn one day of credit or five days of credit under division (A) 23108
of this section for each completed month during which the person 23109
productively participates in a program or activity specified under 23110
that division shall be made in accordance with the following: 23111

(1) The offender may earn one day of credit under division 23112
(A) of this section, except as provided in division (C) of this 23113
section, if the most serious offense for which the offender is 23114
confined is any of the following that is a felony of the first or 23115
second degree: 23116

(a) A violation of division (A) of section 2903.04 or of 23117
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 23118
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 23119
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 23120
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 23121
of the Revised Code; 23122

(b) A conspiracy or attempt to commit, or complicity in 23123
committing, any other offense for which the maximum penalty is 23124

imprisonment for life or any offense listed in division (D)(1)(a) 23125
of this section. 23126

(2) The offender may earn one day of credit under division 23127
(A) of this section, except as provided in division (C) of this 23128
section, if the offender is serving a stated prison term that 23129
includes a prison term imposed for a sexually oriented offense 23130
that the offender committed prior to September 30, 2011. 23131

(3) The offender may earn one day of credit under division 23132
(A) of this section, except as provided in division (C) of this 23133
section, if the offender is serving a stated prison term that 23134
includes a prison term imposed for a felony other than carrying a 23135
concealed weapon an essential element of which is any conduct or 23136
failure to act expressly involving any deadly weapon or dangerous 23137
ordnance. 23138

(4) Except as provided in division (C) of this section, if 23139
the most serious offense for which the offender is confined is a 23140
felony of the first or second degree and divisions (D)(1), (2), 23141
and (3) of this section do not apply to the offender, the offender 23142
may earn one day of credit under division (A) of this section if 23143
the offender committed that offense prior to September 30, 2011, 23144
and the offender may earn five days of credit under division (A) 23145
of this section if the offender committed that offense on or after 23146
September 30, 2011. 23147

(5) Except as provided in division (C) of this section, if 23148
the most serious offense for which the offender is confined is a 23149
felony of the third, fourth, or fifth degree or an unclassified 23150
felony and neither division (D)(2) nor (3) of this section applies 23151
to the offender, the offender may earn one day of credit under 23152
division (A) of this section if the offender committed that 23153
offense prior to September 30, 2011, and the offender may earn 23154
five days of credit under division (A) of this section if the 23155
offender committed that offense on or after September 30, 2011. 23156

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of this section, an action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother, father, or alleged father is a recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape or sexual battery, the victim of the rape or sexual battery was the child's mother, and the child was conceived as a result of the

rape or sexual battery.	23188
(B) An agreement does not bar an action under this section.	23189
(C) If an action under this section is brought before the	23190
birth of the child and if the action is contested, all	23191
proceedings, except service of process and the taking of	23192
depositions to perpetuate testimony, may be stayed until after the	23193
birth.	23194
(D) A recipient of public assistance or of services under	23195
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42	23196
U.S.C.A. 651, as amended, shall cooperate with the child support	23197
enforcement agency of the county in which a child resides to	23198
obtain an administrative determination pursuant to sections	23199
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court	23200
determination pursuant to sections 3111.01 to 3111.18 of the	23201
Revised Code, of the existence or nonexistence of a parent and	23202
child relationship between the father and the child. If the	23203
recipient fails to cooperate, the agency may commence an action to	23204
determine the existence or nonexistence of a parent and child	23205
relationship between the father and the child pursuant to sections	23206
3111.01 to 3111.18 of the Revised Code.	23207
(E) As used in this section:	23208
(1) "Public assistance" means ~~all~~ <u>both</u> of the following:	23209
(a) Medicaid;	23210
(b) Ohio works first under Chapter 5107. of the Revised Code;	23211
~~(c) Disability financial assistance under Chapter 5115. of~~	23212
~~the Revised Code.~~	23213
(2) "Rape" means a violation of section 2907.02 of the	23214
Revised Code or similar law of another state.	23215
(3) "Sexual battery" means a violation of section 2907.03 of	23216
the Revised Code or similar law of another state.	23217

Sec. 3113.06. No father, or mother when she is charged with 23218
the maintenance, of a child under eighteen years of age, or a 23219
mentally or physically handicapped child under age twenty-one, who 23220
is legally a ward of a public children services agency or is the 23221
recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised 23222
Code, shall neglect or refuse to pay such agency the reasonable 23223
cost of maintaining such child when such father or mother is able 23224
to do so by reason of property, labor, or earnings. 23225

An offense under this section shall be held committed in the 23226
county in which the agency is located. The agency shall file 23227
charges against any parent who violates this section, unless the 23228
agency files charges under section 2919.21 of the Revised Code, or 23229
unless charges of nonsupport are filed by a relative or guardian 23230
of the child, or unless an action to enforce support is brought 23231
under Chapter 3115. of the Revised Code. 23232

Sec. 3113.07. As used in this section, "executive director" 23233
has the same meaning as in section 5153.01 of the Revised Code. 23234

Sentence may be suspended, if a person, after conviction 23235
under section 3113.06 of the Revised Code and before sentence 23236
thereunder, appears before the court of common pleas in which such 23237
conviction took place and enters into bond to the state in a sum 23238
fixed by the court at not less than five hundred dollars, with 23239
sureties approved by such court, conditioned that such person will 23240
pay, so long as the child remains a ward of the public children 23241
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 23242
~~5115.~~ of the Revised Code, to the executive director thereof or to 23243
a trustee to be named by the court, for the benefit of such agency 23244
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 23245
~~5115.~~ of the Revised Code, to the county department of job and 23246
family services, the reasonable cost of keeping such child. The 23247
amount of such costs and the time of payment shall be fixed by the 23248

court. 23249

The court, in accordance with sections 3119.29 to 3119.56 of 23250
the Revised Code, shall include in each support order made under 23251
this section the requirement that one or both of the parents 23252
provide for the health care needs of the child to the satisfaction 23253
of the court. 23254

Sec. 3119.05. When a court computes the amount of child 23255
support required to be paid under a court child support order or a 23256
child support enforcement agency computes the amount of child 23257
support to be paid pursuant to an administrative child support 23258
order, all of the following apply: 23259

(A) The parents' current and past income and personal 23260
earnings shall be verified by electronic means or with suitable 23261
documents, including, but not limited to, paystubs, employer 23262
statements, receipts and expense vouchers related to 23263
self-generated income, tax returns, and all supporting 23264
documentation and schedules for the tax returns. 23265

(B) The amount of any pre-existing child support obligation 23266
of a parent under a child support order and the amount of any 23267
court-ordered spousal support actually paid shall be deducted from 23268
the gross income of that parent to the extent that payment under 23269
the child support order or that payment of the court-ordered 23270
spousal support is verified by supporting documentation. 23271

(C) If other minor children who were born to the parent and a 23272
person other than the other parent who is involved in the 23273
immediate child support determination live with the parent, the 23274
court or agency shall deduct an amount from that parent's gross 23275
income that equals the number of such minor children times the 23276
federal income tax exemption for such children less child support 23277
received for them for the year, not exceeding the federal income 23278
tax exemption. 23279

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the gross income of a parent, it shall not include any income earned by the spouse of that parent.

(F) The court shall issue a separate order for extraordinary medical or dental expenses, including, but not limited to, orthodontia, psychological, appropriate private education, and other expenses, and may consider the expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(H) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a

reasonable period of years. 23311

(I) Unless it would be unjust or inappropriate and therefore 23312
not in the best interests of the child, a court or agency shall 23313
not determine a parent to be voluntarily unemployed or 23314
underemployed and shall not impute income to that parent if either 23315
of the following conditions exist: 23316

(1) The parent is receiving recurring monetary income from 23317
means-tested public assistance benefits, including cash assistance 23318
payments under the Ohio works first program established under 23319
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 23320
~~disability financial assistance program established under Chapter~~ 23321
~~5115. of the Revised Code~~, supplemental security income, or 23322
means-tested veterans' benefits; 23323

(2) The parent is incarcerated or institutionalized for a 23324
period of twelve months or more with no other available assets, 23325
unless the parent is incarcerated for an offense relating to the 23326
abuse or neglect of a child who is the subject of the support 23327
order or an offense under Title XXIX of the Revised Code when the 23328
obligee or a child who is the subject of the support order is a 23329
victim of the offense. 23330

(J) When a court or agency requires a parent to pay an amount 23331
for that parent's failure to support a child for a period of time 23332
prior to the date the court modifies or issues a court child 23333
support order or an agency modifies or issues an administrative 23334
child support order for the current support of the child, the 23335
court or agency shall calculate that amount using the basic child 23336
support schedule, worksheets, and child support laws in effect, 23337
and the incomes of the parents as they existed, for that prior 23338
period of time. 23339

(K) A court or agency may disregard a parent's additional 23340
income from overtime or additional employment when the court or 23341

agency finds that the additional income was generated primarily to 23342
support a new or additional family member or members, or under 23343
other appropriate circumstances. 23344

(L) If both parents involved in the immediate child support 23345
determination have a prior order for support relative to a minor 23346
child or children born to both parents, the court or agency shall 23347
collect information about the existing order or orders and 23348
consider those together with the current calculation for support 23349
to ensure that the total of all orders for all children of the 23350
parties does not exceed the amount that would have been ordered if 23351
all children were addressed in a single judicial or administrative 23352
proceeding. 23353

Sec. 3121.03. If a court or child support enforcement agency 23354
that issued or modified a support order, or the agency 23355
administering the support order, is required by the Revised Code 23356
to issue one or more withholding or deduction notices described in 23357
this section or other orders described in this section, the court 23358
or agency shall issue one or more of the following types of 23359
notices or orders, as appropriate, for payment of the support and 23360
also, if required by the Revised Code or the court, to pay any 23361
arrearages: 23362

(A)(1) If the court or the child support enforcement agency 23363
determines that the obligor is receiving income from a payor, the 23364
court or agency shall require the payor to do all of the 23365
following: 23366

(a) Withhold from the obligor's income a specified amount for 23367
support in satisfaction of the support order and begin the 23368
withholding no later than fourteen business days following the 23369
date the notice is mailed or transmitted to the payor under 23370
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 23371
division (A)(2) of this section or, if the payor is an employer, 23372

no later than the first pay period that occurs after fourteen 23373
business days following the date the notice is mailed or 23374
transmitted; 23375

(b) Send the amount withheld to the office of child support 23376
in the department of job and family services pursuant to section 23377
3121.43 of the Revised Code immediately but not later than seven 23378
business days after the date the obligor is paid; 23379

(c) Continue the withholding at intervals specified in the 23380
notice until further notice from the court or child support 23381
enforcement agency. 23382

To the extent possible, the amount specified to be withheld 23383
shall satisfy the amount ordered for support in the support order 23384
plus any arrearages owed by the obligor under any prior support 23385
order that pertained to the same child or spouse, notwithstanding 23386
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 23387
2716.041, and 2716.05 of the Revised Code. However, in no case 23388
shall the sum of the amount to be withheld and any fee withheld by 23389
the payor as a charge for its services exceed the maximum amount 23390
permitted under section 303(b) of the "Consumer Credit Protection 23391
Act," 15 U.S.C. 1673(b). 23392

(2) A court or agency that imposes an income withholding 23393
requirement shall, within the applicable time specified in section 23394
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 23395
Code, send to the obligor's payor by regular mail or via secure 23396
federally managed data transmission interface a notice that 23397
contains all of the information applicable to withholding notices 23398
set forth in section 3121.037 of the Revised Code. The notice is 23399
final and is enforceable by the court. 23400

(B)(1) If the court or child support enforcement agency 23401
determines that the obligor has funds that are not exempt under 23402
the laws of this state or the United States from execution, 23403

attachment, or other legal process and are on deposit in an 23404
account in a financial institution under the jurisdiction of the 23405
court that issued the court support order, or in the case of an 23406
administrative child support order, under the jurisdiction of the 23407
common pleas court of the county in which the agency that issued 23408
or is administering the order is located, the court or agency may 23409
require any financial institution in which the obligor's funds are 23410
on deposit to do all of the following: 23411

(a) Deduct from the obligor's account a specified amount for 23412
support in satisfaction of the support order and begin the 23413
deduction no later than fourteen business days following the date 23414
the notice was mailed or transmitted to the financial institution 23415
under section 3121.035 or 3123.06 of the Revised Code and division 23416
(B)(2) of this section; 23417

(b) Send the amount deducted to the office of child support 23418
in the department of job and family services pursuant to section 23419
3121.43 of the Revised Code immediately but not later than seven 23420
business days after the date the latest deduction was made; 23421

(c) Provide the date on which the amount was deducted; 23422

(d) Continue the deduction at intervals specified in the 23423
notice until further notice from the court or child support 23424
enforcement agency. 23425

To the extent possible, the amount to be deducted shall 23426
satisfy the amount ordered for support in the support order plus 23427
any arrearages that may be owed by the obligor under any prior 23428
support order that pertained to the same child or spouse, 23429
notwithstanding the limitations of sections 2329.66, 2329.70, and 23430
2716.13 of the Revised Code. 23431

(2) A court or agency that imposes a deduction requirement 23432
shall, within the applicable period of time specified in section 23433
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 23434

to the financial institution by regular mail or via secure 23435
federally managed data transmission interface a notice that 23436
contains all of the information applicable to deduction notices 23437
set forth in section 3121.037 of the Revised Code. The notice is 23438
final and is enforceable by the court. 23439

(C) With respect to any court support order it issues, a 23440
court may issue an order requiring the obligor to enter into a 23441
cash bond with the court. The court shall issue the order as part 23442
of the court support order or, if the court support order has 23443
previously been issued, as a separate order. The cash bond shall 23444
be in a sum fixed by the court at not less than five hundred nor 23445
more than ten thousand dollars, conditioned that the obligor will 23446
make payment as previously ordered and will pay any arrearages 23447
under any prior court support order that pertained to the same 23448
child or spouse. 23449

The order, along with an additional order requiring the 23450
obligor to immediately notify the child support enforcement 23451
agency, in writing, if the obligor begins to receive income from a 23452
payor, shall be attached to and served on the obligor at the same 23453
time as service of the court support order or, if the court 23454
support order has previously been issued, as soon as possible 23455
after the issuance of the order under this section. The additional 23456
order requiring notice by the obligor shall state all of the 23457
following: 23458

(1) That when the obligor begins to receive income from a 23459
payor the obligor may request that the court cancel its bond order 23460
and instead issue a notice requiring the withholding of an amount 23461
from income for support in accordance with this section; 23462

(2) That when the obligor begins to receive income from a 23463
payor the court will proceed to collect on the bond if the court 23464
determines that payments due under the court support order have 23465
not been made and that the amount that has not been paid is at 23466

least equal to the support owed for one month under the court 23467
support order and will issue a notice requiring the withholding of 23468
an amount from income for support in accordance with this section. 23469
The notice required of the obligor shall include a description of 23470
the nature of any new employment, the name and business address of 23471
any new employer, and any other information reasonably required by 23472
the court. 23473

The court shall not order an obligor to post a cash bond 23474
under this section unless the court determines that the obligor 23475
has the ability to do so. 23476

A child support enforcement agency may not issue a cash bond 23477
order. If a child support enforcement agency is required to issue 23478
a withholding or deduction notice under this section with respect 23479
to a court support order but the agency determines that no 23480
withholding or deduction notice would be appropriate, the agency 23481
may request that the court issue a cash bond order under this 23482
section, and upon the request, the court may issue the order. 23483

(D)(1) If the obligor under a court support order is 23484
unemployed, has no income, and does not have an account at any 23485
financial institution, or on request of a child support 23486
enforcement agency under division (D)(1) or (2) of this section, 23487
the court shall issue an order requiring the obligor, if able to 23488
engage in employment, to seek employment or participate in a work 23489
activity to which a recipient of assistance under Title IV-A of 23490
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 23491
as amended, may be assigned as specified in section 407(d) of the 23492
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 23493
shall include in the order requirements that the obligor register 23494
with the OhioMeansJobs web site and to notify the child support 23495
enforcement agency on obtaining employment, obtaining any income, 23496
or obtaining ownership of any asset with a value of five hundred 23497
dollars or more. The court may issue the order regardless of 23498

whether the obligee to whom the obligor owes support is a 23499
recipient of assistance under Title IV-A of the "Social Security 23500
Act." The court shall issue the order as part of a court support 23501
order or, if a court support order has previously been issued, as 23502
a separate order. If a child support enforcement agency is 23503
required to issue a withholding or deduction notice under this 23504
section with respect to a court support order but determines that 23505
no withholding or deduction notice would be appropriate, the 23506
agency may request that the court issue a court order under 23507
division (D)(1) of this section, and, on the request, the court 23508
may issue the order. 23509

(2) If the obligor under an administrative child support 23510
order is unemployed, has no income, and does not have an account 23511
at any financial institution, the agency shall issue an 23512
administrative order requiring the obligor, if able to engage in 23513
employment, to seek employment or participate in a work activity 23514
to which a recipient of assistance under Title IV-A of the "Social 23515
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 23516
may be assigned as specified in section 407(d) of the "Social 23517
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 23518
include in the order requirements that the obligor register with 23519
the OhioMeansJobs web site and to notify the agency on obtaining 23520
employment or income, or ownership of any asset with a value of 23521
five hundred dollars or more. The agency may issue the order 23522
regardless of whether the obligee to whom the obligor owes support 23523
is a recipient of assistance under Title IV-A of the "Social 23524
Security Act." If an obligor fails to comply with an 23525
administrative order issued pursuant to division (D)(2) of this 23526
section, the agency shall submit a request to a court for the 23527
court to issue an order under division (D)(1) of this section. 23528

Sec. 3301.07. The state board of education shall exercise 23529
under the acts of the general assembly general supervision of the 23530

system of public education in the state. In addition to the powers 23531
otherwise imposed on the state board under the provisions of law, 23532
the board shall have the powers described in this section. 23533

(A) The state board shall exercise policy forming, planning, 23534
and evaluative functions for the public schools of the state 23535
except as otherwise provided by law. 23536

(B)(1) The state board shall exercise leadership in the 23537
improvement of public education in this state, and administer the 23538
educational policies of this state relating to public schools, and 23539
relating to instruction and instructional material, building and 23540
equipment, transportation of pupils, administrative 23541
responsibilities of school officials and personnel, and finance 23542
and organization of school districts, educational service centers, 23543
and territory. Consultative and advisory services in such matters 23544
shall be provided by the board to school districts and educational 23545
service centers of this state. 23546

(2) The state board also shall develop a standard of 23547
financial reporting which shall be used by each school district 23548
board of education and each governing board of an educational 23549
service center, each governing authority of a community school 23550
established under Chapter 3314., each governing body of a STEM 23551
school established under Chapter 3328., and each board of trustees 23552
of a college-preparatory boarding school established under Chapter 23553
3328. of the Revised Code to make its financial information and 23554
annual budgets for each school building under its control 23555
available to the public in a format understandable by the average 23556
citizen. The format shall show, both at the district and at the 23557
school building level, revenue by source; expenditures for 23558
salaries, wages, and benefits of employees, showing such amounts 23559
separately for classroom teachers, other employees required to 23560
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 23561
the Revised Code, and all other employees; expenditures other than 23562

for personnel, by category, including utilities, textbooks and 23563
other educational materials, equipment, permanent improvements, 23564
pupil transportation, extracurricular athletics, and other 23565
extracurricular activities; and per pupil expenditures. The format 23566
shall also include information on total revenue and expenditures, 23567
per pupil revenue, and expenditures for both classroom and 23568
nonclassroom purposes, as defined by the standards adopted under 23569
section 3302.20 of the Revised Code in the aggregate and for each 23570
subgroup of students, as defined by section 3317.40 of the Revised 23571
Code, that receives services provided for by state or federal 23572
funding. 23573

(3) Each school district board, governing authority, 23574
governing body, or board of trustees, or its respective designee, 23575
shall annually report, to the department of education, all 23576
financial information required by the standards for financial 23577
reporting, as prescribed by division (B)(2) of this section and 23578
adopted by the state board. The department shall make all reports 23579
submitted pursuant to this division available in such a way that 23580
allows for comparison between financial information included in 23581
these reports and financial information included in reports 23582
produced prior to July 1, 2013. The department shall post these 23583
reports in a prominent location on its web site and shall notify 23584
each school when reports are made available. 23585

(C) The state board shall administer and supervise the 23586
allocation and distribution of all state and federal funds for 23587
public school education under the provisions of law, and may 23588
prescribe such systems of accounting as are necessary and proper 23589
to this function. It may require county auditors and treasurers, 23590
boards of education, educational service center governing boards, 23591
treasurers of such boards, teachers, and other school officers and 23592
employees, or other public officers or employees, to file with it 23593
such reports as it may prescribe relating to such funds, or to the 23594

management and condition of such funds. 23595

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 23596
XLVII, and LI of the Revised Code a reference is made to standards 23597
prescribed under this section or division (D) of this section, 23598
that reference shall be construed to refer to the standards 23599
prescribed under division (D)(2) of this section, unless the 23600
context specifically indicates a different meaning or intent. 23601

(2) The state board shall formulate and prescribe minimum 23602
standards to be applied to all elementary and secondary schools in 23603
this state for the purpose of providing children access to a 23604
general education of high quality according to the learning needs 23605
of each individual, including students with disabilities, 23606
economically disadvantaged students, limited English proficient 23607
students, and students identified as gifted. Such standards shall 23608
provide adequately for: the licensing of teachers, administrators, 23609
and other professional personnel and their assignment according to 23610
training and qualifications; efficient and effective instructional 23611
materials and equipment, including library facilities; the proper 23612
organization, administration, and supervision of each school, 23613
including regulations for preparing all necessary records and 23614
reports and the preparation of a statement of policies and 23615
objectives for each school; the provision of safe buildings, 23616
grounds, health and sanitary facilities and services; admission of 23617
pupils, and such requirements for their promotion from grade to 23618
grade as will assure that they are capable and prepared for the 23619
level of study to which they are certified; requirements for 23620
graduation; and such other factors as the board finds necessary. 23621

The state board shall base any standards governing the 23622
promotion of students or requirements for graduation on the 23623
ability of students, at any grade level, to earn credits or 23624
advance upon demonstration of mastery of knowledge and skills 23625
through competency-based learning models. Credits of grade level 23626

advancement shall not require a minimum number of days or hours in 23627
a classroom. 23628

The state board shall base any standards governing the 23629
assignment of staff on ensuring each school has a sufficient 23630
number of teachers to ensure a student has an appropriate level of 23631
interaction to meet each student's personal learning goals. 23632

In the formulation and administration of such standards for 23633
nonpublic schools the board shall also consider the particular 23634
needs, methods and objectives of those schools, provided they do 23635
not conflict with the provision of a general education of a high 23636
quality and provided that regular procedures shall be followed for 23637
promotion from grade to grade of pupils who have met the 23638
educational requirements prescribed. 23639

(3) In addition to the minimum standards required by division 23640
(D)(2) of this section, the state board may formulate and 23641
prescribe the following additional minimum operating standards for 23642
school districts: 23643

(a) Standards for the effective and efficient organization, 23644
administration, and supervision of each school district with a 23645
commitment to high expectations for every student based on the 23646
learning needs of each individual, including students with 23647
disabilities, economically disadvantaged students, limited English 23648
proficient students, and students identified as gifted, and 23649
commitment to closing the achievement gap without suppressing the 23650
achievement levels of higher achieving students so that all 23651
students achieve core knowledge and skills in accordance with the 23652
statewide academic standards adopted under section 3301.079 of the 23653
Revised Code; 23654

~~(b) Standards for the establishment of business advisory 23655~~
~~councils under section 3313.82 of the Revised Code; 23656~~

~~(c) Standards for school district buildings that may require 23657~~

the effective and efficient organization, administration, and 23658
supervision of each school district building with a commitment to 23659
high expectations for every student based on the learning needs of 23660
each individual, including students with disabilities, 23661
economically disadvantaged students, limited English proficient 23662
students, and students identified as gifted, and commitment to 23663
closing the achievement gap without suppressing the achievement 23664
levels of higher achieving students so that all students achieve 23665
core knowledge and skills in accordance with the statewide 23666
academic standards adopted under section 3301.079 of the Revised 23667
Code. 23668

(E) The state board may require as part of the health 23669
curriculum information developed under section 2108.34 of the 23670
Revised Code promoting the donation of anatomical gifts pursuant 23671
to Chapter 2108. of the Revised Code and may provide the 23672
information to high schools, educational service centers, and 23673
joint vocational school district boards of education; 23674

(F) The state board shall prepare and submit annually to the 23675
governor and the general assembly a report on the status, needs, 23676
and major problems of the public schools of the state, with 23677
recommendations for necessary legislative action and a ten-year 23678
projection of the state's public and nonpublic school enrollment, 23679
by year and by grade level. 23680

(G) The state board shall prepare and submit to the director 23681
of budget and management the biennial budgetary requests of the 23682
state board of education, for its agencies and for the public 23683
schools of the state. 23684

(H) The state board shall cooperate with federal, state, and 23685
local agencies concerned with the health and welfare of children 23686
and youth of the state. 23687

(I) The state board shall require such reports from school 23688

districts and educational service centers, school officers, and 23689
employees as are necessary and desirable. The superintendents and 23690
treasurers of school districts and educational service centers 23691
shall certify as to the accuracy of all reports required by law or 23692
state board or state department of education rules to be submitted 23693
by the district or educational service center and which contain 23694
information necessary for calculation of state funding. Any 23695
superintendent who knowingly falsifies such report shall be 23696
subject to license revocation pursuant to section 3319.31 of the 23697
Revised Code. 23698

(J) In accordance with Chapter 119. of the Revised Code, the 23699
state board shall adopt procedures, standards, and guidelines for 23700
the education of children with disabilities pursuant to Chapter 23701
3323. of the Revised Code, including procedures, standards, and 23702
guidelines governing programs and services operated by county 23703
boards of developmental disabilities pursuant to section 3323.09 23704
of the Revised Code. 23705

(K) For the purpose of encouraging the development of special 23706
programs of education for academically gifted children, the state 23707
board shall employ competent persons to analyze and publish data, 23708
promote research, advise and counsel with boards of education, and 23709
encourage the training of teachers in the special instruction of 23710
gifted children. The board may provide financial assistance out of 23711
any funds appropriated for this purpose to boards of education and 23712
educational service center governing boards for developing and 23713
conducting programs of education for academically gifted children. 23714

(L) The state board shall require that all public schools 23715
emphasize and encourage, within existing units of study, the 23716
teaching of energy and resource conservation as recommended to 23717
each district board of education by leading business persons 23718
involved in energy production and conservation, beginning in the 23719
primary grades. 23720

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of

the Revised Code to be administered by city, local, exempted
village, and joint vocational school districts, except that each
district shall score any assessment administered pursuant to
division (B)(10) of this section. Each assessment so furnished
shall include the data verification code of the student to whom
the assessment will be administered, as assigned pursuant to
division (D)(2) of section 3301.0714 of the Revised Code. In
furnishing the practice versions of Ohio graduation tests
prescribed by division (D) of section 3301.0710 of the Revised
Code, the department shall make the tests available on its web
site for reproduction by districts. In awarding contracts for
grading assessments, the department shall give preference to
Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and
prescribing the manner in which the assessments prescribed by
section 3301.0710 of the Revised Code shall be administered to
students.

(B) Except as provided in divisions (C) and (J) of this
section, the board of education of each city, local, and exempted
village school district shall, in accordance with rules adopted
under division (A) of this section:

(1) Administer the English language arts assessments
prescribed under division (A)(1)(a) of section 3301.0710 of the
Revised Code twice annually to all students in the third grade who
have not attained the score designated for that assessment under
division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under
division (A)(1)(a) of section 3301.0710 of the Revised Code at
least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division
(A)(1)(b) of section 3301.0710 of the Revised Code at least once

annually to all students in the fourth grade.	23783
(4) Administer the assessments prescribed under division	23784
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	23785
annually to all students in the fifth grade.	23786
(5) Administer the assessments prescribed under division	23787
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	23788
annually to all students in the sixth grade.	23789
(6) Administer the assessments prescribed under division	23790
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	23791
annually to all students in the seventh grade.	23792
(7) Administer the assessments prescribed under division	23793
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	23794
annually to all students in the eighth grade.	23795
(8) Except as provided in division (B)(9) of this section,	23796
administer any assessment prescribed under division (B)(1) of	23797
section 3301.0710 of the Revised Code as follows:	23798
(a) At least once annually to all tenth grade students and at	23799
least twice annually to all students in eleventh or twelfth grade	23800
who have not yet attained the score on that assessment designated	23801
under that division;	23802
(b) To any person who has successfully completed the	23803
curriculum in any high school or the individualized education	23804
program developed for the person by any high school pursuant to	23805
section 3323.08 of the Revised Code but has not received a high	23806
school diploma and who requests to take such assessment, at any	23807
time such assessment is administered in the district.	23808
(9) In lieu of the board of education of any city, local, or	23809
exempted village school district in which the student is also	23810
enrolled, the board of a joint vocational school district shall	23811
administer any assessment prescribed under division (B)(1) of	23812

section 3301.0710 of the Revised Code at least twice annually to 23813
any student enrolled in the joint vocational school district who 23814
has not yet attained the score on that assessment designated under 23815
that division. A board of a joint vocational school district may 23816
also administer such an assessment to any student described in 23817
division (B)(8)(b) of this section. 23818

(10) If the district has a three-year average graduation rate 23819
of not more than seventy-five per cent, administer each assessment 23820
prescribed by division (D) of section 3301.0710 of the Revised 23821
Code in September to all ninth grade students who entered ninth 23822
grade prior to July 1, 2014. 23823

Except as provided in section 3313.614 of the Revised Code 23824
for administration of an assessment to a person who has fulfilled 23825
the curriculum requirement for a high school diploma but has not 23826
passed one or more of the required assessments, the assessments 23827
prescribed under division (B)(1) of section 3301.0710 of the 23828
Revised Code shall not be administered after the date specified in 23829
the rules adopted by the state board of education under division 23830
(D)(1) of section 3301.0712 of the Revised Code. 23831

(11) Administer the assessments prescribed by division (B)(2) 23832
of section 3301.0710 and section 3301.0712 of the Revised Code in 23833
accordance with the timeline and plan for implementation of those 23834
assessments prescribed by rule of the state board adopted under 23835
division (D)(1) of section 3301.0712 of the Revised Code. 23836

(C)(1)(a) In the case of a student receiving special 23837
education services under Chapter 3323. of the Revised Code, the 23838
individualized education program developed for the student under 23839
that chapter shall specify the manner in which the student will 23840
participate in the assessments administered under this section. 23841
The individualized education program may excuse the student from 23842
taking any particular assessment required to be administered under 23843
this section if it instead specifies an alternate assessment 23844

method approved by the department of education as conforming to 23845
requirements of federal law for receipt of federal funds for 23846
disadvantaged pupils. To the extent possible, the individualized 23847
education program shall not excuse the student from taking an 23848
assessment unless no reasonable accommodation can be made to 23849
enable the student to take the assessment. 23850

(b) Any alternate assessment approved by the department for a 23851
student under this division shall produce measurable results 23852
comparable to those produced by the assessment it replaces in 23853
order to allow for the student's results to be included in the 23854
data compiled for a school district or building under section 23855
3302.03 of the Revised Code. 23856

(c) Any student enrolled in a chartered nonpublic school who 23857
has been identified, based on an evaluation conducted in 23858
accordance with section 3323.03 of the Revised Code or section 504 23859
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 23860
794, as amended, as a child with a disability shall be excused 23861
from taking any particular assessment required to be administered 23862
under this section if a plan developed for the student pursuant to 23863
rules adopted by the state board excuses the student from taking 23864
that assessment. In the case of any student so excused from taking 23865
an assessment, the chartered nonpublic school shall not prohibit 23866
the student from taking the assessment. 23867

(2) A district board may, for medical reasons or other good 23868
cause, excuse a student from taking an assessment administered 23869
under this section on the date scheduled, but that assessment 23870
shall be administered to the excused student not later than nine 23871
days following the scheduled date. The district board shall 23872
annually report the number of students who have not taken one or 23873
more of the assessments required by this section to the state 23874
board not later than the thirtieth day of June. 23875

(3) As used in this division, "limited English proficient 23876

student" has the same meaning as in 20 U.S.C. 7801. 23877

No school district board shall excuse any limited English 23878
proficient student from taking any particular assessment required 23879
to be administered under this section, except that any limited 23880
English proficient student who has been enrolled in United States 23881
schools for less than one full school year shall not be required 23882
to take any reading, writing, or English language arts assessment. 23883
However, no board shall prohibit a limited English proficient 23884
student who is not required to take an assessment under this 23885
division from taking the assessment. A board may permit any 23886
limited English proficient student to take an assessment required 23887
to be administered under this section with appropriate 23888
accommodations, as determined by the department. For each limited 23889
English proficient student, each school district shall annually 23890
assess that student's progress in learning English, in accordance 23891
with procedures approved by the department. 23892

The governing authority of a chartered nonpublic school may 23893
excuse a limited English proficient student from taking any 23894
assessment administered under this section. However, no governing 23895
authority shall prohibit a limited English proficient student from 23896
taking the assessment. 23897

(D)(1) In the school year next succeeding the school year in 23898
which the assessments prescribed by division (A)(1) or (B)(1) of 23899
section 3301.0710 of the Revised Code or former division (A)(1), 23900
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 23901
existed prior to September 11, 2001, are administered to any 23902
student, the board of education of any school district in which 23903
the student is enrolled in that year shall provide to the student 23904
intervention services commensurate with the student's performance, 23905
including any intensive intervention required under section 23906
3313.608 of the Revised Code, in any skill in which the student 23907
failed to demonstrate at least a score at the proficient level on 23908

the assessment. 23909

(2) Following any administration of the assessments 23910
prescribed by division (D) of section 3301.0710 of the Revised 23911
Code to ninth grade students, each school district that has a 23912
three-year average graduation rate of not more than seventy-five 23913
per cent shall determine for each high school in the district 23914
whether the school shall be required to provide intervention 23915
services to any students who took the assessments. In determining 23916
which high schools shall provide intervention services based on 23917
the resources available, the district shall consider each school's 23918
graduation rate and scores on the practice assessments. The 23919
district also shall consider the scores received by ninth grade 23920
students on the English language arts and mathematics assessments 23921
prescribed under division (A)(1)(f) of section 3301.0710 of the 23922
Revised Code in the eighth grade in determining which high schools 23923
shall provide intervention services. 23924

Each high school selected to provide intervention services 23925
under this division shall provide intervention services to any 23926
student whose results indicate that the student is failing to make 23927
satisfactory progress toward being able to attain scores at the 23928
proficient level on the Ohio graduation tests. Intervention 23929
services shall be provided in any skill in which a student 23930
demonstrates unsatisfactory progress and shall be commensurate 23931
with the student's performance. Schools shall provide the 23932
intervention services prior to the end of the school year, during 23933
the summer following the ninth grade, in the next succeeding 23934
school year, or at any combination of those times. 23935

(E) Except as provided in section 3313.608 of the Revised 23936
Code and division (N) of this section, no school district board of 23937
education shall utilize any student's failure to attain a 23938
specified score on an assessment administered under this section 23939
as a factor in any decision to deny the student promotion to a 23940

higher grade level. However, a district board may choose not to 23941
promote to the next grade level any student who does not take an 23942
assessment administered under this section or make up an 23943
assessment as provided by division (C)(2) of this section and who 23944
is not exempt from the requirement to take the assessment under 23945
division (C)(3) of this section. 23946

(F) No person shall be charged a fee for taking any 23947
assessment administered under this section. 23948

(G)(1) Each school district board shall designate one 23949
location for the collection of assessments administered in the 23950
spring under division (B)(1) of this section and those 23951
administered under divisions (B)(2) to (7) of this section. Each 23952
district board shall submit the assessments to the entity with 23953
which the department contracts for the scoring of the assessments 23954
as follows: 23955

(a) If the district's total enrollment in grades kindergarten 23956
through twelve during the first full school week of October was 23957
less than two thousand five hundred, not later than the Friday 23958
after all of the assessments have been administered; 23959

(b) If the district's total enrollment in grades kindergarten 23960
through twelve during the first full school week of October was 23961
two thousand five hundred or more, but less than seven thousand, 23962
not later than the Monday after all of the assessments have been 23963
administered; 23964

(c) If the district's total enrollment in grades kindergarten 23965
through twelve during the first full school week of October was 23966
seven thousand or more, not later than the Tuesday after all of 23967
the assessments have been administered. 23968

However, any assessment that a student takes during the 23969
make-up period described in division (C)(2) of this section shall 23970
be submitted not later than the Friday following the day the 23971

student takes the assessment. 23972

(2) The department or an entity with which the department 23973
contracts for the scoring of the assessment shall send to each 23974
school district board a list of the individual scores of all 23975
persons taking a state achievement assessment as follows: 23976

(a) Except as provided in division (G)(2)(b) or (c) of this 23977
section, within forty-five days after the administration of the 23978
assessments prescribed by sections 3301.0710 and 3301.0712 of the 23979
Revised Code, but in no case shall the scores be returned later 23980
than the thirtieth day of June following the administration; 23981

(b) In the case of the third-grade English language arts 23982
assessment, within forty-five days after the administration of 23983
that assessment, but in no case shall the scores be returned later 23984
than the fifteenth day of June following the administration; 23985

(c) In the case of the writing component of an assessment or 23986
end-of-course examination in the area of English language arts, 23987
except for the third-grade English language arts assessment, the 23988
results may be sent after forty-five days of the administration of 23989
the writing component, but in no case shall the scores be returned 23990
later than the thirtieth day of June following the administration. 23991

(3) For assessments administered under this section by a 23992
joint vocational school district, the department or entity shall 23993
also send to each city, local, or exempted village school district 23994
a list of the individual scores of any students of such city, 23995
local, or exempted village school district who are attending 23996
school in the joint vocational school district. 23997

(H) Individual scores on any assessments administered under 23998
this section shall be released by a district board only in 23999
accordance with section 3319.321 of the Revised Code and the rules 24000
adopted under division (A) of this section. No district board or 24001
its employees shall utilize individual or aggregate results in any 24002

manner that conflicts with rules for the ethical use of 24003
assessments adopted pursuant to division (A) of this section. 24004

(I) Except as provided in division (G) of this section, the 24005
department or an entity with which the department contracts for 24006
the scoring of the assessment shall not release any individual 24007
scores on any assessment administered under this section. The 24008
state board shall adopt rules to ensure the protection of student 24009
confidentiality at all times. The rules may require the use of the 24010
data verification codes assigned to students pursuant to division 24011
(D)(2) of section 3301.0714 of the Revised Code to protect the 24012
confidentiality of student scores. 24013

(J) Notwithstanding division (D) of section 3311.52 of the 24014
Revised Code, this section does not apply to the board of 24015
education of any cooperative education school district except as 24016
provided under rules adopted pursuant to this division. 24017

(1) In accordance with rules that the state board shall 24018
adopt, the board of education of any city, exempted village, or 24019
local school district with territory in a cooperative education 24020
school district established pursuant to divisions (A) to (C) of 24021
section 3311.52 of the Revised Code may enter into an agreement 24022
with the board of education of the cooperative education school 24023
district for administering any assessment prescribed under this 24024
section to students of the city, exempted village, or local school 24025
district who are attending school in the cooperative education 24026
school district. 24027

(2) In accordance with rules that the state board shall 24028
adopt, the board of education of any city, exempted village, or 24029
local school district with territory in a cooperative education 24030
school district established pursuant to section 3311.521 of the 24031
Revised Code shall enter into an agreement with the cooperative 24032
district that provides for the administration of any assessment 24033
prescribed under this section to both of the following: 24034

(a) Students who are attending school in the cooperative 24035
district and who, if the cooperative district were not 24036
established, would be entitled to attend school in the city, 24037
local, or exempted village school district pursuant to section 24038
3313.64 or 3313.65 of the Revised Code; 24039

(b) Persons described in division (B)(8)(b) of this section. 24040

Any assessment of students pursuant to such an agreement 24041
shall be in lieu of any assessment of such students or persons 24042
pursuant to this section. 24043

(K)(1) Except as otherwise provided in division (K)(1) or (2) 24044
of this section, each chartered nonpublic school for which at 24045
least sixty-five per cent of its total enrollment is made up of 24046
students who are participating in state scholarship programs shall 24047
administer the elementary assessments prescribed by section 24048
3301.0710 of the Revised Code. In accordance with procedures and 24049
deadlines prescribed by the department, the parent or guardian of 24050
a student enrolled in the school who is not participating in a 24051
state scholarship program may submit notice to the chief 24052
administrative officer of the school that the parent or guardian 24053
does not wish to have the student take the elementary assessments 24054
prescribed for the student's grade level under division (A) of 24055
section 3301.0710 of the Revised Code. If a parent or guardian 24056
submits an opt-out notice, the school shall not administer the 24057
assessments to that student. This option does not apply to any 24058
assessment required for a high school diploma under section 24059
3313.612 of the Revised Code. 24060

(2) A chartered nonpublic school may submit to the 24061
superintendent of public instruction a request for a waiver from 24062
administering the elementary assessments prescribed by division 24063
(A) of section 3301.0710 of the Revised Code. The state 24064
superintendent shall approve or disapprove a request for a waiver 24065
submitted under division (K)(1)(c) of this section. No waiver 24066

shall be approved for any school year prior to the 2015-2016 24067
school year. 24068

To be eligible to submit a request for a waiver, a chartered 24069
nonpublic school shall meet the following conditions: 24070

(a) At least ninety-five per cent of the students enrolled in 24071
the school are children with disabilities, as defined under 24072
section 3323.01 of the Revised Code, or have received a diagnosis 24073
by a school district or from a physician, including a 24074
neuropsychiatrist or psychiatrist, or a psychologist who is 24075
authorized to practice in this or another state as having a 24076
condition that impairs academic performance, such as dyslexia, 24077
dyscalculia, attention deficit hyperactivity disorder, or 24078
Asperger's syndrome. 24079

(b) The school has solely served a student population 24080
described in division (K)(1)(a) of this section for at least ten 24081
years. 24082

(c) The school provides to the department at least five years 24083
of records of internal testing conducted by the school that 24084
affords the department data required for accountability purposes, 24085
including diagnostic assessments and nationally standardized 24086
norm-referenced achievement assessments that measure reading and 24087
math skills. 24088

(3) Any chartered nonpublic school that is not subject to 24089
division (K)(1) of this section may participate in the assessment 24090
program by administering any of the assessments prescribed by 24091
division (A) of section 3301.0710 of the Revised Code. The chief 24092
administrator of the school shall specify which assessments the 24093
school will administer. Such specification shall be made in 24094
writing to the superintendent of public instruction prior to the 24095
first day of August of any school year in which assessments are 24096
administered and shall include a pledge that the nonpublic school 24097

will administer the specified assessments in the same manner as 24098
public schools are required to do under this section and rules 24099
adopted by the department. 24100

(4) The department of education shall furnish the assessments 24101
prescribed by section 3301.0710 of the Revised Code to each 24102
chartered nonpublic school that is subject to division (K)(1) of 24103
this section or participates under division (K)(3) of this 24104
section. 24105

(L) If a chartered nonpublic school is educating students in 24106
grades nine through twelve, the following shall apply: 24107

(1) For a student who is enrolled in a chartered nonpublic 24108
school that is accredited through the independent schools 24109
association of the central states and who is attending the school 24110
under a state scholarship program, the student shall either take 24111
all of the assessments prescribed by division (B) of section 24112
3301.0712 of the Revised Code or take an alternative assessment 24113
approved by the department under section 3313.619 of the Revised 24114
Code. 24115

(2) For a student who is enrolled in a chartered nonpublic 24116
school that is accredited through the independent schools 24117
association of the central states, and who is not attending the 24118
school under a state scholarship program, the student shall not be 24119
required to take any assessment prescribed under section 3301.0712 24120
or 3313.619 of the Revised Code. 24121

(3) For a student who is enrolled in a chartered nonpublic 24122
school that is not accredited through the independent schools 24123
association of the central states, regardless of whether the 24124
student is attending or is not attending the school under a state 24125
scholarship program, the student shall do one of the following: 24126

(a) Take all of the assessments prescribed by division (B) of 24127
section 3301.0712 of the Revised Code; 24128

(b) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(c) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and (6), and (7)~~ of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on

the thirty-first day of July following the school year that the 24160
assessments were administered. 24161

(2) The department may field test proposed questions with 24162
samples of students to determine the validity, reliability, or 24163
appropriateness of questions for possible inclusion in a future 24164
year's assessment. The department also may use anchor questions on 24165
assessments to ensure that different versions of the same 24166
assessment are of comparable difficulty. 24167

Field test questions and anchor questions shall not be 24168
considered in computing scores for individual students. Field test 24169
questions and anchor questions may be included as part of the 24170
administration of any assessment required by division (A)(1) or 24171
(B) of section 3301.0710 and division (B) of section 3301.0712 of 24172
the Revised Code. 24173

(3) Any field test question or anchor question administered 24174
under division (0)(2) of this section shall not be a public 24175
record. Such field test questions and anchor questions shall be 24176
redacted from any assessments which are released as a public 24177
record pursuant to division (0)(1) of this section. 24178

(4) This division applies to the assessments prescribed by 24179
division (A) of section 3301.0710 of the Revised Code. 24180

(a) The first administration of each assessment, as specified 24181
in former section 3301.0712 of the Revised Code, shall be a public 24182
record. 24183

(b) For subsequent administrations of each assessment prior 24184
to the 2011-2012 school year, not less than forty per cent of the 24185
questions on the assessment that are used to compute a student's 24186
score shall be a public record. The department shall determine 24187
which questions will be needed for reuse on a future assessment 24188
and those questions shall not be public records and shall be 24189
redacted from the assessment prior to its release as a public 24190

record. However, for each redacted question, the department shall
inform each city, local, and exempted village school district of
the statewide academic standard adopted by the state board under
section 3301.079 of the Revised Code and the corresponding
benchmark to which the question relates. The preceding sentence
does not apply to field test questions that are redacted under
division (0)(3) of this section.

(c) The administrations of each assessment in the 2011-2012,
2012-2013, and 2013-2014 school years shall not be a public
record.

(5) Each assessment prescribed by division (B)(1) of section
3301.0710 of the Revised Code shall not be a public record.

(6) ~~Beginning with the spring administration for~~ (a) Except
as provided in division (0)(6)(b) of this section, for the
administrations in the 2014-2015, 2015-2016, and 2016-2017 school
year years, questions on the assessments prescribed under division
(A) of section 3301.0710 and division (B)(2) of section 3301.0712
of the Revised Code and the corresponding preferred answers that
are used to compute a student's score shall become a public record
as follows:

~~(a)(i)~~ (i) Forty per cent of the questions and preferred answers
on the assessments on the thirty-first day of July following the
administration of the assessment;

~~(b)(ii)~~ (ii) Twenty per cent of the questions and preferred
answers on the assessment on the thirty-first day of July one year
after the administration of the assessment;

~~(c)(iii)~~ (iii) The remaining forty per cent of the questions and
preferred answers on the assessment on the thirty-first day of
July two years after the administration of the assessment.

The entire content of an assessment shall become a public
record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (0)(6) of this section after July 31, 2017.

(7) Division (0)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (0)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 24253
of education or an education program outside the state. "Dropout" 24254
does not include a student who has departed the country. 24255

(3) "Graduation rate" means the ratio of students receiving a 24256
diploma to the number of students who entered ninth grade four 24257
years earlier. Students who transfer into the district are added 24258
to the calculation. Students who transfer out of the district for 24259
reasons other than dropout are subtracted from the calculation. If 24260
a student who was a dropout in any previous year returns to the 24261
same school district, that student shall be entered into the 24262
calculation as if the student had entered ninth grade four years 24263
before the graduation year of the graduating class that the 24264
student joins. 24265

(4) "State scholarship programs" means the educational choice 24266
scholarship pilot program established under sections 3310.01 to 24267
3310.17 of the Revised Code, the autism scholarship program 24268
established under section 3310.41 of the Revised Code, the Jon 24269
Peterson special needs scholarship program established under 24270
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 24271
project scholarship program established under sections 3313.974 to 24272
3313.979 of the Revised Code. 24273

Sec. 3301.0712. (A) The state board of education, the 24274
superintendent of public instruction, and the chancellor of higher 24275
education shall develop a system of college and work ready 24276
assessments as described in division (B) of this section to assess 24277
whether each student upon graduating from high school is ready to 24278
enter college or the workforce. Beginning with students who enter 24279
the ninth grade for the first time on or after July 1, 2014, the 24280
system shall replace the Ohio graduation tests prescribed in 24281
division (B)(1) of section 3301.0710 of the Revised Code as a 24282
measure of student academic performance and one determinant of 24283

eligibility for a high school diploma in the manner prescribed by 24284
rule of the state board adopted under division (D) of this 24285
section. 24286

(B) The college and work ready assessment system shall 24287
consist of the following: 24288

(1) Nationally standardized assessments that measure college 24289
and career readiness and are used for college admission. The 24290
assessments shall be selected jointly by the state superintendent 24291
and the chancellor, and one of which shall be selected by each 24292
school district or school to administer to its students. The 24293
assessments prescribed under division (B)(1) of this section shall 24294
be administered to all eleventh-grade students in the spring of 24295
the school year. 24296

(2) Seven end-of-course examinations, one in each of the 24297
areas of English language arts I, English language arts II, 24298
science, Algebra I, geometry, American history, and American 24299
government. The end-of-course examinations shall be selected 24300
jointly by the state superintendent and the chancellor in 24301
consultation with faculty in the appropriate subject areas at 24302
institutions of higher education of the university system of Ohio. 24303
Advanced placement examinations and international baccalaureate 24304
examinations, as prescribed under section 3313.6013 of the Revised 24305
Code, in the areas of science, American history, and American 24306
government may be used as end-of-course examinations in accordance 24307
with division (B)(4)(a)(i) of this section. Final course grades 24308
for courses taken under any other advanced standing program, as 24309
prescribed under section 3313.6013 of the Revised Code, in the 24310
areas of science, American history, and American government may be 24311
used in lieu of end-of-course examinations in accordance with 24312
division (B)(4)(a)(ii) of this section. 24313

(3)(a) Not later than July 1, 2013, each school district 24314

board of education shall adopt interim end-of-course examinations 24315
that comply with the requirements of divisions (B)(3)(b)(i) and 24316
(ii) of this section to assess mastery of American history and 24317
American government standards adopted under division (A)(1)(b) of 24318
section 3301.079 of the Revised Code and the topics required under 24319
division (M) of section 3313.603 of the Revised Code. Each high 24320
school of the district shall use the interim examinations until 24321
the state superintendent and chancellor select end-of-course 24322
examinations in American history and American government under 24323
division (B)(2) of this section. 24324

(b) Not later than July 1, 2014, the state superintendent and 24325
the chancellor shall select the end-of-course examinations in 24326
American history and American government. 24327

(i) The end-of-course examinations in American history and 24328
American government shall require demonstration of mastery of the 24329
American history and American government content for social 24330
studies standards adopted under division (A)(1)(b) of section 24331
3301.079 of the Revised Code and the topics required under 24332
division (M) of section 3313.603 of the Revised Code. 24333

(ii) At least twenty per cent of the end-of-course 24334
examination in American government shall address the topics on 24335
American history and American government described in division (M) 24336
of section 3313.603 of the Revised Code. 24337

(4)(a) Notwithstanding anything to the contrary in this 24338
section, beginning with the 2014-2015 school year, both of the 24339
following shall apply: 24340

(i) If a student is enrolled in an appropriate advanced 24341
placement or international baccalaureate course, that student 24342
shall take the advanced placement or international baccalaureate 24343
examination in lieu of the science, American history, or American 24344
government end-of-course examinations prescribed under division 24345

(B)(2) of this section. The state board shall specify the score 24346
levels for each advanced placement examination and international 24347
baccalaureate examination for purposes of calculating the minimum 24348
cumulative performance score that demonstrates the level of 24349
academic achievement necessary to earn a high school diploma. 24350

(ii) If a student is enrolled in an appropriate course under 24351
any other advanced standing program, as described in section 24352
3313.6013 of the Revised Code, that student shall not be required 24353
to take the science, American history, or American government 24354
end-of-course examination, whichever is applicable, prescribed 24355
under division (B)(2) of this section. Instead, that student's 24356
final course grade shall be used in lieu of the applicable 24357
end-of-course examination prescribed under that section. The state 24358
superintendent, in consultation with the chancellor, shall adopt 24359
guidelines for purposes of calculating the corresponding final 24360
course grades that demonstrate the level of academic achievement 24361
necessary to earn a high school diploma. 24362

Division (B)(4)(a)(ii) of this section shall apply only to 24363
courses for which students receive transcribed credit, as defined 24364
in ~~division (U) of~~ section 3365.01 of the Revised Code. It shall 24365
not apply to remedial or developmental courses. 24366

(b) No student shall take a substitute examination or 24367
examination prescribed under division (B)(4)(a) of this section in 24368
place of the end-of-course examinations in English language arts 24369
I, English language arts II, Algebra I, or geometry prescribed 24370
under division (B)(2) of this section. 24371

(c) The state board shall consider additional assessments 24372
that may be used, beginning with the 2016-2017 school year, as 24373
substitute examinations in lieu of the end-of-course examinations 24374
prescribed under division (B)(2) of this section. 24375

(5) The state board shall do all of the following: 24376

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (i) An advanced level of skill;
- (ii) An accelerated level of skill;
- (iii) A proficient level of skill;
- (iv) A basic level of skill;
- (v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

- (i) The student received high school credit prior to July 1,

2015, for a course for which the end-of-course examination is prescribed.	24407 24408
(ii) The examination was not available for administration prior to July 1, 2015.	24409 24410
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	24411 24412 24413 24414 24415
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	24416 24417 24418 24419 24420
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	24421 24422 24423
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	24424 24425 24426
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	24427 24428 24429 24430 24431
(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.	24432 24433 24434 24435 24436 24437

(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or

after July 1, 2014, but prior to July 1, 2015, and who wish to
retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt
rules prescribing the requirements for the end-of-course
examination in science for students who entered the ninth grade
for the first time on or after July 1, 2014, but prior to July 1,
2015, and who have not met the requirement prescribed by section
3313.618 of the Revised Code by July 1, 2019, due to a student's
failure to satisfy division (A)(2) of section 3313.618 of the
Revised Code.

(9) Neither the state board nor the department of education
shall develop or administer an end-of-course examination in the
area of world history.

(C) The state board shall convene a group of national
experts, state experts, and local practitioners to provide advice,
guidance, and recommendations for the alignment of standards and
model curricula to the assessments and in the design of the
end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment
system, the state board shall adopt rules prescribing all of the
following:

(1) A timeline and plan for implementation of the assessment
system, including a phased implementation if the state board
determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements
of the entire assessment system as a prerequisite for a diploma of
adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused
from an American history end-of-course examination and an American
government end-of-course examination under division (H) of section
3313.61 and division (B)(3) of section 3313.612 of the Revised

Code;	24500
(4) The date after which a person who has fulfilled the	24501
curriculum requirement for a diploma but has not passed one or	24502
more of the required assessments at the time the person fulfilled	24503
the curriculum requirement shall meet the requirements of the	24504
entire assessment system as a prerequisite for a high school	24505
diploma under division (B) of section 3313.614 of the Revised	24506
Code;	24507
(5) The extent to which the assessment system applies to	24508
students enrolled in a dropout recovery and prevention program for	24509
purposes of division (F) of section 3313.603 and section 3314.36	24510
of the Revised Code.	24511
(E) Not later than forty-five days prior to the state board's	24512
adoption of a resolution directing the department to file the	24513
rules prescribed by division (D) of this section in final form	24514
under section 119.04 of the Revised Code, the superintendent of	24515
public instruction shall present the assessment system developed	24516
under this section to the respective committees of the house of	24517
representatives and senate that consider education legislation.	24518
(F)(1) Any person enrolled in a nonchartered nonpublic school	24519
or any person who has been excused from attendance at school for	24520
the purpose of home instruction under section 3321.04 of the	24521
Revised Code may choose to participate in the system of	24522
assessments administered under divisions (B)(1) and (2) of this	24523
section. However, no such person shall be required to participate	24524
in the system of assessments.	24525
(2) The department shall adopt rules for the administration	24526
and scoring of any assessments under division (F)(1) of this	24527
section.	24528
(G) Not later than December 31, 2014, the state board shall	24529
select at least one nationally recognized job skills assessment.	24530

Each school district shall administer that assessment to those 24531
students who opt to take it. The state shall reimburse a school 24532
district for the costs of administering that assessment. The state 24533
board shall establish the minimum score a student must attain on 24534
the job skills assessment in order to demonstrate a student's 24535
workforce readiness and employability. The administration of the 24536
job skills assessment to a student under this division shall not 24537
exempt a school district from administering the assessments 24538
prescribed in division (B) of this section to that student. 24539

Sec. 3302.03. Annually, not later than the fifteenth day of 24540
September or the preceding Friday when that day falls on a 24541
Saturday or Sunday, the department of education shall assign a 24542
letter grade for overall academic performance and for each 24543
separate performance measure for each school district, and each 24544
school building in a district, in accordance with this section. 24545
The state board shall adopt rules pursuant to Chapter 119. of the 24546
Revised Code to establish performance criteria for each letter 24547
grade and prescribe a method by which the department assigns each 24548
letter grade. For a school building to which any of the 24549
performance measures do not apply, due to grade levels served by 24550
the building, the state board shall designate the performance 24551
measures that are applicable to the building and that must be 24552
calculated separately and used to calculate the building's overall 24553
grade. The department shall issue annual report cards reflecting 24554
the performance of each school district, each building within each 24555
district, and for the state as a whole using the performance 24556
measures and letter grade system described in this section. The 24557
department shall include on the report card for each district and 24558
each building within each district the most recent two-year trend 24559
data in student achievement for each subject and each grade. 24560

(A)(1) For the 2012-2013 school year, the department shall 24561
issue grades as described in division (E) of this section for each 24562

of the following performance measures: 24563

(a) Annual measurable objectives; 24564

(b) Performance index score for a school district or 24565
building. Grades shall be awarded as a percentage of the total 24566
possible points on the performance index system as adopted by the 24567
state board. In adopting benchmarks for assigning letter grades 24568
under division (A)(1)(b) of this section, the state board of 24569
education shall designate ninety per cent or higher for an "A," at 24570
least seventy per cent but not more than eighty per cent for a 24571
"C," and less than fifty per cent for an "F." 24572

(c) The extent to which the school district or building meets 24573
each of the applicable performance indicators established by the 24574
state board under section 3302.02 of the Revised Code and the 24575
percentage of applicable performance indicators that have been 24576
achieved. In adopting benchmarks for assigning letter grades under 24577
division (A)(1)(c) of this section, the state board shall 24578
designate ninety per cent or higher for an "A." 24579

(d) The four- and five-year adjusted cohort graduation rates. 24580

In adopting benchmarks for assigning letter grades under 24581
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 24582
department shall designate a four-year adjusted cohort graduation 24583
rate of ninety-three per cent or higher for an "A" and a five-year 24584
cohort graduation rate of ninety-five per cent or higher for an 24585
"A." 24586

(e) The overall score under the value-added progress 24587
dimension of a school district or building, for which the 24588
department shall use up to three years of value-added data as 24589
available. The letter grade assigned for this growth measure shall 24590
be as follows: 24591

(i) A score that is at least two standard errors of measure 24592
above the mean score shall be designated as an "A." 24593

(ii) A score that is at least one standard error of measure 24594
but less than two standard errors of measure above the mean score 24595
shall be designated as a "B." 24596

(iii) A score that is less than one standard error of measure 24597
above the mean score but greater than or equal to one standard 24598
error of measure below the mean score shall be designated as a 24599
"C." 24600

(iv) A score that is not greater than one standard error of 24601
measure below the mean score but is greater than or equal to two 24602
standard errors of measure below the mean score shall be 24603
designated as a "D." 24604

(v) A score that is not greater than two standard errors of 24605
measure below the mean score shall be designated as an "F." 24606

Whenever the value-added progress dimension is used as a 24607
graded performance measure, whether as an overall measure or as a 24608
measure of separate subgroups, the grades for the measure shall be 24609
calculated in the same manner as prescribed in division (A)(1)(e) 24610
of this section. 24611

(f) The value-added progress dimension score for a school 24612
district or building disaggregated for each of the following 24613
subgroups: students identified as gifted, students with 24614
disabilities, and students whose performance places them in the 24615
lowest quintile for achievement on a statewide basis. Each 24616
subgroup shall be a separate graded measure. 24617

(2) Not later than April 30, 2013, the state board of 24618
education shall adopt a resolution describing the performance 24619
measures, benchmarks, and grading system for the 2012-2013 school 24620
year and, not later than June 30, 2013, shall adopt rules in 24621
accordance with Chapter 119. of the Revised Code that prescribe 24622
the methods by which the performance measures under division 24623
(A)(1) of this section shall be assessed and assigned a letter 24624

grade, including performance benchmarks for each letter grade. 24625

At least forty-five days prior to the state board's adoption 24626
of rules to prescribe the methods by which the performance 24627
measures under division (A)(1) of this section shall be assessed 24628
and assigned a letter grade, the department shall conduct a public 24629
presentation before the standing committees of the house of 24630
representatives and the senate that consider education legislation 24631
describing such methods, including performance benchmarks. 24632

(3) There shall not be an overall letter grade for a school 24633
district or building for the 2012-2013 school year. 24634

(B)(1) For the 2013-2014 and 2014-2015 school years, the 24635
department shall issue grades as described in division (E) of this 24636
section for each of the following performance measures: 24637

(a) Annual measurable objectives; 24638

(b) Performance index score for a school district or 24639
building. Grades shall be awarded as a percentage of the total 24640
possible points on the performance index system as created by the 24641
department. In adopting benchmarks for assigning letter grades 24642
under division (B)(1)(b) of this section, the state board shall 24643
designate ninety per cent or higher for an "A," at least seventy 24644
per cent but not more than eighty per cent for a "C," and less 24645
than fifty per cent for an "F." 24646

(c) The extent to which the school district or building meets 24647
each of the applicable performance indicators established by the 24648
state board under section 3302.03 of the Revised Code and the 24649
percentage of applicable performance indicators that have been 24650
achieved. In adopting benchmarks for assigning letter grades under 24651
division (B)(1)(c) of this section, the state board shall 24652
designate ninety per cent or higher for an "A." 24653

(d) The four- and five-year adjusted cohort graduation rates; 24654

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the

Revised Code. 24687

(h) For a high mobility school district or building, an 24688
additional value-added progress dimension score. For this measure, 24689
the department shall use value-added data from the most recent 24690
school year available and shall use assessment scores for only 24691
those students to whom the district or building has administered 24692
the assessments prescribed by section 3301.0710 of the Revised 24693
Code for each of the two most recent consecutive school years. 24694

As used in this division, "high mobility school district or 24695
building" means a school district or building where at least 24696
twenty-five per cent of its total enrollment is made up of 24697
students who have attended that school district or building for 24698
less than one year. 24699

(2) In addition to the graded measures in division (B)(1) of 24700
this section, the department shall include on a school district's 24701
or building's report card all of the following without an assigned 24702
letter grade: 24703

(a) The percentage of students enrolled in a district or 24704
building participating in advanced placement classes and the 24705
percentage of those students who received a score of three or 24706
better on advanced placement examinations; 24707

(b) The number of a district's or building's students who 24708
have earned at least three college credits through dual enrollment 24709
or advanced standing programs, such as the post-secondary 24710
enrollment options program under Chapter 3365. of the Revised Code 24711
and state-approved career-technical courses offered through dual 24712
enrollment or statewide articulation, that appear on a student's 24713
transcript or other official document, either of which is issued 24714
by the institution of higher education from which the student 24715
earned the college credit. The credits earned that are reported 24716
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 24717

include any that are remedial or developmental and shall include 24718
those that count toward the curriculum requirements established 24719
for completion of a degree. 24720

(c) The percentage of students enrolled in a district or 24721
building who have taken a national standardized test used for 24722
college admission determinations and the percentage of those 24723
students who are determined to be remediation-free in accordance 24724
with standards adopted under division (F) of section 3345.061 of 24725
the Revised Code; 24726

(d) The percentage of the district's or the building's 24727
students who receive industry-recognized credentials as approved 24728
under section 3313.6112 of the Revised Code. ~~The state board shall~~ 24729
~~adopt criteria for acceptable industry-recognized credentials.~~ 24730

(e) The percentage of students enrolled in a district or 24731
building who are participating in an international baccalaureate 24732
program and the percentage of those students who receive a score 24733
of four or better on the international baccalaureate examinations. 24734

(f) The percentage of the district's or building's students 24735
who receive an honors diploma under division (B) of section 24736
3313.61 of the Revised Code. 24737

(3) Not later than December 31, 2013, the state board shall 24738
adopt rules in accordance with Chapter 119. of the Revised Code 24739
that prescribe the methods by which the performance measures under 24740
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 24741
and assigned a letter grade, including performance benchmarks for 24742
each grade. 24743

At least forty-five days prior to the state board's adoption 24744
of rules to prescribe the methods by which the performance 24745
measures under division (B)(1) of this section shall be assessed 24746
and assigned a letter grade, the department shall conduct a public 24747
presentation before the standing committees of the house of 24748

representatives and the senate that consider education legislation 24749
describing such methods, including performance benchmarks. 24750

(4) There shall not be an overall letter grade for a school 24751
district or building for the 2013-2014, 2014-2015, 2015-2016, and 24752
2016-2017 school years. 24753

(C)(1) For the 2014-2015 school year and each school year 24754
thereafter, the department shall issue grades as described in 24755
division (E) of this section for each of the performance measures 24756
prescribed in division (C)(1) of this section. The graded measures 24757
are as follows: 24758

(a) Annual measurable objectives; 24759

(b) Performance index score for a school district or 24760
building. Grades shall be awarded as a percentage of the total 24761
possible points on the performance index system as created by the 24762
department. In adopting benchmarks for assigning letter grades 24763
under division (C)(1)(b) of this section, the state board shall 24764
designate ninety per cent or higher for an "A," at least seventy 24765
per cent but not more than eighty per cent for a "C," and less 24766
than fifty per cent for an "F." 24767

(c) The extent to which the school district or building meets 24768
each of the applicable performance indicators established by the 24769
state board under section 3302.03 of the Revised Code and the 24770
percentage of applicable performance indicators that have been 24771
achieved. In adopting benchmarks for assigning letter grades under 24772
division (C)(1)(c) of this section, the state board shall 24773
designate ninety per cent or higher for an "A." 24774

(d) The four- and five-year adjusted cohort graduation rates; 24775

(e) The overall score under the value-added progress 24776
dimension, or another measure of student academic progress if 24777
adopted by the state board, of a school district or building, for 24778
which the department shall use up to three years of value-added 24779

data as available. 24780

In adopting benchmarks for assigning letter grades for 24781
overall score on value-added progress dimension under division 24782
(C)(1)(e) of this section, the state board shall prohibit the 24783
assigning of a grade of "A" for that measure unless the district's 24784
or building's grade assigned for value-added progress dimension 24785
for all subgroups under division (C)(1)(f) of this section is a 24786
"B" or higher. 24787

For the metric prescribed by division (C)(1)(e) of this 24788
section, the state board may adopt a student academic progress 24789
measure to be used instead of the value-added progress dimension. 24790
If the state board adopts such a measure, it also shall prescribe 24791
a method for assigning letter grades for the new measure that is 24792
comparable to the method prescribed in division (A)(1)(e) of this 24793
section. 24794

(f) The value-added progress dimension score of a school 24795
district or building disaggregated for each of the following 24796
subgroups: students identified as gifted in superior cognitive 24797
ability and specific academic ability fields under Chapter 3324. 24798
of the Revised Code, students with disabilities, and students 24799
whose performance places them in the lowest quintile for 24800
achievement on a statewide basis, as determined by a method 24801
prescribed by the state board. Each subgroup shall be a separate 24802
graded measure. 24803

The state board may adopt student academic progress measures 24804
to be used instead of the value-added progress dimension. If the 24805
state board adopts such measures, it also shall prescribe a method 24806
for assigning letter grades for the new measures that is 24807
comparable to the method prescribed in division (A)(1)(e) of this 24808
section. 24809

(g) Whether a school district or building is making progress 24810

in improving literacy in grades kindergarten through three, as 24811
determined using a method prescribed by the state board. The state 24812
board shall adopt rules to prescribe benchmarks and standards for 24813
assigning grades to a district or building for purposes of 24814
division (C)(1)(g) of this section. The state board shall 24815
designate for a "C" grade a value that is not lower than the 24816
statewide average value for this measure. No grade shall be issued 24817
under division (C)(1)(g) of this section for a district or 24818
building in which less than five per cent of students have scored 24819
below grade level on the kindergarten diagnostic assessment under 24820
division (B)(1) of section 3313.608 of the Revised Code. 24821

(h) For a high mobility school district or building, an 24822
additional value-added progress dimension score. For this measure, 24823
the department shall use value-added data from the most recent 24824
school year available and shall use assessment scores for only 24825
those students to whom the district or building has administered 24826
the assessments prescribed by section 3301.0710 of the Revised 24827
Code for each of the two most recent consecutive school years. 24828

As used in this division, "high mobility school district or 24829
building" means a school district or building where at least 24830
twenty-five per cent of its total enrollment is made up of 24831
students who have attended that school district or building for 24832
less than one year. 24833

(2) In addition to the graded measures in division (C)(1) of 24834
this section, the department shall include on a school district's 24835
or building's report card all of the following without an assigned 24836
letter grade: 24837

(a) The percentage of students enrolled in a district or 24838
building who have taken a national standardized test used for 24839
college admission determinations and the percentage of those 24840
students who are determined to be remediation-free in accordance 24841
with the standards adopted under division (F) of section 3345.061 24842

of the Revised Code;	24843
(b) The percentage of students enrolled in a district or	24844
building participating in advanced placement classes and the	24845
percentage of those students who received a score of three or	24846
better on advanced placement examinations;	24847
(c) The percentage of a district's or building's students who	24848
have earned at least three college credits through advanced	24849
standing programs, such as the college credit plus program under	24850
Chapter 3365. of the Revised Code and state-approved	24851
career-technical courses offered through dual enrollment or	24852
statewide articulation, that appear on a student's college	24853
transcript issued by the institution of higher education from	24854
which the student earned the college credit. The credits earned	24855
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this	24856
section shall not include any that are remedial or developmental	24857
and shall include those that count toward the curriculum	24858
requirements established for completion of a degree.	24859
(d) The percentage of the district's or building's students	24860
who receive an honor's diploma under division (B) of section	24861
3313.61 of the Revised Code;	24862
(e) The percentage of the district's or building's students	24863
who receive industry-recognized credentials <u>as approved under</u>	24864
<u>section 3313.6112 of the Revised Code;</u>	24865
(f) The percentage of students enrolled in a district or	24866
building who are participating in an international baccalaureate	24867
program and the percentage of those students who receive a score	24868
of four or better on the international baccalaureate examinations;	24869
(g) The results of the college and career-ready assessments	24870
administered under division (B)(1) of section 3301.0712 of the	24871
Revised Code.	24872
(3) The state board shall adopt rules pursuant to Chapter	24873

119. of the Revised Code that establish a method to assign an 24874
overall grade for a school district or school building for the 24875
2017-2018 school year and each school year thereafter. The rules 24876
shall group the performance measures in divisions (C)(1) and (2) 24877
of this section into the following components: 24878

(a) Gap closing, which shall include the performance measure 24879
in division (C)(1)(a) of this section; 24880

(b) Achievement, which shall include the performance measures 24881
in divisions (C)(1)(b) and (c) of this section; 24882

(c) Progress, which shall include the performance measures in 24883
divisions (C)(1)(e) and (f) of this section; 24884

(d) Graduation, which shall include the performance measure 24885
in division (C)(1)(d) of this section; 24886

(e) Kindergarten through third-grade literacy, which shall 24887
include the performance measure in division (C)(1)(g) of this 24888
section; 24889

(f) Prepared for success, which shall include the performance 24890
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 24891
this section. The state board shall develop a method to determine 24892
a grade for the component in division (C)(3)(f) of this section 24893
using the performance measures in divisions (C)(2)(a), (b), (c), 24894
(d), (e), and (f) of this section. When available, the state board 24895
may incorporate the performance measure under division (C)(2)(g) 24896
of this section into the component under division (C)(3)(f) of 24897
this section. When determining the overall grade for the prepared 24898
for success component prescribed by division (C)(3)(f) of this 24899
section, no individual student shall be counted in more than one 24900
performance measure. However, if a student qualifies for more than 24901
one performance measure in the component, the state board may, in 24902
its method to determine a grade for the component, specify an 24903
additional weight for such a student that is not greater than or 24904

equal to 1.0. In determining the overall score under division 24905
(C)(3)(f) of this section, the state board shall ensure that the 24906
pool of students included in the performance measures aggregated 24907
under that division are all of the students included in the four- 24908
and five-year adjusted graduation cohort. 24909

In the rules adopted under division (C)(3) of this section, 24910
the state board shall adopt a method for determining a grade for 24911
each component in divisions (C)(3)(a) to (f) of this section. The 24912
state board also shall establish a method to assign an overall 24913
grade of "A," "B," "C," "D," or "F" using the grades assigned for 24914
each component. The method the state board adopts for assigning an 24915
overall grade shall give equal weight to the components in 24916
divisions (C)(3)(b) and (c) of this section. 24917

At least forty-five days prior to the state board's adoption 24918
of rules to prescribe the methods for calculating the overall 24919
grade for the report card, as required by this division, the 24920
department shall conduct a public presentation before the standing 24921
committees of the house of representatives and the senate that 24922
consider education legislation describing the format for the 24923
report card, weights that will be assigned to the components of 24924
the overall grade, and the method for calculating the overall 24925
grade. 24926

(D) On or after ~~than~~ July 1, 2015, the state board may 24927
develop a measure of student academic progress for high school 24928
students using only data from assessments in English language arts 24929
and mathematics. If the state board develops this measure, each 24930
school district and applicable school building shall be assigned a 24931
separate letter grade for ~~if~~ it not sooner than the 2017-2018 24932
school year. The district's or building's grade for that measure 24933
shall not be included in determining the district's or building's 24934
overall letter grade. 24935

(E) The letter grades assigned to a school district or 24936

building under this section shall be as follows:	24937
(1) "A" for a district or school making excellent progress;	24938
(2) "B" for a district or school making above average progress;	24939 24940
(3) "C" for a district or school making average progress;	24941
(4) "D" for a district or school making below average progress;	24942 24943
(5) "F" for a district or school failing to meet minimum progress.	24944 24945
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	24946 24947 24948
(1) Performance of students by grade-level;	24949
(2) Performance of students by race and ethnic group;	24950
(3) Performance of students by gender;	24951
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	24952 24953
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	24954 24955 24956
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	24957 24958
(7) Performance of students grouped by those who are economically disadvantaged;	24959 24960
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	24961 24962 24963
(9) Performance of students grouped by those who are	24964

classified as limited English proficient;	24965
(10) Performance of students grouped by those who have disabilities;	24966 24967
(11) Performance of students grouped by those who are classified as migrants;	24968 24969
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	24970 24971 24972 24973 24974 24975 24976 24977 24978
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	24979 24980 24981
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	24982 24983 24984 24985 24986 24987
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than	24988 24989 24990 24991 24992 24993 24994 24995

ten students, the department shall indicate on the report card 24996
that is why data was not reported. 24997

(G) The department may include with the report cards any 24998
additional education and fiscal performance data it deems 24999
valuable. 25000

(H) The department shall include on each report card a list 25001
of additional information collected by the department that is 25002
available regarding the district or building for which the report 25003
card is issued. When available, such additional information shall 25004
include student mobility data disaggregated by race and 25005
socioeconomic status, college enrollment data, and the reports 25006
prepared under section 3302.031 of the Revised Code. 25007

The department shall maintain a site on the world wide web. 25008
The report card shall include the address of the site and shall 25009
specify that such additional information is available to the 25010
public at that site. The department shall also provide a copy of 25011
each item on the list to the superintendent of each school 25012
district. The district superintendent shall provide a copy of any 25013
item on the list to anyone who requests it. 25014

(I)(1)(a) Except as provided in division (I)(1)(b) of this 25015
section, for any district that sponsors a conversion community 25016
school under Chapter 3314. of the Revised Code, the department 25017
shall combine data regarding the academic performance of students 25018
enrolled in the community school with comparable data from the 25019
schools of the district for the purpose of determining the 25020
performance of the district as a whole on the report card issued 25021
for the district under this section or section 3302.033 of the 25022
Revised Code. 25023

(b) The department shall not combine data from any conversion 25024
community school that a district sponsors if a majority of the 25025
students enrolled in the conversion community school are enrolled 25026

in a dropout prevention and recovery program that is operated by 25027
the school, as described in division (A)(4)(a) of section 3314.35 25028
of the Revised Code. The department shall include as an addendum 25029
to the district's report card the ratings and performance measures 25030
that are required under section 3314.017 of the Revised Code for 25031
any community school to which division (I)(1)(b) of this section 25032
applies. This addendum shall include, at a minimum, the data 25033
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 25034
3314.017 of the Revised Code. 25035

(2) Any district that leases a building to a community school 25036
located in the district or that enters into an agreement with a 25037
community school located in the district whereby the district and 25038
the school endorse each other's programs may elect to have data 25039
regarding the academic performance of students enrolled in the 25040
community school combined with comparable data from the schools of 25041
the district for the purpose of determining the performance of the 25042
district as a whole on the district report card. Any district that 25043
so elects shall annually file a copy of the lease or agreement 25044
with the department. 25045

(3) Any municipal school district, as defined in section 25046
3311.71 of the Revised Code, that sponsors a community school 25047
located within the district's territory, or that enters into an 25048
agreement with a community school located within the district's 25049
territory whereby the district and the community school endorse 25050
each other's programs, may exercise either or both of the 25051
following elections: 25052

(a) To have data regarding the academic performance of 25053
students enrolled in that community school combined with 25054
comparable data from the schools of the district for the purpose 25055
of determining the performance of the district as a whole on the 25056
district's report card; 25057

(b) To have the number of students attending that community 25058

school noted separately on the district's report card. 25059

The election authorized under division (I)(3)(a) of this 25060
section is subject to approval by the governing authority of the 25061
community school. 25062

Any municipal school district that exercises an election to 25063
combine or include data under division (I)(3) of this section, by 25064
the first day of October of each year, shall file with the 25065
department documentation indicating eligibility for that election, 25066
as required by the department. 25067

(J) The department shall include on each report card the 25068
percentage of teachers in the district or building who are highly 25069
qualified, as defined by the No Child Left Behind Act of 2001, and 25070
a comparison of that percentage with the percentages of such 25071
teachers in similar districts and buildings. 25072

(K)(1) In calculating English language arts, mathematics, 25073
social studies, or science assessment passage rates used to 25074
determine school district or building performance under this 25075
section, the department shall include all students taking an 25076
assessment with accommodation or to whom an alternate assessment 25077
is administered pursuant to division (C)(1) or (3) of section 25078
3301.0711 of the Revised Code. 25079

(2) In calculating performance index scores, rates of 25080
achievement on the performance indicators established by the state 25081
board under section 3302.02 of the Revised Code, and annual 25082
measurable objectives for determining adequate yearly progress for 25083
school districts and buildings under this section, the department 25084
shall do all of the following: 25085

(a) Include for each district or building only those students 25086
who are included in the ADM certified for the first full school 25087
week of October and are continuously enrolled in the district or 25088
building through the time of the spring administration of any 25089

assessment prescribed by division (A)(1) or (B)(1) of section 25090
3301.0710 or division (B) of section 3301.0712 of the Revised Code 25091
that is administered to the student's grade level; 25092

(b) Include cumulative totals from both the fall and spring 25093
administrations of the third grade English language arts 25094
achievement assessment; 25095

(c) Except as required by the No Child Left Behind Act of 25096
2001, exclude for each district or building any limited English 25097
proficient student who has been enrolled in United States schools 25098
for less than one full school year. 25099

(L) Beginning with the 2015-2016 school year and at least 25100
once every three years thereafter, the state board of education 25101
shall review and may adjust the benchmarks for assigning letter 25102
grades to the performance measures and components prescribed under 25103
divisions (C)(3) and (D) of this section. 25104

Sec. 3304.11. As used in sections 3304.11 to 3304.27 of the 25105
Revised Code: 25106

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 25107
~~person with an individual who has~~ a physical or mental impairment 25108
that ~~is~~ constitutes or results in a substantial impediment to 25109
employment ~~and who can benefit in terms of an employment outcome~~ 25110
~~from the provision of~~ requires vocational rehabilitation services 25111
to prepare for, secure, retain, advance in, or regain employment. 25112

(B) "Physical or mental impairment" means ~~a physical or~~ 25113
~~mental condition that materially limits, contributes to limiting~~ 25114
~~or, if not corrected, will probably result in limiting a person's~~ 25115
~~activities or functioning~~ any physiological, mental, or 25116
psychological disorder. 25117

(C) "Substantial impediment to employment" means a physical 25118
or mental ~~disability that impedes a person's occupational~~ 25119

~~performance, by preventing the person's obtaining, retaining, or~~ 25120
~~preparing for a gainful occupation consistent with the person's~~ 25121
~~capacities and impairment that hinders an individual from~~ 25122
~~preparing for, entering into, engaging in, advancing in, or~~ 25123
~~retaining employment consistent with the individual's abilities~~ 25124
~~and capabilities.~~ 25125

(D) ~~"Vocational rehabilitation" and "vocational~~ 25126
~~rehabilitation services" means any activity or service calculated~~ 25127
~~to enable a person with a disability or groups of persons with~~ 25128
~~disabilities to engage in gainful occupation and includes, but is~~ 25129
~~not limited to, medical and vocational evaluation, including~~ 25130
~~diagnostic and related services, vocational counseling, guidance~~ 25131
~~and placement, including follow-up services, rehabilitation~~ 25132
~~training, including books and other training materials, physical~~ 25133
~~restoration, recruitment and training services designed to provide~~ 25134
~~persons with disabilities new employment opportunities,~~ 25135
~~maintenance, occupational tools, equipment, supplies,~~ 25136
~~transportation, services to families of persons with disabilities~~ 25137
~~that contribute substantially to the rehabilitation of these~~ 25138
~~persons, and any other goods or service necessary to render a~~ 25139
~~person with a disability employable has the same meaning as~~ 25140
~~defined in section 361.5 of Title 34 of the Code of Federal~~ 25141
~~Regulations, 34 C.F.R. 361.5.~~ 25142

(E) "Establishment of a rehabilitation facility" means the 25143
expansion, remodeling, or alteration of an existing building that 25144
is necessary to adapt or to increase the effectiveness of that 25145
building for rehabilitation facility purposes, the acquisition of 25146
equipment for these purposes, and the initial staffing. 25147

(F) "Construction" means the construction of new buildings, 25148
acquisition of land or existing buildings and their expansion, 25149
remodeling, alteration and renovation, and the initial staffing 25150
and equipment of any new, newly acquired, expanded, remodeled, 25151

altered, or renovated buildings. 25152

(G) ~~"Physical restoration services" means those services that~~ 25153
~~are necessary to correct or substantially modify within a~~ 25154
~~reasonable period of time a physical or mental condition that is~~ 25155
~~stable or slowly progressive.~~ 25156

(H) ~~"Occupational license" means any license, permit, or~~ 25157
~~other written authority required by any governmental unit in order~~ 25158
~~to engage in any occupation or business.~~ 25159

(I) ~~"Maintenance" means money payments to persons with~~ 25160
~~disabilities who need financial assistance for their subsistence~~ 25161
~~during their vocational rehabilitation monetary support provided~~ 25162
~~to an individual for expenses such as food, shelter, and clothing~~ 25163
~~that are in excess of the normal expenses of the individual and~~ 25164
~~that are necessitated by the individual's participation in an~~ 25165
~~assessment for determining eligibility and need for vocational~~ 25166
~~rehabilitation services or the individual's receipt of vocational~~ 25167
~~rehabilitation services under an individualized plan for~~ 25168
~~employment.~~ 25169

Sec. 3304.12. (A) The governor, with the advice and consent 25170
of the senate, shall appoint the opportunities for Ohioans with 25171
disabilities commission within the opportunities for Ohioans with 25172
disabilities agency consisting of seven members, no more than four 25173
of whom shall be members of the same political party and who shall 25174
include at least three from rehabilitation professions, including 25175
at least one member from the field of services to the blind, and 25176
at least four individuals with disabilities, no less than two nor 25177
more than three of whom have received vocational rehabilitation 25178
services offered by a state vocational rehabilitation services 25179
agency or the veterans' administration. The members with 25180
disabilities shall be representative of several major categories 25181
of persons eligible individuals with disabilities served by the 25182

opportunities for Ohioans with disabilities agency. 25183

(B) Terms of office shall be for seven years, commencing on 25184
the ninth day of September and ending on the eighth day of 25185
September, with no person eligible to serve more than two 25186
seven-year terms. Each member shall hold office from the date of 25187
appointment until the end of the term for which the member was 25188
appointed. Any member appointed to fill a vacancy occurring prior 25189
to the expiration of the term for which the member's predecessor 25190
was appointed shall hold office for the remainder of that term. 25191
Any member shall continue in office subsequent to the expiration 25192
date of the member's term until a successor takes office, or until 25193
a period of sixty days has elapsed, whichever occurs first. 25194
Members who fail to perform their duties or who are guilty of 25195
misconduct may be removed on written charges preferred by the 25196
governor or by a majority of the commission. 25197

(C) Members of the commission shall be reimbursed for travel 25198
and necessary expenses incurred in the conduct of their duties, 25199
and shall receive an amount fixed pursuant to division (J) of 25200
section 124.15 of the Revised Code while actually engaged in 25201
attendance at meetings or in the performance of their duties. 25202

Sec. 3304.14. For the purposes of sections 3304.11 to 3304.27 25203
of the Revised Code, the opportunities for Ohioans with 25204
disabilities commission shall approve the state vocational 25205
rehabilitation services plan, jointly approve the state plan for 25206
independent living with the Ohio state independent living council, 25207
appoint a consumer advisory committee, and, to the extent 25208
feasible, conduct a review and analysis of the effectiveness of 25209
and consumer satisfaction with all of the following: 25210

(A) The functions performed by the opportunities for Ohioans 25211
with disabilities agency; 25212

(B) The vocational rehabilitation services provided by state 25213

agencies and other public and private entities responsible for 25214
providing vocational rehabilitation services to ~~persons~~ eligible 25215
individuals with disabilities under the "Rehabilitation Act of 25216
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 25217

(C) The employment outcomes achieved by eligible individuals 25218
with disabilities receiving vocational rehabilitation services 25219
under sections 3304.11 to 3304.27 of the Revised Code, including 25220
the availability of health and other employment benefits in 25221
connection with those employment outcomes. 25222

Sec. 3304.15. (A) There is hereby created the opportunities 25223
for Ohioans with disabilities agency. The agency is the designated 25224
state unit authorized under the "Rehabilitation Act of 1973," 87 25225
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 25226
rehabilitation services to eligible ~~persons~~ individuals with 25227
disabilities. 25228

(B) The governor shall appoint an executive director of the 25229
opportunities for Ohioans with disabilities agency to serve at the 25230
pleasure of the governor and shall fix the executive director's 25231
compensation. The executive director shall devote the executive 25232
director's entire time to the duties of the executive director's 25233
office, shall hold no other office or position of trust and 25234
profit, and shall engage in no other business during the executive 25235
director's term of office. The governor may grant the executive 25236
director the authority to appoint, remove, and discipline without 25237
regard to sex, race, creed, color, age, or national origin, such 25238
other professional, administrative, and clerical staff members as 25239
are necessary to carry out the functions and duties of the agency. 25240

The executive director of the opportunities for Ohioans with 25241
disabilities agency is the executive and administrative officer of 25242
the agency. Whenever the Revised Code imposes a duty on or 25243
requires an action of the agency, the executive director shall 25244

perform the duty or action on behalf of the agency. The executive	25245
director may establish procedures for all of the following:	25246
(1) The governance of the agency;	25247
(2) The conduct of agency employees and officers;	25248
(3) The performance of agency business;	25249
(4) The custody, use, and preservation of agency records,	25250
papers, books, documents, and property.	25251
(C) The executive director shall have exclusive authority to	25252
administer the daily operation and provision of vocational	25253
rehabilitation services under this chapter. In exercising that	25254
authority, the executive director may do all of the following:	25255
(1) Adopt rules in accordance with Chapter 119. of the	25256
Revised Code;	25257
(2) Prepare and submit an annual report to the governor;	25258
(3) Certify any disbursement of funds available to the agency	25259
for vocational rehabilitation ~~activities~~ <u>services</u> ;	25260
(4) Take appropriate action to guarantee rights of <u>vocational</u>	25261
<u>rehabilitation</u> services to ~~people~~ <u>eligible individuals</u> with	25262
disabilities;	25263
(5) Consult with and advise other state agencies and	25264
coordinate programs for ~~persons~~ <u>eligible individuals</u> with	25265
disabilities;	25266
(6) Comply with the requirements for match as part of budget	25267
submission;	25268
(7) Establish research and demonstration projects;	25269
(8) Accept, hold, invest, reinvest, or otherwise use gifts to	25270
further vocational rehabilitation <u>services</u> ;	25271
(9) For the purposes of the business enterprise program	25272
administered under sections 3304.28 to 3304.35 of the Revised	25273

Code:	25274
(a) Establish and manage small business entities owned or operated by ~~visually impaired persons~~ <u>individuals who are blind</u> ;	25275 25276
(b) Purchase insurance;	25277
(c) Accept computers.	25278
(10) Enter into contracts and other agreements for the provision of <u>vocational rehabilitation</u> services.	25279 25280
(D) The executive director shall establish a fee schedule for vocational rehabilitation services in accordance with 34 C.F.R. 361.50.	25281 25282 25283
Sec. 3304.17. The opportunities for Ohioans with disabilities agency shall provide vocational rehabilitation services to all eligible ~~persons~~ <u>individuals</u> with disabilities, including any ~~person~~ <u>eligible individual</u> with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government. <u>If vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the state who apply for vocational rehabilitation services, the agency shall implement an order of selection in accordance with 34 C.F.R. 361.36.</u>	25284 25285 25286 25287 25288 25289 25290 25291 25292 25293
Sec. 3304.171. (A) As used in this section, "OhioMeansJobs <u>web site</u> " has the same meaning as in section 6301.01 of the Revised Code.	25294 25295 25296
(B) ~~Beginning January 1, 2016, each recipient of~~ <u>Each eligible individual receiving</u> vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with <u>the</u> OhioMeansJobs <u>web site</u> upon initiation of a job search as a part of receiving those <u>vocational rehabilitation</u> services.	25297 25298 25299 25300 25301 25302

(C) Division (B) of this section does not apply to any 25303
eligible individual with a disability who is legally prohibited 25304
from using a computer, has a physical or visual impairment that 25305
makes the eligible individual with a disability unable to use a 25306
computer, or has a limited ability to read, write, speak, or 25307
understand a language in which the OhioMeansJobs web site is 25308
available. 25309

Sec. 3304.18. The treasurer of state shall be the custodian 25310
of all moneys received from the federal government for vocational 25311
rehabilitation services programs and shall disburse the money upon 25312
the certification of the executive director of the opportunities 25313
for Ohioans with disabilities agency. If federal funds are not 25314
available to the state for vocational rehabilitation ~~purposes~~ 25315
services, the governor shall include as part of the governor's 25316
biennial budget request to the general assembly a request for 25317
funds sufficient to support the activities of the agency. 25318

Sec. 3304.182. Any agreement between the opportunities for 25319
Ohioans with disabilities agency and a private or public entity 25320
providing funds under section 3304.181 of the Revised Code may 25321
permit the agency to receive a specified percentage of the funds, 25322
but the percentage shall be not more than twenty-five per cent of 25323
the total funds available under the agreement. The agency may 25324
terminate an agreement at any time for just cause. It may 25325
terminate an agreement for any other reason by giving at least 25326
thirty days' notice to the public or private entity. 25327

Any vocational rehabilitation services provided under an 25328
agreement entered into under section 3304.181 of the Revised Code 25329
shall be provided by a person or government entity that meets the 25330
accreditation standards established in rules adopted by the agency 25331
under section 3304.15 of the Revised Code. 25332

Sec. 3304.19. ~~The right of a person with a disability to~~ 25333
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 25334
of the Revised Code, ~~is~~ not transferable or assignable at law or 25335
in equity, and none of the money paid or payable or rights 25336
existing under this chapter are subject to execution, levy, 25337
attachment, garnishment, or other legal process, or to the 25338
operation of any bankruptcy or insolvency law. 25339

Sec. 3304.20. Any ~~person~~ eligible individual with a 25340
disability applying for or receiving vocational rehabilitation 25341
services who is dissatisfied with regard to the furnishing or 25342
denial of vocational rehabilitation services, may file a request 25343
for an administrative review and redetermination of that action in 25344
accordance with rules of the opportunities for Ohioans with 25345
disabilities agency. When the ~~person~~ eligible individual with a 25346
disability is dissatisfied with the finding of this administrative 25347
review, the ~~person~~ eligible individual with a disability is 25348
entitled, in accordance with agency rules and in accordance with 25349
Chapter 119. of the Revised Code, to a fair hearing before the 25350
executive director of the agency. 25351

Sec. 3304.21. No person shall, except for the purposes of 25352
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 25353
with the rules established by the opportunities for Ohioans with 25354
disabilities agency, solicit, disclose, receive, make use of, 25355
authorize, knowingly permit, participate in, or acquiesce in the 25356
use of any list of names or information concerning ~~persons~~ 25357
eligible individuals with disabilities applying for or receiving 25358
any vocational rehabilitation services from the agency, which 25359
information is directly or indirectly derived from the records of 25360
the agency or is acquired in the performance of the person's 25361
official duties. 25362

Sec. 3304.22. No officer or employee of the opportunities for 25363
Ohioans with disabilities commission, the opportunities for 25364
Ohioans with disabilities agency, or any person engaged in the 25365
administration of a vocational rehabilitation services program 25366
sponsored by or affiliated with the state shall use or permit the 25367
use of any vocational rehabilitation services program for the 25368
purpose of interfering with an election for any partisan political 25369
purpose; solicit or receive money for a partisan political 25370
purpose; or require any other person to contribute any service or 25371
money for a partisan political purpose. Whoever violates this 25372
section shall be removed from the officer's or employee's office 25373
or employment. 25374

Sec. 3304.27. All vocational rehabilitation services made 25375
available under sections 3304.11 to 3304.27 of the Revised Code, 25376
are made available subject to amendment or repeal of those 25377
sections, and no ~~person~~ eligible individual with a disability 25378
shall have any claim by reason of the ~~person's~~ eligible 25379
individual's vocational rehabilitation services being affected in 25380
any way by such an amendment or repeal. 25381

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 25382
Revised Code: 25383

(A) "Suitable vending facility" means automatic vending 25384
machines, cafeterias, snack bars, cart service shelters, counters, 25385
and other appropriate auxiliary food service equipment determined 25386
to be necessary by the bureau of services for the visually 25387
impaired for the automatic or manual dispensing of foods, 25388
beverages, and other such commodities for sale by ~~persons~~ 25389
individuals, no fewer than one-half of whom are blind, under the 25390
supervision of a licensed ~~blind~~ vendor who is blind or an employee 25391
of the opportunities for Ohioans with disabilities agency. 25392

(B) "Blind" means either of the following:	25393
(1) Vision twenty/two hundred or less in the better eye with proper correction;	25394 25395
(2) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.	25396 25397 25398
(C) "Governmental property" means any real property, building, or facility owned, leased, or rented by the state or any board, commission, department, division, or other unit or agency thereof, but does not include any institution under the management of the department of rehabilitation and correction pursuant to section 5120.05 of the Revised Code, or under the management of the department of youth services created pursuant to section 5139.01 of the Revised Code.	25399 25400 25401 25402 25403 25404 25405 25406
Sec. 3304.29. The bureau of services for the visually impaired shall:	25407 25408
(A) Survey suitable vending facility concession opportunities for <u>individuals who are</u> blind ~~persons~~ on governmental property;	25409 25410
(B) Obtain and make public, information concerning employment opportunities for <u>individuals who are</u> blind ~~persons~~ in suitable vending facilities;	25411 25412 25413
(C) License <u>individuals who are</u> blind ~~persons~~ to operate suitable vending facilities on governmental property;	25414 25415
(D) Adopt rules and do everything necessary and proper to carry out sections 3304.29 to 3304.34 of the Revised Code.	25416 25417
Sec. 3304.30. Every person in charge of governmental property to be substantially renovated or who is responsible for the acquisition, lease, or rental of such property shall consult with the director of the bureau of services for the visually impaired	25418 25419 25420 25421

prior to such renovation, acquisition, lease, or rental to 25422
determine if sufficient numbers of persons will be using such 25423
property to support a suitable vending facility. If the director 25424
determines that such property would be a satisfactory site for a 25425
suitable vending facility, provision shall be made for electrical 25426
outlets, plumbing fixtures, and other requirements for the 25427
installation and operation of a suitable vending facility. In the 25428
case of a state university, medical university, technical college, 25429
state community college, community college, university branch 25430
district, or state-affiliated college or university, the decision 25431
to establish a suitable vending facility shall be made jointly by 25432
the director of services for the visually impaired and proper 25433
administrative authorities of the state or state-affiliated 25434
college or university. 25435

The bureau shall provide each suitable vending facility with 25436
equipment and an adequate initial stock of suitable articles to be 25437
vended. An inventory shall be made of each suitable vending 25438
facility at least once every six months. Each blind licensee may 25439
make the blind licensee's own inventory on forms prescribed by the 25440
bureau, provided that the bureau shall retain the right to make 25441
its own inventory at any mutually agreeable time. Each blind 25442
licensee may employ and discharge personnel required to operate 25443
the blind licensee's suitable vending facility, but employment 25444
preference shall be given to individuals who are blind persons and 25445
who are capable of discharging the required duties, ~~and at~~. At all 25446
times at least one-half of the employees shall be blind. 25447

Sec. 3304.31. Licenses issued by the bureau of services for 25448
the visually impaired under section 3304.29 of the Revised Code 25449
shall be in effect until suspended or revoked. The bureau may 25450
deny, revoke, or suspend a license or otherwise discipline a 25451
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 25452
deceit in procuring or attempting to procure a license, is guilty 25453

of a felony or a crime of moral turpitude, is addicted to the use 25454
of habit-forming drugs or alcohol, or is mentally incompetent. 25455
Such license may also be denied, revoked, or suspended on proof of 25456
violation by the applicant or licensee of the rules established by 25457
the bureau for the operation of suitable vending facilities by the 25458
blind or if a licensee fails to maintain a vending facility as a 25459
suitable vending facility. 25460

Any individual who is blind ~~person and~~ who has had ~~his the~~ 25461
individual's license suspended or revoked or ~~his the individual's~~ 25462
application denied by the bureau may reapply for a license and may 25463
be reinstated or be granted a license by the bureau upon 25464
presentation of satisfactory evidence that there is no longer 25465
cause for such suspension, revocation, or denial. Before the 25466
bureau may revoke, deny, or suspend a license, or otherwise 25467
discipline a licensee, written charges must be filed by the 25468
director of the bureau and a hearing shall be held as provided in 25469
Chapter 119. of the Revised Code. 25470

Sec. 3304.41. The opportunities for Ohioans with disabilities 25471
agency shall establish and administer a program for the use of 25472
funds appropriated for that purpose to provide personal care 25473
assistance to enable eligible ~~severely physically disabled persons~~ 25474
individuals with severe physical disabilities to live 25475
~~independently or and~~ work, independently. The agency shall adopt 25476
rules in accordance with Chapter 119. of the Revised Code as 25477
necessary to carry out the purposes of this section, ~~and shall~~ 25478
~~apply to the controlling board for the release of the funds.~~ 25479

Sec. 3309.23. (A) Except as provided in division (B) of this 25480
section, the following shall be contributors to the school 25481
employees retirement system: 25482

(1) All employees, as defined in division (B) of section 25483

3309.01 of the Revised Code; 25484

(2) The employees of an existing or newly created employer 25485
unit as defined in division (A) of section 3309.01 of the Revised 25486
Code, supported in whole or in part by the state or any political 25487
subdivision thereof and wholly controlled and managed by the state 25488
or any subdivision thereof. Such employees shall become 25489
contributors on the same terms and conditions as provided by this 25490
chapter, provided the board of trustees or other managing body of 25491
such school, college, or other institution, if such institution is 25492
now in existence or if in existence on such date, shall agree by 25493
formal resolution to accept all the requirements and obligations 25494
imposed by this chapter upon employers. A certified copy of the 25495
resolution shall be filed with the school employees retirement 25496
board. When such resolution has been adopted and a copy of it 25497
filed with the school employees retirement board, it shall not 25498
later be subject to rescission or abrogation. Service in such 25499
schools, colleges, or other institutions shall be then considered 25500
in every way the same as service in the public schools. 25501

(3) All other individuals who become members. 25502

(B) The following individuals may choose to be exempt from 25503
compulsory membership by filing a written application for 25504
exemption with the employer within the first month after being 25505
employed: 25506

(1) A student who is not a member at the time of employment 25507
and who is employed by the school, college, or university in which 25508
the student is enrolled and regularly attending classes; 25509

(2) An emergency employee serving on a temporary basis in 25510
case of fire, snow, earthquake, flood, or other similar emergency; 25511

(3) An individual employed in a program established pursuant 25512
to the ~~"Workforce Investment Act," 112 Stat. 936 (1998), 29 U.S.C.~~ 25513
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 25514

seq., or any other federal job training program. 25515

(C) A member may elect to have employment by the school, 25516
college, or university at which the member is enrolled and 25517
regularly attending classes exempted from contribution to the 25518
retirement system by filing a written application with the 25519
member's employer within the first month after being so employed. 25520

(D) In all cases of doubt pertaining to contributors on an 25521
individual or group basis or the status of existing or newly 25522
created employer units, the decision shall be made by the 25523
retirement board, and such decision shall be final. 25524

Sec. 3310.16. ~~For~~ (A) Except as provided in division (B) of 25525
this section, for the 2013-2014 school year and each school year 25526
thereafter, the department of education shall conduct two 25527
application periods each year for the educational choice 25528
scholarship pilot program under sections 3310.03 and 3310.032 of 25529
the Revised Code, as follows: 25530

~~(A)~~(1) The first application period shall open not sooner 25531
than the first day of February prior to the first day of July of 25532
the school year for which a scholarship is sought and run not less 25533
than seventy-five days. 25534

~~(B)~~(2) The second application period shall open not sooner 25535
than the first day of July of the school year for which the 25536
scholarship is sought and run not less than thirty days. 25537

(B) If the scholarships awarded under section 3310.032 of the 25538
Revised Code in the first application period for any school year 25539
use the entirety of the amount appropriated by the general 25540
assembly for such scholarships for that school year, the 25541
department need not conduct a second application period for 25542
scholarships under that section. If, after the first application 25543
period, there are funds remaining to award scholarships under 25544

section 3310.032 of the Revised Code, the department shall conduct 25545
a second application period in accordance with division (A)(2) of 25546
this section. 25547

Sec. 3311.19. (A) The management and control of a joint 25548
vocational school district shall be vested in the joint vocational 25549
school district board of education which, beginning on September 25550
29, 2013, shall be appointed under division (C) of this section. 25551

All members of a joint vocational school district board 25552
serving unexpired terms on September 29, 2013, may continue in 25553
office until the expiration of their terms. If a member leaves 25554
office for any reason prior to the expiration of that member's 25555
term, the vacancy shall be filled only in the manner provided in 25556
division (C) of this section. 25557

(B) Except as provided in section 3311.191 of the Revised 25558
Code, members of the joint vocational school district board 25559
appointed on or after September 29, 2013, shall serve for 25560
three-year terms of office. 25561

(C)(1) The manner of appointment and the total number of 25562
members appointed to the joint vocational school district board 25563
shall be in accordance with the most recent plan for the joint 25564
vocational school district on file with the department of 25565
education. 25566

~~(1)(a)~~ Appointments under this section shall be made as the 25567
terms of members of each joint vocational school district board 25568
who are serving unexpired terms on September 29, 2013, expire or 25569
as those offices are otherwise vacated prior to the expiration 25570
date. 25571

~~(2)(b)~~ Members of the joint vocational board shall be 25572
appointed by the member school district boards of education. 25573
Members of a joint vocational school district board may either be 25574

a current elected board member of a school district board that is 25575
a member of the joint vocational school district or an individual 25576
who has experience or knowledge regarding the labor needs of the 25577
state and region with an understanding of the skills, training, 25578
and education needed for current and future employment 25579
opportunities in the state. The appointing board may give 25580
preference to individuals who have served as members on a joint 25581
vocational school business advisory committee. 25582

(2) In addition to any voting members appointed under 25583
division (C)(1) of this section, beginning January 1, 2018, the 25584
superintendent of the joint vocational school district board shall 25585
appoint three nonvoting, advisory members to the district board of 25586
education who represent local business interests in accordance 25587
with section 3313.011 of the Revised Code. 25588

(D) The vocational schools in the joint vocational school 25589
district shall be available to all youth of school age within the 25590
joint vocational school district subject to the rules adopted by 25591
the joint vocational school district board of education in regard 25592
to the standards requisite to admission. A joint vocational school 25593
district board of education shall have the same powers, duties, 25594
and authority for the management and operation of such joint 25595
vocational school district as is granted by law, except by this 25596
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 25597
Code, to a board of education of a city school district, and shall 25598
be subject to all the provisions of law that apply to a city 25599
school district, except such provisions in this chapter and 25600
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 25601

(E) The superintendent of schools of a joint vocational 25602
school district shall exercise the duties and authority vested by 25603
law in a superintendent of schools pertaining to the operation of 25604
a school district and the employment and supervision of its 25605
personnel. The joint vocational school district board of education 25606

shall appoint a treasurer of the joint vocational school district 25607
who shall be the fiscal officer for such district and who shall 25608
have all the powers, duties, and authority vested by law in a 25609
treasurer of a board of education. 25610

(F) Each member of a joint vocational school district board 25611
of education may be paid such compensation as the board provides 25612
by resolution, but it shall not exceed one hundred twenty-five 25613
dollars per member for each meeting attended plus mileage, at the 25614
rate per mile provided by resolution of the board, to and from 25615
meetings of the board. 25616

The board may provide by resolution for the deduction of 25617
amounts payable for benefits under section 3313.202 of the Revised 25618
Code. 25619

Each member of a joint vocational school district board may 25620
be paid such compensation as the board provides by resolution for 25621
attendance at an approved training program, provided that such 25622
compensation shall not exceed sixty dollars per day for attendance 25623
at a training program three hours or fewer in length and one 25624
hundred twenty-five dollars a day for attendance at a training 25625
program longer than three hours in length. However, no board 25626
member shall be compensated for the same training program under 25627
this section and section 3313.12 of the Revised Code. 25628

Sec. 3311.27. The board of education of a surviving school 25629
district, as that term is defined in section 5748.10 of the 25630
Revised Code, shall notify the tax commissioner as and in the 25631
manner required by that section. 25632

Sec. 3311.751. Notwithstanding division (F) of section 25633
5705.10 of the Revised Code, if a municipal school district board 25634
of education sells real property that it owns in its corporate 25635
capacity, moneys received from the sale may be paid into the 25636

general fund of the district, as long as all of the following 25637
conditions are satisfied: 25638

(A) The district has owned the real property for at least ten 25639
years. 25640

(B) The real property and any improvements to that real 25641
property were not acquired with the proceeds of public 25642
obligations, as defined in section 133.01 of the Revised Code, of 25643
the district that are outstanding at the time of the sale. 25644

(C) The deposit of those moneys in that manner is not 25645
prohibited by any agreements the district board has entered into 25646
with the Ohio ~~school~~ facilities construction commission. 25647

Sec. 3313.011. Beginning January 1, 2018, the superintendent 25648
of each local, exempted village, city, and joint vocational school 25649
district shall appoint to the district board of education three 25650
nonvoting, advisory members who represent local business 25651
interests. The advisory members shall serve at the pleasure of the 25652
appointing authority and shall advise and provide recommendations 25653
to the board on matters specified by the board, including, but not 25654
limited to the following: 25655

(A) The delineation of employment skills and the development 25656
of curriculum to instill these skills; 25657

(B) Changes in the economy and the job market and the types 25658
of employment in which future jobs are most likely to be 25659
available; 25660

(C) Suggestions for developing a working relationship among 25661
businesses, labor organizations, and educational personnel. 25662

Sec. 3313.372. (A) As used in this section, "energy 25663
conservation measure" means an installation or modification of an 25664
installation in, or remodeling of, a building, to reduce energy 25665

consumption. It includes:	25666
(1) Insulation of the building structure and systems within the building;	25667 25668
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	25669 25670 25671 25672 25673
(3) Automatic energy control systems;	25674
(4) Heating, ventilating, or air conditioning system modifications or replacements;	25675 25676
(5) Caulking and weatherstripping;	25677
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	25678 25679 25680 25681 25682
(7) Energy recovery systems;	25683
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	25684 25685 25686
(9) Any other modification, installation, or remodeling approved by the Ohio ~~school~~ facilities <u>construction</u> commission as an energy conservation measure.	25687 25688 25689
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section	25690 25691 25692 25693 25694 25695

3313.46 of the Revised Code, and shall be on the following terms: 25696

(1) Not less than one-fifteenth of the costs thereof shall be 25697
paid within two years from the date of purchase. 25698

(2) The remaining balance of the costs thereof shall be paid 25699
within fifteen years from the date of purchase. 25700

The provisions of any installment payment contract entered 25701
into pursuant to this section shall provide that all payments, 25702
except payments for repairs and obligations on termination of the 25703
contract prior to its expiration, shall not exceed the calculated 25704
energy, water, or waste water cost savings, avoided operating 25705
costs, and avoided capital costs attributable to the one or more 25706
measures over a defined period of time. Those payments shall be 25707
made only to the extent that the savings described in this 25708
division actually occur. The energy services company shall warrant 25709
and guarantee that the energy conservation measures shall realize 25710
guaranteed savings and shall be responsible to pay an amount equal 25711
to any savings shortfall. 25712

An installment payment contract entered into by a board of 25713
education under this section shall require the board to contract 25714
in accordance with division (A) of section 3313.46 of the Revised 25715
Code for the installation, modification, or remodeling of energy 25716
conservation measures unless division (A) of section 3313.46 of 25717
the Revised Code does not apply pursuant to division (B)(3) of 25718
that section, in which case the contract shall be awarded through 25719
a competitive selection process pursuant to rules adopted by the 25720
~~school~~ facilities construction commission. 25721

An installment payment contract entered into by a board of 25722
education under this section may include services for measurement 25723
and verification of energy savings associated with the guarantee. 25724
The annual cost of measurement and verification services shall not 25725
exceed ten per cent of the guaranteed savings in any year of the 25726

installment payment contract. 25727

(C) If a board of education determines that a surety bond is 25728
necessary to secure energy, water, or waste water cost savings 25729
guaranteed in a contract entered into by the board of education 25730
under this section, the energy services company shall provide a 25731
surety bond that satisfies all of the following requirements: 25732

(1) The penal sum of the surety bond for the first guarantee 25733
year shall equal the amount of savings included in the annual 25734
guaranteed savings amount that is measured and calculated in 25735
accordance with the measurement and verification plan included in 25736
the contract, but may not include guaranteed savings that are not 25737
measured or that are stipulated in the contract. The annual 25738
guaranteed savings amount shall include only the savings 25739
guaranteed in the contract for the one-year term that begins on 25740
the first day of the first savings guarantee year and may not 25741
include amounts from subsequent years. 25742

(2) The surety bond shall have a term of not more than one 25743
year unless renewed. At the option of the board of education, the 25744
surety bond may be renewed for one or two additional terms, each 25745
term not to exceed one year. The surety bond may not be renewed or 25746
extended so that it is in effect for more than three consecutive 25747
years. 25748

In the event of a renewal, the penal sum of the surety bond 25749
for each renewed year shall be revised so that the penal sum 25750
equals the annual guaranteed savings amount for such renewal year 25751
that is measured and calculated in accordance with the measurement 25752
and verification plan included in the contract, but may not 25753
include guaranteed savings that are not measured or that are 25754
stipulated in the contract. Regardless of the number of renewals 25755
of the bond, the aggregate liability under each renewed bond may 25756
not exceed the penal sum stated in the renewal certificate for the 25757
applicable renewal year. 25758

(3) The surety bond for the first year shall be issued within 25759
thirty days of the commencement of the first savings guarantee 25760
year under the contract. 25761

In the event of renewal, the surety shall deliver to the 25762
board of education a renewal certificate reflecting the revised 25763
penal sum within thirty days of the board of education's request. 25764
The board of education shall deliver the request for renewal not 25765
less than thirty days prior to the expiration date of the surety 25766
bond then in existence. A surety bond furnished pursuant to 25767
section 153.54 of the Revised Code shall not secure obligations 25768
related to energy, water, or waste water cost savings as 25769
referenced in division (C) of this section. 25770

(D) The board may issue the notes of the school district 25771
signed by the president and the treasurer of the board and 25772
specifying the terms of the purchase and securing the deferred 25773
payments provided in this section, payable at the times provided 25774
and bearing interest at a rate not exceeding the rate determined 25775
as provided in section 9.95 of the Revised Code. The notes may 25776
contain an option for prepayment and shall not be subject to 25777
Chapter 133. of the Revised Code. In the resolution authorizing 25778
the notes, the board may provide, without the vote of the electors 25779
of the district, for annually levying and collecting taxes in 25780
amounts sufficient to pay the interest on and retire the notes, 25781
except that the total net indebtedness of the district without a 25782
vote of the electors incurred under this and all other sections of 25783
the Revised Code, except section 3318.052 of the Revised Code, 25784
shall not exceed one per cent of the district's tax valuation. 25785
Revenues derived from local taxes or otherwise, for the purpose of 25786
conserving energy or for defraying the current operating expenses 25787
of the district, may be applied to the payment of interest and the 25788
retirement of such notes. The notes may be sold at private sale or 25789
given to the energy services company under the installment payment 25790

contract authorized by division (B) of this section. 25791

(E) Debt incurred under this section shall not be included in 25792
the calculation of the net indebtedness of a school district under 25793
section 133.06 of the Revised Code. 25794

(F) No school district board shall enter into an installment 25795
payment contract under division (B) of this section unless it 25796
first obtains a report of the costs of the energy conservation 25797
measures and the savings thereof as described under division (G) 25798
of section 133.06 of the Revised Code as a requirement for issuing 25799
energy securities, makes a finding that the amount spent on such 25800
measures is not likely to exceed the amount of money it would save 25801
in energy costs and resultant operational and maintenance costs as 25802
described in that division, except that that finding shall cover 25803
the ensuing fifteen years, and the ~~school~~ facilities construction 25804
commission determines that the district board's findings are 25805
reasonable and approves the contract as described in that 25806
division. 25807

The district board shall monitor the savings and maintain a 25808
report of those savings, which shall be submitted to the 25809
commission in the same manner as required by division (G) of 25810
section 133.06 of the Revised Code in the case of energy 25811
securities. 25812

Sec. 3313.603. (A) As used in this section: 25813

(1) "One unit" means a minimum of one hundred twenty hours of 25814
course instruction, except that for a laboratory course, "one 25815
unit" means a minimum of one hundred fifty hours of course 25816
instruction. 25817

(2) "One-half unit" means a minimum of sixty hours of course 25818
instruction, except that for physical education courses, "one-half 25819
unit" means a minimum of one hundred twenty hours of course 25820

instruction.	25821
(B) Beginning September 15, 2001, except as required in	25822
division (C) of this section and division (C) of section 3313.614	25823
of the Revised Code, the requirements for graduation from every	25824
high school shall include twenty units earned in grades nine	25825
through twelve and shall be distributed as follows:	25826
(1) English language arts, four units;	25827
(2) Health, one-half unit;	25828
(3) Mathematics, three units;	25829
(4) Physical education, one-half unit;	25830
(5) Science, two units until September 15, 2003, and three	25831
units thereafter, which at all times shall include both of the	25832
following:	25833
(a) Biological sciences, one unit;	25834
(b) Physical sciences, one unit.	25835
(6) History and government, one unit, which shall comply with	25836
division (M) of this section and shall include both of the	25837
following:	25838
(a) American history, one-half unit;	25839
(b) American government, one-half unit.	25840
(7) Social studies, two units.	25841
Beginning with students who enter ninth grade for the first	25842
time on or after July 1, 2017, the two units of instruction	25843
prescribed by division (B)(7) of this section shall include at	25844
least one-half unit of instruction in the study of world history	25845
and civilizations.	25846
(8) Elective units, seven units until September 15, 2003, and	25847
six units thereafter.	25848

Each student's electives shall include at least one unit, or 25849
two half units, chosen from among the areas of 25850
business/technology, fine arts, and/or foreign language. 25851

(C) Beginning with students who enter ninth grade for the 25852
first time on or after July 1, 2010, except as provided in 25853
divisions (D) to (F) of this section, the requirements for 25854
graduation from every public and chartered nonpublic high school 25855
shall include twenty units that are designed to prepare students 25856
for the workforce and college. The units shall be distributed as 25857
follows: 25858

(1) English language arts, four units; 25859

(2) Health, one-half unit, which shall include instruction in 25860
nutrition and the benefits of nutritious foods and physical 25861
activity for overall health; 25862

(3) Mathematics, four units, which shall include one unit of 25863
algebra II or the equivalent of algebra II. However, students who 25864
enter ninth grade for the first time on or after July 1, 2015, and 25865
who are pursuing a career-technical instructional track shall not 25866
be required to take algebra II, and instead may complete a 25867
career-based pathway mathematics course as an alternative. 25868

(4) Physical education, one-half unit; 25869

(5) Science, three units with inquiry-based laboratory 25870
experience that engages students in asking valid scientific 25871
questions and gathering and analyzing information, which shall 25872
include the following, or their equivalent: 25873

(a) Physical sciences, one unit; 25874

(b) Life sciences, one unit; 25875

(c) Advanced study in one or more of the following sciences, 25876
one unit: 25877

(i) Chemistry, physics, or other physical science; 25878

(ii) Advanced biology or other life science;	25879
(iii) Astronomy, physical geology, or other earth or space science.	25880 25881
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	25882 25883 25884
(a) American history, one-half unit;	25885
(b) American government, one-half unit.	25886
(7) Social studies, two units.	25887
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	25888 25889 25890 25891 25892 25893 25894 25895 25896 25897 25898 25899 25900 25901
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	25902 25903 25904 25905 25906
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education,	25907 25908

family and consumer sciences, technology, agricultural education, 25909
a junior reserve officer training corps (JROTC) program approved 25910
by the congress of the United States under title 10 of the United 25911
States Code, or English language arts, mathematics, science, or 25912
social studies courses not otherwise required under division (C) 25913
of this section. 25914

Ohioans must be prepared to apply increased knowledge and 25915
skills in the workplace and to adapt their knowledge and skills 25916
quickly to meet the rapidly changing conditions of the 25917
twenty-first century. National studies indicate that all high 25918
school graduates need the same academic foundation, regardless of 25919
the opportunities they pursue after graduation. The goal of Ohio's 25920
system of elementary and secondary education is to prepare all 25921
students for and seamlessly connect all students to success in 25922
life beyond high school graduation, regardless of whether the next 25923
step is entering the workforce, beginning an apprenticeship, 25924
engaging in post-secondary training, serving in the military, or 25925
pursuing a college degree. 25926

The requirements for graduation prescribed in division (C) of 25927
this section are the standard expectation for all students 25928
entering ninth grade for the first time at a public or chartered 25929
nonpublic high school on or after July 1, 2010. A student may 25930
satisfy this expectation through a variety of methods, including, 25931
but not limited to, integrated, applied, career-technical, and 25932
traditional coursework. 25933

Whereas teacher quality is essential for student success when 25934
completing the requirements for graduation, the general assembly 25935
shall appropriate funds for strategic initiatives designed to 25936
strengthen schools' capacities to hire and retain highly qualified 25937
teachers in the subject areas required by the curriculum. Such 25938
initiatives are expected to require an investment of \$120,000,000 25939
over five years. 25940

Stronger coordination between high schools and institutions 25941
of higher education is necessary to prepare students for more 25942
challenging academic endeavors and to lessen the need for academic 25943
remediation in college, thereby reducing the costs of higher 25944
education for Ohio's students, families, and the state. The state 25945
board and the chancellor of higher education shall develop 25946
policies to ensure that only in rare instances will students who 25947
complete the requirements for graduation prescribed in division 25948
(C) of this section require academic remediation after high 25949
school. 25950

School districts, community schools, and chartered nonpublic 25951
schools shall integrate technology into learning experiences 25952
across the curriculum in order to maximize efficiency, enhance 25953
learning, and prepare students for success in the 25954
technology-driven twenty-first century. Districts and schools 25955
shall use distance and web-based course delivery as a method of 25956
providing or augmenting all instruction required under this 25957
division, including laboratory experience in science. Districts 25958
and schools shall utilize technology access and electronic 25959
learning opportunities provided by the broadcast educational media 25960
commission, chancellor, the Ohio learning network, education 25961
technology centers, public television stations, and other public 25962
and private providers. 25963

(D) Except as provided in division (E) of this section, a 25964
student who enters ninth grade on or after July 1, 2010, and 25965
before July 1, 2016, may qualify for graduation from a public or 25966
chartered nonpublic high school even though the student has not 25967
completed the requirements for graduation prescribed in division 25968
(C) of this section if all of the following conditions are 25969
satisfied: 25970

(1) During the student's third year of attending high school, 25971
as determined by the school, the student and the student's parent, 25972

guardian, or custodian sign and file with the school a written 25973
statement asserting the parent's, guardian's, or custodian's 25974
consent to the student's graduating without completing the 25975
requirements for graduation prescribed in division (C) of this 25976
section and acknowledging that one consequence of not completing 25977
those requirements is ineligibility to enroll in most state 25978
universities in Ohio without further coursework. 25979

(2) The student and parent, guardian, or custodian fulfill 25980
any procedural requirements the school stipulates to ensure the 25981
student's and parent's, guardian's, or custodian's informed 25982
consent and to facilitate orderly filing of statements under 25983
division (D)(1) of this section. Annually, each district or school 25984
shall notify the department of education of the number of students 25985
who choose to qualify for graduation under division (D) of this 25986
section and the number of students who complete the student's 25987
success plan and graduate from high school. 25988

(3) The student and the student's parent, guardian, or 25989
custodian and a representative of the student's high school 25990
jointly develop a student success plan for the student in the 25991
manner described in division (C)(1) of section 3313.6020 of the 25992
Revised Code that specifies the student matriculating to a 25993
two-year degree program, acquiring a business and 25994
industry-recognized credential, or entering an apprenticeship. 25995

(4) The student's high school provides counseling and support 25996
for the student related to the plan developed under division 25997
(D)(3) of this section during the remainder of the student's high 25998
school experience. 25999

(5)(a) Except as provided in division (D)(5)(b) of this 26000
section, the student successfully completes, at a minimum, the 26001
curriculum prescribed in division (B) of this section. 26002

(b) Beginning with students who enter ninth grade for the 26003

first time on or after July 1, 2014, a student shall be required 260004
to complete successfully, at the minimum, the curriculum 260005
prescribed in division (B) of this section, except as follows: 260006

(i) Mathematics, four units, one unit which shall be one of 260007
the following: 260008

(I) Probability and statistics; 260009

(II) Computer programming; 26010

(III) Applied mathematics or quantitative reasoning; 26011

(IV) Any other course approved by the department using 26012
standards established by the superintendent not later than October 26013
1, 2014. 26014

(ii) Elective units, five units; 26015

(iii) Science, three units as prescribed by division (B) of 26016
this section which shall include inquiry-based laboratory 26017
experience that engages students in asking valid scientific 26018
questions and gathering and analyzing information. 26019

The department, in collaboration with the chancellor, shall 26020
analyze student performance data to determine if there are 26021
mitigating factors that warrant extending the exception permitted 26022
by division (D) of this section to high school classes beyond 26023
those entering ninth grade before July 1, 2016. The department 26024
shall submit its findings and any recommendations not later than 26025
December 1, 2015, to the speaker and minority leader of the house 26026
of representatives, the president and minority leader of the 26027
senate, the chairpersons and ranking minority members of the 26028
standing committees of the house of representatives and the senate 26029
that consider education legislation, the state board of education, 26030
and the superintendent of public instruction. 26031

(E) Each school district and chartered nonpublic school 26032
retains the authority to require an even more challenging minimum 26033

curriculum for high school graduation than specified in division 26034
(B) or (C) of this section. A school district board of education, 26035
through the adoption of a resolution, or the governing authority 26036
of a chartered nonpublic school may stipulate any of the 26037
following: 26038

(1) A minimum high school curriculum that requires more than 26039
twenty units of academic credit to graduate; 26040

(2) An exception to the district's or school's minimum high 26041
school curriculum that is comparable to the exception provided in 26042
division (D) of this section but with additional requirements, 26043
which may include a requirement that the student successfully 26044
complete more than the minimum curriculum prescribed in division 26045
(B) of this section; 26046

(3) That no exception comparable to that provided in division 26047
(D) of this section is available. 26048

(F) A student enrolled in a dropout prevention and recovery 26049
program, which program has received a waiver from the department, 26050
may qualify for graduation from high school by successfully 26051
completing a competency-based instructional program administered 26052
by the dropout prevention and recovery program in lieu of 26053
completing the requirements for graduation prescribed in division 26054
(C) of this section. The department shall grant a waiver to a 26055
dropout prevention and recovery program, within sixty days after 26056
the program applies for the waiver, if the program meets all of 26057
the following conditions: 26058

(1) The program serves only students not younger than sixteen 26059
years of age and not older than twenty-one years of age. 26060

(2) The program enrolls students who, at the time of their 26061
initial enrollment, either, or both, are at least one grade level 26062
behind their cohort age groups or experience crises that 26063
significantly interfere with their academic progress such that 26064

they are prevented from continuing their traditional programs. 26065

(3) The program requires students to attain at least the 26066
applicable score designated for each of the assessments prescribed 26067
under division (B)(1) of section 3301.0710 of the Revised Code or, 26068
to the extent prescribed by rule of the state board under division 26069
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 26070
of that section. 26071

(4) The program develops a student success plan for the 26072
student in the manner described in division (C)(1) of section 26073
3313.6020 of the Revised Code that specifies the student's 26074
matriculating to a two-year degree program, acquiring a business 26075
and industry-recognized credential, or entering an apprenticeship. 26076

(5) The program provides counseling and support for the 26077
student related to the plan developed under division (F)(4) of 26078
this section during the remainder of the student's high school 26079
experience. 26080

(6) The program requires the student and the student's 26081
parent, guardian, or custodian to sign and file, in accordance 26082
with procedural requirements stipulated by the program, a written 26083
statement asserting the parent's, guardian's, or custodian's 26084
consent to the student's graduating without completing the 26085
requirements for graduation prescribed in division (C) of this 26086
section and acknowledging that one consequence of not completing 26087
those requirements is ineligibility to enroll in most state 26088
universities in Ohio without further coursework. 26089

(7) Prior to receiving the waiver, the program has submitted 26090
to the department an instructional plan that demonstrates how the 26091
academic content standards adopted by the state board under 26092
section 3301.079 of the Revised Code will be taught and assessed. 26093

(8) Prior to receiving the waiver, the program has submitted 26094
to the department a policy on career advising that satisfies the 26095

requirements of section 3313.6020 of the Revised Code, with an 26096
emphasis on how every student will receive career advising. 26097

(9) Prior to receiving the waiver, the program has submitted 26098
to the department a written agreement outlining the future 26099
cooperation between the program and any combination of local job 26100
training, postsecondary education, nonprofit, and health and 26101
social service organizations to provide services for students in 26102
the program and their families. 26103

Divisions (F)(8) and (9) of this section apply only to 26104
waivers granted on or after July 1, 2015. 26105

If the department does not act either to grant the waiver or 26106
to reject the program application for the waiver within sixty days 26107
as required under this section, the waiver shall be considered to 26108
be granted. 26109

(G) Every high school may permit students below the ninth 26110
grade to take advanced work. If a high school so permits, it shall 26111
award high school credit for successful completion of the advanced 26112
work and shall count such advanced work toward the graduation 26113
requirements of division (B) or (C) of this section if the 26114
advanced work was both: 26115

(1) Taught by a person who possesses a license or certificate 26116
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 26117
Code that is valid for teaching high school; 26118

(2) Designated by the board of education of the city, local, 26119
or exempted village school district, the board of the cooperative 26120
education school district, or the governing authority of the 26121
chartered nonpublic school as meeting the high school curriculum 26122
requirements. 26123

Each high school shall record on the student's high school 26124
transcript all high school credit awarded under division (G) of 26125
this section. In addition, if the student completed a seventh- or 26126

eighth-grade fine arts course described in division (K) of this 26127
section and the course qualified for high school credit under that 26128
division, the high school shall record that course on the 26129
student's high school transcript. 26130

(H) The department shall make its individual academic career 26131
plan available through its Ohio career information system web site 26132
for districts and schools to use as a tool for communicating with 26133
and providing guidance to students and families in selecting high 26134
school courses. 26135

(I) A school district or chartered nonpublic school may 26136
integrate academic content in a subject area for which the state 26137
board has adopted standards under section 3301.079 of the Revised 26138
Code into a course in a different subject area, including a 26139
career-technical education course, in accordance with guidance for 26140
integrated coursework developed by the department. Upon successful 26141
completion of an integrated course, a student may receive credit 26142
for both subject areas that were integrated into the course. Units 26143
earned in English language arts, mathematics, science, and social 26144
studies that are for subject area content delivered through 26145
integrated academic and career-technical instruction are eligible 26146
to meet the graduation requirements of division (B) or (C) of this 26147
section. 26148

For purposes of meeting graduation requirements, if an 26149
end-of-course examination has been prescribed under section 26150
3301.0712 of the Revised Code for the subject area delivered 26151
through integrated instruction, the school district or school may 26152
administer the related subject area examinations upon the 26153
student's completion of the integrated course. 26154

Nothing in division (I) of this section shall be construed to 26155
excuse any school district, chartered nonpublic school, or student 26156
from any requirement in the Revised Code related to curriculum, 26157
assessments, or the awarding of a high school diploma. 26158

(J)(1) The state board, in consultation with the chancellor, 26159
shall adopt a statewide plan implementing methods for students to 26160
earn units of high school credit based on a demonstration of 26161
subject area competency, instead of or in combination with 26162
completing hours of classroom instruction. The state board shall 26163
adopt the plan not later than March 31, 2009, and commence phasing 26164
in the plan during the 2009-2010 school year. The plan shall 26165
include a standard method for recording demonstrated proficiency 26166
on high school transcripts. Each school district and community 26167
school shall comply with the state board's plan adopted under this 26168
division and award units of high school credit in accordance with 26169
the plan. The state board may adopt existing methods for earning 26170
high school credit based on a demonstration of subject area 26171
competency as necessary prior to the 2009-2010 school year. 26172

(2) Not later than December 31, 2015, the state board shall 26173
update the statewide plan adopted pursuant to division (J)(1) of 26174
this section to also include methods for students enrolled in 26175
seventh and eighth grade to meet curriculum requirements based on 26176
a demonstration of subject area competency, instead of or in 26177
combination with completing hours of classroom instruction. 26178
Beginning with the 2017-2018 school year, each school district and 26179
community school also shall comply with the updated plan adopted 26180
pursuant to this division and permit students enrolled in seventh 26181
and eighth grade to meet curriculum requirements based on subject 26182
area competency in accordance with the plan. 26183

(3) Not later than December 31, 2017, the department shall 26184
develop a framework for school districts and community schools to 26185
use in granting units of high school credit to students who 26186
demonstrate subject area competency through work-based learning 26187
experiences, internships, or cooperative education. Beginning with 26188
the 2018-2019 school year, each district and community school 26189
shall comply with the framework. Each district and community 26190

school also shall review any policy it has adopted regarding the 26191
demonstration of subject area competency to identify ways to 26192
incorporate work-based learning experiences, internships, and 26193
cooperative education into the policy in order to increase student 26194
engagement and opportunities to earn units of high school credit. 26195

(K) This division does not apply to students who qualify for 26196
graduation from high school under division (D) or (F) of this 26197
section, or to students pursuing a career-technical instructional 26198
track as determined by the school district board of education or 26199
the chartered nonpublic school's governing authority. 26200
Nevertheless, the general assembly encourages such students to 26201
consider enrolling in a fine arts course as an elective. 26202

Beginning with students who enter ninth grade for the first 26203
time on or after July 1, 2010, each student enrolled in a public 26204
or chartered nonpublic high school shall complete two semesters or 26205
the equivalent of fine arts to graduate from high school. The 26206
coursework may be completed in any of grades seven to twelve. Each 26207
student who completes a fine arts course in grade seven or eight 26208
may elect to count that course toward the five units of electives 26209
required for graduation under division (C)(8) of this section, if 26210
the course satisfied the requirements of division (G) of this 26211
section. In that case, the high school shall award the student 26212
high school credit for the course and count the course toward the 26213
five units required under division (C)(8) of this section. If the 26214
course in grade seven or eight did not satisfy the requirements of 26215
division (G) of this section, the high school shall not award the 26216
student high school credit for the course but shall count the 26217
course toward the two semesters or the equivalent of fine arts 26218
required by this division. 26219

(L) Notwithstanding anything to the contrary in this section, 26220
the board of education of each school district and the governing 26221
authority of each chartered nonpublic school may adopt a policy to 26222

excuse from the high school physical education requirement each 26223
student who, during high school, has participated in 26224
interscholastic athletics, marching band, or cheerleading for at 26225
least two full seasons or in the junior reserve officer training 26226
corps for at least two full school years. If the board or 26227
authority adopts such a policy, the board or authority shall not 26228
require the student to complete any physical education course as a 26229
condition to graduate. However, the student shall be required to 26230
complete one-half unit, consisting of at least sixty hours of 26231
instruction, in another course of study. In the case of a student 26232
who has participated in the junior reserve officer training corps 26233
for at least two full school years, credit received for that 26234
participation may be used to satisfy the requirement to complete 26235
one-half unit in another course of study. 26236

(M) It is important that high school students learn and 26237
understand United States history and the governments of both the 26238
United States and the state of Ohio. Therefore, beginning with 26239
students who enter ninth grade for the first time on or after July 26240
1, 2012, the study of American history and American government 26241
required by divisions (B)(6) and (C)(6) of this section shall 26242
include the study of all of the following documents: 26243

(1) The Declaration of Independence; 26244

(2) The Northwest Ordinance; 26245

(3) The Constitution of the United States with emphasis on 26246
the Bill of Rights; 26247

(4) The Ohio Constitution. 26248

The study of each of the documents prescribed in divisions 26249
(M)(1) to (4) of this section shall include study of that document 26250
in its original context. 26251

The study of American history and government required by 26252
divisions (B)(6) and (C)(6) of this section shall include the 26253

historical evidence of the role of documents such as the 26254
Federalist Papers and the Anti-Federalist Papers to firmly 26255
establish the historical background leading to the establishment 26256
of the provisions of the Constitution and Bill of Rights. 26257

Sec. 3313.608. (A)(1) Beginning with students who enter third 26258
grade in the school year that starts July 1, 2009, and until June 26259
30, 2013, unless the student is excused under division (C) of 26260
section 3301.0711 of the Revised Code from taking the assessment 26261
described in this section, for any student who does not attain at 26262
least the equivalent level of achievement designated under 26263
division (A)(3) of section 3301.0710 of the Revised Code on the 26264
assessment prescribed under that section to measure skill in 26265
English language arts expected at the end of third grade, each 26266
school district, in accordance with the policy adopted under 26267
section 3313.609 of the Revised Code, shall do one of the 26268
following: 26269

(a) Promote the student to fourth grade if the student's 26270
principal and reading teacher agree that other evaluations of the 26271
student's skill in reading demonstrate that the student is 26272
academically prepared to be promoted to fourth grade; 26273

(b) Promote the student to fourth grade but provide the 26274
student with intensive intervention services in fourth grade; 26275

(c) Retain the student in third grade. 26276

(2) Beginning with students who enter third grade in the 26277
2013-2014 school year, unless the student is excused under 26278
division (C) of section 3301.0711 of the Revised Code from taking 26279
the assessment described in this section, no school district shall 26280
promote to fourth grade any student who does not attain at least 26281
the equivalent level of achievement designated under division 26282
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26283
prescribed under that section to measure skill in English language 26284

arts expected at the end of third grade, unless one of the 26285
following applies: 26286

(a) The student is a limited English proficient student who 26287
has been enrolled in United States schools for less than three 26288
full school years and has had less than three years of instruction 26289
in an English as a second language program. 26290

(b) The student is a child with a disability entitled to 26291
special education and related services under Chapter 3323. of the 26292
Revised Code and the student's individualized education program 26293
exempts the student from retention under this division. 26294

(c) The student demonstrates an acceptable level of 26295
performance on an alternative standardized reading assessment as 26296
determined by the department of education. 26297

(d) All of the following apply: 26298

(i) The student is a child with a disability entitled to 26299
special education and related services under Chapter 3323. of the 26300
Revised Code. 26301

(ii) The student has taken the third grade English language 26302
arts achievement assessment prescribed under section 3301.0710 of 26303
the Revised Code. 26304

(iii) The student's individualized education program or plan 26305
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 26306
355, 29 U.S.C. 794, as amended, shows that the student has 26307
received intensive remediation in reading for two school years but 26308
still demonstrates a deficiency in reading. 26309

(iv) The student previously was retained in any of grades 26310
kindergarten to three. 26311

(e)(i) The student received intensive remediation for reading 26312
for two school years but still demonstrates a deficiency in 26313
reading and was previously retained in any of grades kindergarten 26314

to three. 26315

(ii) A student who is promoted under division (A)(2)(e)(i) of 26316
this section shall continue to receive intensive reading 26317
instruction in grade four. The instruction shall include an 26318
altered instructional day that includes specialized diagnostic 26319
information and specific research-based reading strategies for the 26320
student that have been successful in improving reading among 26321
low-performing readers. 26322

(B)(1) Beginning in the 2012-2013 school year, to assist 26323
students in meeting the third grade guarantee established by this 26324
section, each school district board of education shall adopt 26325
policies and procedures with which it annually shall assess the 26326
reading skills of each student, except those students with 26327
significant cognitive disabilities or other disabilities as 26328
authorized by the department on a case-by-case basis, enrolled in 26329
kindergarten to third grade and shall identify students who are 26330
reading below their grade level. The reading skills assessment 26331
shall be completed by the thirtieth day of September for students 26332
in grades one to three, and by the first day of November for 26333
students in kindergarten. Each district shall use the diagnostic 26334
assessment to measure reading ability for the appropriate grade 26335
level adopted under section 3301.079 of the Revised Code, or a 26336
comparable tool approved by the department of education, to 26337
identify such students. The policies and procedures shall require 26338
the students' classroom teachers to be involved in the assessment 26339
and the identification of students reading below grade level. The 26340
assessment may be administered electronically using live, two-way 26341
video and audio connections whereby the teacher administering the 26342
assessment may be in a separate location from the student. 26343

(2) For each student identified by the diagnostic assessment 26344
prescribed under this section as having reading skills below grade 26345
level, the district shall do both of the following: 26346

(a) Provide to the student's parent or guardian, in writing,	26347
all of the following:	26348
(i) Notification that the student has been identified as	26349
having a substantial deficiency in reading;	26350
(ii) A description of the current services that are provided	26351
to the student;	26352
(iii) A description of the proposed supplemental	26353
instructional services and supports that will be provided to the	26354
student that are designed to remediate the identified areas of	26355
reading deficiency;	26356
(iv) Notification that if the student attains a score in the	26357
range designated under division (A)(3) of section 3301.0710 of the	26358
Revised Code on the assessment prescribed under that section to	26359
measure skill in English language arts expected at the end of	26360
third grade, the student shall be retained unless the student is	26361
exempt under division (A) of this section. The notification shall	26362
specify that the assessment under section 3301.0710 of the Revised	26363
Code is not the sole determinant of promotion and that additional	26364
evaluations and assessments are available to the student to assist	26365
parents and the district in knowing when a student is reading at	26366
or above grade level and ready for promotion.	26367
(b) Provide intensive reading instruction services and	26368
regular diagnostic assessments to the student immediately	26369
following identification of a reading deficiency until the	26370
development of the reading improvement and monitoring plan	26371
required by division (C) of this section. These intervention	26372
services shall include research-based reading strategies that have	26373
been shown to be successful in improving reading among	26374
low-performing readers and instruction targeted at the student's	26375
identified reading deficiencies.	26376
(3) For each student retained under division (A) of this	26377

section, the district shall do all of the following: 26378

(a) Provide intense remediation services until the student is 26379
able to read at grade level. The remediation services shall 26380
include intensive interventions in reading that address the areas 26381
of deficiencies identified under this section including, but not 26382
limited to, not less than ninety minutes of reading instruction 26383
per day, and may include any of the following: 26384

(i) Small group instruction; 26385

(ii) Reduced teacher-student ratios; 26386

(iii) More frequent progress monitoring; 26387

(iv) Tutoring or mentoring; 26388

(v) Transition classes containing third and fourth grade 26389
students; 26390

(vi) Extended school day, week, or year; 26391

(vii) Summer reading camps. 26392

(b) Establish a policy for the mid-year promotion of a 26393
student retained under division (A) of this section who 26394
demonstrates that the student is reading at or above grade level; 26395

(c) Provide each student with a teacher who satisfies one or 26396
more of the criteria set forth in division (H) of this section. 26397

The district shall offer the option for students to receive 26398
applicable services from one or more providers other than the 26399
district. Providers shall be screened and approved by the district 26400
or the department of education. If the student participates in the 26401
remediation services and demonstrates reading proficiency in 26402
accordance with standards adopted by the department prior to the 26403
start of fourth grade, the district shall promote the student to 26404
that grade. 26405

(4) For each student retained under division (A) of this 26406

section who has demonstrated proficiency in a specific academic 26407
ability field, each district shall provide instruction 26408
commensurate with student achievement levels in that specific 26409
academic ability field. 26410

As used in this division, "specific academic ability field" 26411
has the same meaning as in section 3324.01 of the Revised Code. 26412

(C) For each student required to be provided intervention 26413
services under this section, the district shall develop a reading 26414
improvement and monitoring plan within sixty days after receiving 26415
the student's results on the diagnostic assessment or comparable 26416
tool administered under division (B)(1) of this section. The 26417
district shall involve the student's parent or guardian and 26418
classroom teacher in developing the plan. The plan shall include 26419
all of the following: 26420

(1) Identification of the student's specific reading 26421
deficiencies; 26422

(2) A description of the additional instructional services 26423
and support that will be provided to the student to remediate the 26424
identified reading deficiencies; 26425

(3) Opportunities for the student's parent or guardian to be 26426
involved in the instructional services and support described in 26427
division (C)(2) of this section; 26428

(4) A process for monitoring the extent to which the student 26429
receives the instructional services and support described in 26430
division (C)(2) of this section; 26431

(5) A reading curriculum during regular school hours that 26432
does all of the following: 26433

(a) Assists students to read at grade level; 26434

(b) Provides scientifically based and reliable assessment; 26435

(c) Provides initial and ongoing analysis of each student's 26436

reading progress. 26437

(6) A statement that if the student does not attain at least 26438
the equivalent level of achievement designated under division 26439
(A)(3) of section 3301.0710 of the Revised Code on the assessment 26440
prescribed under that section to measure skill in English language 26441
arts expected by the end of third grade, the student may be 26442
retained in third grade. 26443

Each student with a reading improvement and monitoring plan 26444
under this division who enters third grade after July 1, 2013, 26445
shall be assigned to a teacher who satisfies one or more of the 26446
criteria set forth in division (H) of this section. 26447

The district shall report any information requested by the 26448
department about the reading improvement monitoring plans 26449
developed under this division in the manner required by the 26450
department. 26451

(D) Each school district shall report annually to the 26452
department on its implementation and compliance with this section 26453
using guidelines prescribed by the superintendent of public 26454
instruction. The superintendent of public instruction annually 26455
shall report to the governor and general assembly the number and 26456
percentage of students in grades kindergarten through four reading 26457
below grade level based on the diagnostic assessments administered 26458
under division (B) of this section and the achievement assessments 26459
administered under divisions (A)(1)(a) and (b) of section 26460
3301.0710 of the Revised Code in English language arts, aggregated 26461
by school district and building; the types of intervention 26462
services provided to students; and, if available, an evaluation of 26463
the efficacy of the intervention services provided. 26464

(E) Any summer remediation services funded in whole or in 26465
part by the state and offered by school districts to students 26466
under this section shall meet the following conditions: 26467

(1) The remediation methods are based on reliable educational research.	26468 26469
(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.	26470 26471 26472
(3) The parents of participating students are involved in programming decisions.	26473 26474
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	26475 26476 26477
(G) This section does not create a new cause of action or a substantive legal right for any person.	26478 26479
(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	26480 26481 26482 26483 26484 26485
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	26486 26487 26488
(b) The teacher has completed a master's degree program with a major in reading.	26489 26490
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	26491 26492 26493 26494 26495 26496
(d) The teacher was rated "above expected value added," in	26497

reading instruction, as determined by criteria established by the 26498
department, for the most recent, consecutive two years. 26499

(e) The teacher has earned a passing score on a rigorous test 26500
of principles of scientifically research-based reading instruction 26501
as approved by the state board. 26502

(f) The teacher holds an educator license for teaching grades 26503
pre-kindergarten through three or four through nine issued on or 26504
after July 1, 2017. 26505

(2) Notwithstanding division (H)(1) of this section, a 26506
student described in division (B)(3) or (C) of this section who 26507
enters third grade for the first time on or after July 1, 2013, 26508
may be assigned to a teacher with less than one year of teaching 26509
experience provided that the teacher meets one or more of the 26510
criteria described in divisions (H)(1)(a) to (f) of this section 26511
and that teacher is assigned a teacher mentor who meets the 26512
qualifications of division (H)(1) of this section. 26513

(3) Notwithstanding division (H)(1) of this section, a 26514
student described in division (B)(3) or (C) of this section who 26515
enters third grade for the first time on or after July 1, 2013, 26516
but prior to July 1, 2016, may be assigned to a teacher who holds 26517
an alternative credential approved by the department or who has 26518
successfully completed training that is based on principles of 26519
scientifically research-based reading instruction that has been 26520
approved by the department. Beginning on July 1, 2014, the 26521
alternative credentials and training described in division (H)(3) 26522
of this section shall be aligned with the reading competencies 26523
adopted by the state board of education under section 3301.077 of 26524
the Revised Code. 26525

(4) Notwithstanding division (H)(1) of this section, a 26526
student described in division (B)(3) or (C) of this section who 26527
enters third grade for the first time on or after July 1, 2013, 26528

may receive reading intervention or remediation services under 26529
this section from an individual employed as a speech-language 26530
pathologist who holds a license issued by the state vision and 26531
hearing professionals board of ~~speech-language pathology and~~ 26532
~~audiology~~ under Chapter 4753. of the Revised Code and a 26533
professional pupil services license as a school speech-language 26534
pathologist issued by the state board of education. 26535

(5) A teacher, other than a student's teacher of record, may 26536
provide any services required under this section, so long as that 26537
other teacher meets the requirements of division (H) of this 26538
section and the teacher of record and the school principal agree 26539
to the assignment. Any such assignment shall be documented in the 26540
student's reading improvement and monitoring plan. 26541

As used in this division, "teacher of record" means the 26542
classroom teacher to whom a student is assigned. 26543

(I) Notwithstanding division (H) of this section, a teacher 26544
may teach reading to any student who is an English language 26545
learner, and has been in the United States for three years or 26546
less, or to a student who has an individualized education program 26547
developed under Chapter 3323. of the Revised Code if that teacher 26548
holds an alternative credential approved by the department or has 26549
successfully completed training that is based on principles of 26550
scientifically research-based reading instruction that has been 26551
approved by the department. Beginning on July 1, 2014, the 26552
alternative credentials and training described in this division 26553
shall be aligned with the reading competencies adopted by the 26554
state board of education under section 3301.077 of the Revised 26555
Code. 26556

(J) If, on or after June 4, 2013, a school district or 26557
community school cannot furnish the number of teachers needed who 26558
satisfy one or more of the criteria set forth in division (H) of 26559
this section for the 2013-2014 school year, the school district or 26560

community school shall develop and submit a staffing plan by June 26561
30, 2013. The staffing plan shall include criteria that will be 26562
used to assign a student described in division (B)(3) or (C) of 26563
this section to a teacher, credentials or training held by 26564
teachers currently teaching at the school, and how the school 26565
district or community school will meet the requirements of this 26566
section. The school district or community school shall post the 26567
staffing plan on its web site for the applicable school year. 26568

Not later than March 1, 2014, and on the first day of March 26569
in each year thereafter, a school district or community school 26570
that has submitted a plan under this division shall submit to the 26571
department a detailed report of the progress the district or 26572
school has made in meeting the requirements under this section. 26573

A school district or community school may request an 26574
extension of a staffing plan beyond the 2013-2014 school year. 26575
Extension requests must be submitted to the department not later 26576
than the thirtieth day of April prior to the start of the 26577
applicable school year. The department may grant extensions valid 26578
through the 2015-2016 school year. 26579

Until June 30, 2015, the department annually shall review all 26580
staffing plans and report to the state board not later than the 26581
thirtieth day of June of each year the progress of school 26582
districts and community schools in meeting the requirements of 26583
this section. 26584

(K) The department of education shall designate one or more 26585
staff members to provide guidance and assistance to school 26586
districts and community schools in implementing the third grade 26587
guarantee established by this section, including any standards or 26588
requirements adopted to implement the guarantee and to provide 26589
information and support for reading instruction and achievement. 26590

Sec. 3313.618. (A) In addition to the applicable curriculum 26591

requirements, each student entering ninth grade for the first time 26592
on or after July 1, 2014, shall satisfy at least one of the 26593
following conditions in order to qualify for a high school 26594
diploma: 26595

(1) Be remediation-free, in accordance with standards adopted 26596
under division (F) of section 3345.061 of the Revised Code, on 26597
each of the nationally standardized assessments in English, 26598
mathematics, and reading; 26599

(2) Attain a score specified under division (B)(5)(c) of 26600
section 3301.0712 of the Revised Code on the end-of-course 26601
examinations prescribed under division (B) of section 3301.0712 of 26602
the Revised Code. 26603

(3) Attain a score that demonstrates workforce readiness and 26604
employability on a nationally recognized job skills assessment 26605
selected by the state board of education under division (G) of 26606
section 3301.0712 of the Revised Code and obtain either an 26607
industry-recognized credential, as described under division 26608
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 26609
issued by a state agency or board for practice in a vocation that 26610
requires an examination for issuance of that license. 26611

~~The state board shall approve the industry-recognized 26612~~
~~credentials and licenses that may qualify a student for a high 26613~~
~~school diploma under division (A)(3) of this section. The 26614~~
industry-recognized credentials and licenses shall be as approved 26615
under section 3313.6113 of the Revised Code. 26616

A student may choose to qualify for a high school diploma by 26617
satisfying any of the separate requirements prescribed by 26618
divisions (A)(1) to (3) of this section. If the student's school 26619
district or school does not administer the examination prescribed 26620
by one of those divisions that the student chooses to take to 26621
satisfy the requirements of this section, the school district or 26622

school may require that student to arrange for the applicable 26623
scores to be sent directly to the district or school by the 26624
company or organization that administers the examination. 26625

(B) The state board of education shall not create or require 26626
any additional assessment for the granting of any type of high 26627
school diploma other than as prescribed by this section. Except as 26628
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 26629
Revised Code, the state board or the superintendent of public 26630
instruction shall not create any endorsement or designation that 26631
may be affiliated with a high school diploma. 26632

Sec. 3313.6110. (A) A person who has completed the final year 26633
of instruction at home, as authorized under section 3321.04 of the 26634
Revised Code, and has successfully fulfilled the high school 26635
curriculum applicable to that person may be granted a high school 26636
diploma by the person's parent, guardian, or other person having 26637
charge or care of a child, as defined in division (A)(1) of 26638
section 3321.01 of the Revised Code. 26639

(B) Beginning with diplomas issued on or after July 1, 2015, 26640
each diploma granted under division (A) of this section shall be 26641
accompanied by the official letter of excuse issued by the 26642
district superintendent for the student's final year of home 26643
education. 26644

(C) A person who has graduated from a nonchartered nonpublic 26645
school in Ohio and who has successfully fulfilled that school's 26646
high school curriculum may be granted a high school diploma by the 26647
governing authority of that school. 26648

(D) Notwithstanding anything in the Revised Code to the 26649
contrary, a diploma granted under this section shall serve as 26650
proof of the successful completion of that person's applicable 26651
high school curriculum and satisfactory to fulfill any legal 26652
requirement to show such proof. 26653

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy or an OhioMeansJobs-readiness seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools under ~~section~~ sections 3313.6111 and 3113.6112 of the Revised Code.

Sec. 3313.6112. (A) The superintendent of public instruction, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an

OhioMeansJobs-readiness seal, including demonstration of 26685
work-readiness and work ethic competencies such as teamwork, 26686
problem-solving, reliability, punctuality, and computer technology 26687
competency; 26688

(2) Develop a standardized form for students to complete and 26689
have validated prior to graduation by at least three individuals, 26690
each of whom must be an employer, teacher, business mentor, 26691
community leader, faith-based leader, school leader, or coach of 26692
the student; 26693

(3) Prepare and deliver to all school districts, community 26694
schools, STEM schools, college-preparatory boarding schools, and 26695
chartered nonpublic schools an appropriate mechanism for assigning 26696
an OhioMeansJobs-readiness seal on a student's diploma and 26697
transcript indicating that the student has been assigned the seal; 26698

(4) Provide any other information the state superintendent 26699
considers necessary for school districts, community schools, STEM 26700
schools, college-preparatory boarding schools, and chartered 26701
nonpublic schools to assign an OhioMeansJobs-readiness seal. 26702

(D) A student shall not be charged a fee to be assigned an 26703
OhioMeansJobs-readiness seal on the student's diploma and 26704
transcript. 26705

Sec. 3313.6113. (A) The superintendent of public instruction, 26706
in collaboration with the governor's office of workforce 26707
transformation and representatives of business organizations, 26708
shall establish a committee to develop a list of 26709
industry-recognized credentials and licenses that may be used to 26710
qualify for a high school diploma under division (A)(3) of section 26711
3313.618 of the Revised Code and shall be used for state report 26712
card purposes under section 3302.03 of the Revised Code. The state 26713
superintendent shall appoint the members of the committee not 26714
later than January 1, 2018. 26715

(B) The committee shall do the following: 26716

(1) Establish criteria for acceptable industry-recognized 26717
credentials and licenses aligned with the in-demand jobs list 26718
published by the department of job and family services; 26719

(2) Review the list of industry-recognized credentials and 26720
licenses that was in existence on January 1, 2018, and update the 26721
list as it considers necessary; 26722

(3) Review and update the list of industry-recognized 26723
credentials and licenses biannually. 26724

Sec. 3313.89. Beginning with the 2014-2015 school year, each 26725
public high school shall publish or provide, not later than the 26726
first day of April of each year, in its newsletter, high school 26727
planning guide, regular publication provided to parents and 26728
students, or in a prominent location on the school web site, 26729
information regarding the online education and career planning 26730
tool developed under section 6301.15 of the Revised Code. The 26731
information shall include the internet web site address for the 26732
planning tool and a link to that web site. The information also 26733
shall include a link to the OhioMeansJobs web site. 26734

As used in this section, "OhioMeansJobs web site" has the 26735
same meaning as in section 6301.01 of the Revised Code. 26736

Sec. 3313.902. (A) As used in this section: 26737

(1) "Approved industry credential or certificate" means a 26738
credential or certificate that is approved by the chancellor of 26739
higher education. 26740

(2) "Approved institution" means an eligible institution that 26741
has been approved to participate in the adult diploma pilot 26742
program under this section. 26743

(3) "Approved program of study" means a program of study 26744

offered by an approved institution that satisfies the requirements	26745
of division (B) of this section.	26746
(4) An eligible student's "career pathway training program	26747
amount" means the following:	26748
(a) If the student is enrolled in a tier one career pathway	26749
training program, \$4,800;	26750
(b) If the student is enrolled in a tier two career pathway	26751
training program, \$3,200;	26752
(c) If the student is enrolled in a tier three career pathway	26753
training program, \$1,600.	26754
(5) "Eligible institution" means any of the following:	26755
(a) A community college established under Chapter 3354. of	26756
the Revised Code;	26757
(b) A technical college established under Chapter 3357. of	26758
the Revised Code;	26759
(c) A state community college established under Chapter 3358.	26760
of the Revised Code;	26761
(d) An Ohio technical center recognized by the chancellor	26762
that provides post-secondary workforce education.	26763
(6) "Eligible student" means an individual who is at least	26764
twenty-two years of age and has not received a high school diploma	26765
or a certificate of high school equivalence, as defined in section	26766
4109.06 of the Revised Code.	26767
(7) A "tier one career pathway training program" is a career	26768
pathway training program that requires more than six hundred hours	26769
of technical training, as determined by the department of	26770
education.	26771
(8) A "tier two career pathway training program" is a career	26772
pathway training program that requires more than three hundred	26773

hours of technical training but less than six hundred hours of 26774
technical training, as determined by the department. 26775

(9) A "tier three career pathway training program" is a 26776
career pathway training program that requires three hundred hours 26777
or less of technical training, as determined by the department. 26778

(10) An eligible student's "work readiness training amount" 26779
means the following: 26780

(a) If the student's grade level upon initial enrollment in 26781
an approved program of study at an approved institution is below 26782
the ninth grade, as determined in accordance with rules adopted 26783
under division (E) of this section, \$1,500. 26784

(b) If the student's grade level upon initial enrollment in 26785
an approved program of study at an approved institution is at or 26786
above the ninth grade, as determined in accordance with rules 26787
adopted under division (E) of this section, \$750. 26788

(B) The adult diploma pilot program is hereby established to 26789
permit an eligible institution to obtain approval from the 26790
superintendent of public instruction and the chancellor to develop 26791
and offer a program of study that allows an eligible student to 26792
obtain a high school diploma. A program shall be eligible for this 26793
approval if it satisfies all of the following requirements: 26794

(1) The program allows an eligible student to complete the 26795
requirements for obtaining a high school diploma that are 26796
specified in rules adopted by the superintendent under division 26797
(E) of this section while also completing requirements for an 26798
approved industry credential or certificate. 26799

(2) The program includes career advising and outreach. 26800

(3) The program includes opportunities for students to 26801
receive a competency-based education. 26802

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 26803

3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the
state board of education shall grant a high school diploma to each
eligible student who enrolls in an approved program of study at an
approved institution and completes the requirements for obtaining
a high school diploma that are specified in rules adopted by the
superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount
for each eligible student enrolled in each approved institution's
approved program of study:

(The student's career pathway training program amount + the
student's work readiness training amount) X 1.2

(2) ~~The~~ Except as provided in division (D)(4) of this
section, the department shall pay the amount calculated for an
eligible student under division (D)(1) of this section to the
approved institution in which the student is enrolled in the
following manner:

(a) Twenty-five per cent of the amount calculated under
division (D)(1) of this section shall be paid to the approved
institution after the student successfully completes the first
third of the approved program of study, as determined by the
department;

(b) Twenty-five per cent of the amount calculated under
division (D)(1) of this section shall be paid to the approved
institution after the student successfully completes the second
third of the approved program of study, as determined by the
department;

(c) Fifty per cent of the amount calculated under division
(D)(1) of this section shall be paid to the approved institution
after the student successfully completes the final third of the
approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under

division (D)(2) of this section, the institution may use the 26835
amount that is in addition to the student's career pathway 26836
training amount and the student's work readiness training amount 26837
for the associated services of the approved program of study. 26838
These services include counseling, advising, assessment, and other 26839
services as determined or required by the department. 26840

(4) If the superintendent and the chancellor determine that 26841
is it appropriate for an entity other than the department to make 26842
full or partial payments for an eligible student under division 26843
(D)(2) of this section, that entity shall make those payments and 26844
the department shall not make those payments. 26845

(E) The superintendent, in consultation with the chancellor, 26846
shall adopt rules for the implementation of the adult diploma 26847
pilot program, including all of the following: 26848

(1) The requirements for applying for program approval; 26849

(2) The requirements for obtaining a high school diploma 26850
through the program, including the requirement to obtain a passing 26851
score on an assessment that is appropriate for the career pathway 26852
training program that is being completed by the eligible student, 26853
and the date on which these requirements take effect; 26854

(3) The assessment or assessments that may be used to 26855
complete the assessment requirement for each career pathway 26856
training program under division (E)(2) of this section and the 26857
score that must be obtained on each assessment in order to pass 26858
the assessment; 26859

(4) Guidelines regarding the funding of the program under 26860
division (D) of this section, including a method of funding for 26861
students who transfer from one approved institution to another 26862
approved institution prior to completing an approved program of 26863
study; 26864

(5) Circumstances under which an eligible student may be 26865

charged for tuition, supplies, or associated fees while enrolled 26866
in an approved institution's approved program of study; 26867

(6) A requirement that an eligible student may not be charged 26868
for tuition, supplies, or associated fees while enrolled in an 26869
approved institution's approved program of study except in the 26870
circumstances described under division (E)(5) of this section; 26871

(7) The payment of federal funds that are to be used by 26872
approved programs of study at approved institutions. 26873

Sec. 3313.904. The department of education and the department 26874
of job and family services, in consultation with the governor's 26875
office of workforce transformation, shall establish an option for 26876
career-technical education students to participate in 26877
pre-apprenticeship training programs that impart the skills and 26878
knowledge needed for successful participation in a registered 26879
apprenticeship occupation course. 26880

Sec. 3314.03. A copy of every contract entered into under 26881
this section shall be filed with the superintendent of public 26882
instruction. The department of education shall make available on 26883
its web site a copy of every approved, executed contract filed 26884
with the superintendent under this section. 26885

(A) Each contract entered into between a sponsor and the 26886
governing authority of a community school shall specify the 26887
following: 26888

(1) That the school shall be established as either of the 26889
following: 26890

(a) A nonprofit corporation established under Chapter 1702. 26891
of the Revised Code, if established prior to April 8, 2003; 26892

(b) A public benefit corporation established under Chapter 26893
1702. of the Revised Code, if established after April 8, 2003. 26894

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 26895
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 26899
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26901

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 26902
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26904
26905

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 26906
26907

(6)(a) Dismissal procedures; 26908

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 26909
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 26915
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(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 26917
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 26923
26924

(a) A detailed description of each facility used for instructional purposes;	26925 26926
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	26927 26928
(c) The annual mortgage principal and interest payments that are paid by the school;	26929 26930
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	26931 26932 26933
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	26934 26935 26936 26937 26938 26939
(11) That the school will comply with the following requirements:	26940 26941
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	26942 26943 26944
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	26945 26946 26947
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	26948 26949 26950 26951
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50,	26952 26953 26954

3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 26955
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 26956
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 26957
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 26958
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 26959
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 26960
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 26961
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 26962
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 26963
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 26964
as if it were a school district and will comply with section 26965
3301.0714 of the Revised Code in the manner specified in section 26966
3314.17 of the Revised Code. 26967

(e) The school shall comply with Chapter 102. and section 26968
2921.42 of the Revised Code. 26969

(f) The school will comply with sections 3313.61, 3313.611, 26970
and 3313.614 of the Revised Code, except that for students who 26971
enter ninth grade for the first time before July 1, 2010, the 26972
requirement in sections 3313.61 and 3313.611 of the Revised Code 26973
that a person must successfully complete the curriculum in any 26974
high school prior to receiving a high school diploma may be met by 26975
completing the curriculum adopted by the governing authority of 26976
the community school rather than the curriculum specified in Title 26977
XXXIII of the Revised Code or any rules of the state board of 26978
education. Beginning with students who enter ninth grade for the 26979
first time on or after July 1, 2010, the requirement in sections 26980
3313.61 and 3313.611 of the Revised Code that a person must 26981
successfully complete the curriculum of a high school prior to 26982
receiving a high school diploma shall be met by completing the 26983
requirements prescribed in division (C) of section 3313.603 of the 26984
Revised Code, unless the person qualifies under division (D) or 26985
(F) of that section. Each school shall comply with the plan for 26986

awarding high school credit based on demonstration of subject area 26987
competency, and beginning with the 2017-2018 school year, with the 26988
updated plan that permits students enrolled in seventh and eighth 26989
grade to meet curriculum requirements based on subject area 26990
competency adopted by the state board of education under divisions 26991
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 26992
with the 2018-2019 school year, the school shall comply with the 26993
framework for granting units of high school credit to students who 26994
demonstrate subject area competency through work-based learning 26995
experiences, internships, or cooperative education developed by 26996
the department under division (J)(3) of section 3313.603 of the 26997
Revised Code. 26998

(g) The school governing authority will submit within four 26999
months after the end of each school year a report of its 27000
activities and progress in meeting the goals and standards of 27001
divisions (A)(3) and (4) of this section and its financial status 27002
to the sponsor and the parents of all students enrolled in the 27003
school. 27004

(h) The school, unless it is an internet- or computer-based 27005
community school, will comply with section 3313.801 of the Revised 27006
Code as if it were a school district. 27007

(i) If the school is the recipient of moneys from a grant 27008
awarded under the federal race to the top program, Division (A), 27009
Title XIV, Sections 14005 and 14006 of the "American Recovery and 27010
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 27011
school will pay teachers based upon performance in accordance with 27012
section 3317.141 and will comply with section 3319.111 of the 27013
Revised Code as if it were a school district. 27014

(j) If the school operates a preschool program that is 27015
licensed by the department of education under sections 3301.52 to 27016
3301.59 of the Revised Code, the school shall comply with sections 27017
3301.50 to 3301.59 of the Revised Code and the minimum standards 27018

for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the

governing authority of the community school with respect to all or 27049
any specified group of employees provided the delegation is not 27050
prohibited by a collective bargaining agreement applicable to such 27051
employees; 27052

(18) Provisions establishing procedures for resolving 27053
disputes or differences of opinion between the sponsor and the 27054
governing authority of the community school; 27055

(19) A provision requiring the governing authority to adopt a 27056
policy regarding the admission of students who reside outside the 27057
district in which the school is located. That policy shall comply 27058
with the admissions procedures specified in sections 3314.06 and 27059
3314.061 of the Revised Code and, at the sole discretion of the 27060
authority, shall do one of the following: 27061

(a) Prohibit the enrollment of students who reside outside 27062
the district in which the school is located; 27063

(b) Permit the enrollment of students who reside in districts 27064
adjacent to the district in which the school is located; 27065

(c) Permit the enrollment of students who reside in any other 27066
district in the state. 27067

(20) A provision recognizing the authority of the department 27068
of education to take over the sponsorship of the school in 27069
accordance with the provisions of division (C) of section 3314.015 27070
of the Revised Code; 27071

(21) A provision recognizing the sponsor's authority to 27072
assume the operation of a school under the conditions specified in 27073
division (B) of section 3314.073 of the Revised Code; 27074

(22) A provision recognizing both of the following: 27075

(a) The authority of public health and safety officials to 27076
inspect the facilities of the school and to order the facilities 27077
closed if those officials find that the facilities are not in 27078

compliance with health and safety laws and regulations; 27079

(b) The authority of the department of education as the 27080
community school oversight body to suspend the operation of the 27081
school under section 3314.072 of the Revised Code if the 27082
department has evidence of conditions or violations of law at the 27083
school that pose an imminent danger to the health and safety of 27084
the school's students and employees and the sponsor refuses to 27085
take such action. 27086

(23) A description of the learning opportunities that will be 27087
offered to students including both classroom-based and 27088
non-classroom-based learning opportunities that is in compliance 27089
with criteria for student participation established by the 27090
department under division (H)(2) of section 3314.08 of the Revised 27091
Code; 27092

(24) The school will comply with sections 3302.04 and 27093
3302.041 of the Revised Code, except that any action required to 27094
be taken by a school district pursuant to those sections shall be 27095
taken by the sponsor of the school. However, the sponsor shall not 27096
be required to take any action described in division (F) of 27097
section 3302.04 of the Revised Code. 27098

(25) Beginning in the 2006-2007 school year, the school will 27099
open for operation not later than the thirtieth day of September 27100
each school year, unless the mission of the school as specified 27101
under division (A)(2) of this section is solely to serve dropouts. 27102
In its initial year of operation, if the school fails to open by 27103
the thirtieth day of September, or within one year after the 27104
adoption of the contract pursuant to division (D) of section 27105
3314.02 of the Revised Code if the mission of the school is solely 27106
to serve dropouts, the contract shall be void. 27107

(26) Whether the school's governing authority is planning to 27108
seek designation for the school as a STEM school equivalent under 27109

section 3326.032 of the Revised Code;	27110
(27) That the school's attendance and participation policies	27111
will be available for public inspection;	27112
(28) That the school's attendance and participation records	27113
shall be made available to the department of education, auditor of	27114
state, and school's sponsor to the extent permitted under and in	27115
accordance with the "Family Educational Rights and Privacy Act of	27116
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	27117
regulations promulgated under that act, and section 3319.321 of	27118
the Revised Code;	27119
(29) If a school operates using the blended learning model,	27120
as defined in section 3301.079 of the Revised Code, all of the	27121
following information:	27122
(a) An indication of what blended learning model or models	27123
will be used;	27124
(b) A description of how student instructional needs will be	27125
determined and documented;	27126
(c) The method to be used for determining competency,	27127
granting credit, and promoting students to a higher grade level;	27128
(d) The school's attendance requirements, including how the	27129
school will document participation in learning opportunities;	27130
(e) A statement describing how student progress will be	27131
monitored;	27132
(f) A statement describing how private student data will be	27133
protected;	27134
(g) A description of the professional development activities	27135
that will be offered to teachers.	27136
(30) A provision requiring that all moneys the school's	27137
operator loans to the school, including facilities loans or cash	27138
flow assistance, must be accounted for, documented, and bear	27139

interest at a fair market rate; 27140

(31) A provision requiring that, if the governing authority 27141
contracts with an attorney, accountant, or entity specializing in 27142
audits, the attorney, accountant, or entity shall be independent 27143
from the operator with which the school has contracted. 27144

(B) The community school shall also submit to the sponsor a 27145
comprehensive plan for the school. The plan shall specify the 27146
following: 27147

(1) The process by which the governing authority of the 27148
school will be selected in the future; 27149

(2) The management and administration of the school; 27150

(3) If the community school is a currently existing public 27151
school or educational service center building, alternative 27152
arrangements for current public school students who choose not to 27153
attend the converted school and for teachers who choose not to 27154
teach in the school or building after conversion; 27155

(4) The instructional program and educational philosophy of 27156
the school; 27157

(5) Internal financial controls. 27158

When submitting the plan under this division, the school 27159
shall also submit copies of all policies and procedures regarding 27160
internal financial controls adopted by the governing authority of 27161
the school. 27162

(C) A contract entered into under section 3314.02 of the 27163
Revised Code between a sponsor and the governing authority of a 27164
community school may provide for the community school governing 27165
authority to make payments to the sponsor, which is hereby 27166
authorized to receive such payments as set forth in the contract 27167
between the governing authority and the sponsor. The total amount 27168
of such payments for monitoring, oversight, and technical 27169

assistance of the school shall not exceed three per cent of the 27170
total amount of payments for operating expenses that the school 27171
receives from the state. 27172

(D) The contract shall specify the duties of the sponsor 27173
which shall be in accordance with the written agreement entered 27174
into with the department of education under division (B) of 27175
section 3314.015 of the Revised Code and shall include the 27176
following: 27177

(1) Monitor the community school's compliance with all laws 27178
applicable to the school and with the terms of the contract; 27179

(2) Monitor and evaluate the academic and fiscal performance 27180
and the organization and operation of the community school on at 27181
least an annual basis; 27182

(3) Report on an annual basis the results of the evaluation 27183
conducted under division (D)(2) of this section to the department 27184
of education and to the parents of students enrolled in the 27185
community school; 27186

(4) Provide technical assistance to the community school in 27187
complying with laws applicable to the school and terms of the 27188
contract; 27189

(5) Take steps to intervene in the school's operation to 27190
correct problems in the school's overall performance, declare the 27191
school to be on probationary status pursuant to section 3314.073 27192
of the Revised Code, suspend the operation of the school pursuant 27193
to section 3314.072 of the Revised Code, or terminate the contract 27194
of the school pursuant to section 3314.07 of the Revised Code as 27195
determined necessary by the sponsor; 27196

(6) Have in place a plan of action to be undertaken in the 27197
event the community school experiences financial difficulties or 27198
closes prior to the end of a school year. 27199

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student	27230
who is receiving the career-technical education services described	27231
in division (D) of section 3317.014 of the Revised Code.	27232
(e) "Category five career-technical education student" means	27233
a student who is receiving the career-technical education services	27234
described in division (E) of section 3317.014 of the Revised Code.	27235
(2)(a) "Category one limited English proficient student"	27236
means a limited English proficient student described in division	27237
(A) of section 3317.016 of the Revised Code.	27238
(b) "Category two limited English proficient student" means a	27239
limited English proficient student described in division (B) of	27240
section 3317.016 of the Revised Code.	27241
(c) "Category three limited English proficient student" means	27242
a limited English proficient student described in division (C) of	27243
section 3317.016 of the Revised Code.	27244
(3)(a) "Category one special education student" means a	27245
student who is receiving special education services for a	27246
disability specified in division (A) of section 3317.013 of the	27247
Revised Code.	27248
(b) "Category two special education student" means a student	27249
who is receiving special education services for a disability	27250
specified in division (B) of section 3317.013 of the Revised Code.	27251
(c) "Category three special education student" means a	27252
student who is receiving special education services for a	27253
disability specified in division (C) of section 3317.013 of the	27254
Revised Code.	27255
(d) "Category four special education student" means a student	27256
who is receiving special education services for a disability	27257
specified in division (D) of section 3317.013 of the Revised Code.	27258
(e) "Category five special education student" means a student	27259

who is receiving special education services for a disability 27260
specified in division (E) of section 3317.013 of the Revised Code. 27261

(f) "Category six special education student" means a student 27262
who is receiving special education services for a disability 27263
specified in division (F) of section 3317.013 of the Revised Code. 27264

(4) "Formula amount" has the same meaning as in section 27265
3317.02 of the Revised Code. 27266

(5) "IEP" has the same meaning as in section 3323.01 of the 27267
Revised Code. 27268

(6) "Resident district" means the school district in which a 27269
student is entitled to attend school under section 3313.64 or 27270
3313.65 of the Revised Code. 27271

(7) "State education aid" has the same meaning as in section 27272
5751.20 of the Revised Code. 27273

(B) The state board of education shall adopt rules requiring 27274
both of the following: 27275

(1) The board of education of each city, exempted village, 27276
and local school district to annually report the number of 27277
students entitled to attend school in the district who are 27278
enrolled in each grade kindergarten through twelve in a community 27279
school established under this chapter, and for each child, the 27280
community school in which the child is enrolled. 27281

(2) The governing authority of each community school 27282
established under this chapter to annually report all of the 27283
following: 27284

(a) The number of students enrolled in grades one through 27285
twelve and the full-time equivalent number of students enrolled in 27286
kindergarten in the school who are not receiving special education 27287
and related services pursuant to an IEP; 27288

(b) The number of enrolled students in grades one through 27289

twelve and the full-time equivalent number of enrolled students in	27290
kindergarten, who are receiving special education and related	27291
services pursuant to an IEP;	27292
(c) The number of students reported under division (B)(2)(b)	27293
of this section receiving special education and related services	27294
pursuant to an IEP for a disability described in each of divisions	27295
(A) to (F) of section 3317.013 of the Revised Code;	27296
(d) The full-time equivalent number of students reported	27297
under divisions (B)(2)(a) and (b) of this section who are enrolled	27298
in career-technical education programs or classes described in	27299
each of divisions (A) to (E) of section 3317.014 of the Revised	27300
Code that are provided by the community school;	27301
(e) The number of students reported under divisions (B)(2)(a)	27302
and (b) of this section who are not reported under division	27303
(B)(2)(d) of this section but who are enrolled in career-technical	27304
education programs or classes described in each of divisions (A)	27305
to (E) of section 3317.014 of the Revised Code at a joint	27306
vocational school district or another district in the	27307
career-technical planning district to which the school is	27308
assigned;	27309
(f) The number of students reported under divisions (B)(2)(a)	27310
and (b) of this section who are category one to three limited	27311
English proficient students described in each of divisions (A) to	27312
(C) of section 3317.016 of the Revised Code;	27313
(g) The number of students reported under divisions (B)(2)(a)	27314
and (b) <u>of this section</u> who are economically disadvantaged, as	27315
defined by the department. A student shall not be categorically	27316
excluded from the number reported under division (B)(2)(g) of this	27317
section based on anything other than family income.	27318
(h) For each student, the city, exempted village, or local	27319
school district in which the student is entitled to attend school	27320

under section 3313.64 or 3313.65 of the Revised Code. 27321

(i) The number of students enrolled in a preschool program 27322
operated by the school that is licensed by the department of 27323
education under sections 3301.52 to 3301.59 of the Revised Code 27324
who are not receiving special education and related services 27325
pursuant to an IEP. 27326

A school district board and a community school governing 27327
authority shall include in their respective reports under division 27328
(B) of this section any child admitted in accordance with division 27329
(A)(2) of section 3321.01 of the Revised Code. 27330

A governing authority of a community school shall not include 27331
in its report under divisions (B)(2)(a) to (h) of this section any 27332
student for whom tuition is charged under division (F) of this 27333
section. 27334

(C)(1) Except as provided in division (C)(2) of this section, 27335
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 27336
section, on a full-time equivalency basis, for each student 27337
enrolled in a community school established under this chapter, the 27338
department of education annually shall deduct from the state 27339
education aid of a student's resident district and, if necessary, 27340
from the payment made to the district under sections 321.24 and 27341
323.156 of the Revised Code and pay to the community school the 27342
sum of the following: 27343

(a) An opportunity grant in an amount equal to the formula 27344
amount; 27345

(b) The per pupil amount of targeted assistance funds 27346
calculated under division (A) of section 3317.0217 of the Revised 27347
Code for the student's resident district, as determined by the 27348
department, X 0.25; 27349

(c) Additional state aid for special education and related 27350
services provided under Chapter 3323. of the Revised Code as 27351

follows:	27352
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	27353 27354 27355
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	27356 27357 27358
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	27359 27360 27361
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	27362 27363 27364
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	27365 27366 27367
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	27368 27369 27370
(d) If the student is in kindergarten through third grade, an additional amount of ~~\$305, in fiscal year 2016, and \$320, in fiscal year 2017;~~	27371 27372 27373
(e) If the student is economically disadvantaged, an additional amount equal to the following:	27374 27375
\$272 X the resident district's economically disadvantaged index	27376 27377
(f) Limited English proficiency funds as follows:	27378
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	27379 27380 27381

(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	27382 27383 27384
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	27385 27386 27387
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	27388 27389
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	27390 27391 27392
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	27393 27394 27395
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	27396 27397 27398
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	27399 27400 27401
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	27402 27403 27404
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	27405 27406 27407 27408
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such	27409 27410 27411

school under this section, the department shall make the 27412
deductions and payments described in only divisions (C)(1)(a), 27413
(c), and (g) of this section. 27414

No deductions or payments shall be made for a student 27415
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 27416
of this section. 27417

(3)(a) If a community school's costs for a fiscal year for a 27418
student receiving special education and related services pursuant 27419
to an IEP for a disability described in divisions (B) to (F) of 27420
section 3317.013 of the Revised Code exceed the threshold 27421
catastrophic cost for serving the student as specified in division 27422
(B) of section 3317.0214 of the Revised Code, the school may 27423
submit to the superintendent of public instruction documentation, 27424
as prescribed by the superintendent, of all its costs for that 27425
student. Upon submission of documentation for a student of the 27426
type and in the manner prescribed, the department shall pay to the 27427
community school an amount equal to the school's costs for the 27428
student in excess of the threshold catastrophic costs. 27429

(b) The community school shall report under division 27430
(C)(3)(a) of this section, and the department shall pay for, only 27431
the costs of educational expenses and the related services 27432
provided to the student in accordance with the student's 27433
individualized education program. Any legal fees, court costs, or 27434
other costs associated with any cause of action relating to the 27435
student may not be included in the amount. 27436

(4) In any fiscal year, a community school receiving funds 27437
under division (C)(1)(g) of this section shall spend those funds 27438
only for the purposes that the department designates as approved 27439
for career-technical education expenses. Career-technical 27440
education expenses approved by the department shall include only 27441
expenses connected to the delivery of career-technical programming 27442
to career-technical students. The department shall require the 27443

school to report data annually so that the department may monitor 27444
the school's compliance with the requirements regarding the manner 27445
in which funding received under division (C)(1)(g) of this section 27446
may be spent. 27447

(5) Notwithstanding anything to the contrary in section 27448
3313.90 of the Revised Code, except as provided in division (C)(9) 27449
of this section, all funds received under division (C)(1)(g) of 27450
this section shall be spent in the following manner: 27451

(a) At least seventy-five per cent of the funds shall be 27452
spent on curriculum development, purchase, and implementation; 27453
instructional resources and supplies; industry-based program 27454
certification; student assessment, credentialing, and placement; 27455
curriculum specific equipment purchases and leases; 27456
career-technical student organization fees and expenses; home and 27457
agency linkages; work-based learning experiences; professional 27458
development; and other costs directly associated with 27459
career-technical education programs including development of new 27460
programs. 27461

(b) Not more than twenty-five per cent of the funds shall be 27462
used for personnel expenditures. 27463

(6) A community school shall spend the funds it receives 27464
under division (C)(1)(e) of this section in accordance with 27465
section 3317.25 of the Revised Code. 27466

(7) If the sum of the payments computed under divisions 27467
(C)(1) and (8)(a) of this section for the students entitled to 27468
attend school in a particular school district under sections 27469
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 27470
district's state education aid and its payment under sections 27471
321.24 and 323.156 of the Revised Code, the department shall 27472
calculate and apply a proration factor to the payments to all 27473
community schools under that division for the students entitled to 27474

attend school in that district. 27475

(8)(a) Subject to division (C)(7) of this section, the 27476
department annually shall pay to each community school, including 27477
each internet- or computer-based community school, an amount equal 27478
to the following: 27479

(The number of students reported by the community school 27480
under division (B)(2)(e) of this section X the formula amount X 27481
.20) 27482

(b) For each payment made to a community school under 27483
division (C)(8)(a) of this section, the department shall deduct 27484
from the state education aid of each city, local, and exempted 27485
village school district and, if necessary, from the payment made 27486
to the district under sections 321.24 and 323.156 of the Revised 27487
Code an amount equal to the following: 27488

(The number of the district's students reported by the 27489
community school under division (B)(2)(e) of this section X the 27490
formula amount X .20) 27491

(9) The department may waive the requirement in division 27492
(C)(5) of this section for any community school that exclusively 27493
provides one or more career-technical workforce development 27494
programs in arts and communications that are not 27495
equipment-intensive, as determined by the department. 27496

(D) A board of education sponsoring a community school may 27497
utilize local funds to make enhancement grants to the school or 27498
may agree, either as part of the contract or separately, to 27499
provide any specific services to the community school at no cost 27500
to the school. 27501

(E) A community school may not levy taxes or issue bonds 27502
secured by tax revenues. 27503

(F) No community school shall charge tuition for the 27504

enrollment of any student who is a resident of this state. A 27505
community school may charge tuition for the enrollment of any 27506
student who is not a resident of this state. 27507

(G)(1)(a) A community school may borrow money to pay any 27508
necessary and actual expenses of the school in anticipation of the 27509
receipt of any portion of the payments to be received by the 27510
school pursuant to division (C) of this section. The school may 27511
issue notes to evidence such borrowing. The proceeds of the notes 27512
shall be used only for the purposes for which the anticipated 27513
receipts may be lawfully expended by the school. 27514

(b) A school may also borrow money for a term not to exceed 27515
fifteen years for the purpose of acquiring facilities. 27516

(2) Except for any amount guaranteed under section 3318.50 of 27517
the Revised Code, the state is not liable for debt incurred by the 27518
governing authority of a community school. 27519

(H) The department of education shall adjust the amounts 27520
subtracted and paid under division (C) of this section to reflect 27521
any enrollment of students in community schools for less than the 27522
equivalent of a full school year. The state board of education 27523
within ninety days after April 8, 2003, shall adopt in accordance 27524
with Chapter 119. of the Revised Code rules governing the payments 27525
to community schools under this section including initial payments 27526
in a school year and adjustments and reductions made in subsequent 27527
periodic payments to community schools and corresponding 27528
deductions from school district accounts as provided under 27529
division (C) of this section. For purposes of this section: 27530

(1) A student shall be considered enrolled in the community 27531
school for any portion of the school year the student is 27532
participating at a college under Chapter 3365. of the Revised 27533
Code. 27534

(2) A student shall be considered to be enrolled in a 27535

community school for the period of time beginning on the later of 27536
the date on which the school both has received documentation of 27537
the student's enrollment from a parent and the student has 27538
commenced participation in learning opportunities as defined in 27539
the contract with the sponsor, or thirty days prior to the date on 27540
which the student is entered into the education management 27541
information system established under section 3301.0714 of the 27542
Revised Code. For purposes of applying this division and divisions 27543
(H)(3) and (4) of this section to a community school student, 27544
"learning opportunities" shall be defined in the contract, which 27545
shall describe both classroom-based and non-classroom-based 27546
learning opportunities and shall be in compliance with criteria 27547
and documentation requirements for student participation which 27548
shall be established by the department. Any student's instruction 27549
time in non-classroom-based learning opportunities shall be 27550
certified by an employee of the community school. A student's 27551
enrollment shall be considered to cease on the date on which any 27552
of the following occur: 27553

(a) The community school receives documentation from a parent 27554
terminating enrollment of the student. 27555

(b) The community school is provided documentation of a 27556
student's enrollment in another public or private school. 27557

(c) The community school ceases to offer learning 27558
opportunities to the student pursuant to the terms of the contract 27559
with the sponsor or the operation of any provision of this 27560
chapter. 27561

Except as otherwise specified in this paragraph, beginning in 27562
the 2011-2012 school year, any student who completed the prior 27563
school year in an internet- or computer-based community school 27564
shall be considered to be enrolled in the same school in the 27565
subsequent school year until the student's enrollment has ceased 27566
as specified in division (H)(2) of this section. The department 27567

shall continue subtracting and paying amounts for the student 27568
under division (C) of this section without interruption at the 27569
start of the subsequent school year. However, if the student 27570
without a legitimate excuse fails to participate in the first one 27571
hundred five consecutive hours of learning opportunities offered 27572
to the student in that subsequent school year, the student shall 27573
be considered not to have re-enrolled in the school for that 27574
school year and the department shall recalculate the payments to 27575
the school for that school year to account for the fact that the 27576
student is not enrolled. 27577

(3) The department shall determine each community school 27578
student's percentage of full-time equivalency based on the 27579
percentage of learning opportunities offered by the community 27580
school to that student, reported either as number of hours or 27581
number of days, is of the total learning opportunities offered by 27582
the community school to a student who attends for the school's 27583
entire school year. However, no internet- or computer-based 27584
community school shall be credited for any time a student spends 27585
participating in learning opportunities beyond ten hours within 27586
any period of twenty-four consecutive hours. Whether it reports 27587
hours or days of learning opportunities, each community school 27588
shall offer not less than nine hundred twenty hours of learning 27589
opportunities during the school year. 27590

(4) With respect to the calculation of full-time equivalency 27591
under division (H)(3) of this section, the department shall waive 27592
the number of hours or days of learning opportunities not offered 27593
to a student because the community school was closed during the 27594
school year due to disease epidemic, hazardous weather conditions, 27595
law enforcement emergencies, inoperability of school buses or 27596
other equipment necessary to the school's operation, damage to a 27597
school building, or other temporary circumstances due to utility 27598
failure rendering the school building unfit for school use, so 27599

long as the school was actually open for instruction with students 27600
in attendance during that school year for not less than the 27601
minimum number of hours required by this chapter. The department 27602
shall treat the school as if it were open for instruction with 27603
students in attendance during the hours or days waived under this 27604
division. 27605

(I) The department of education shall reduce the amounts paid 27606
under this section to reflect payments made to colleges under 27607
section 3365.07 of the Revised Code. 27608

(J)(1) No student shall be considered enrolled in any 27609
internet- or computer-based community school or, if applicable to 27610
the student, in any community school that is required to provide 27611
the student with a computer pursuant to division (C) of section 27612
3314.22 of the Revised Code, unless both of the following 27613
conditions are satisfied: 27614

(a) The student possesses or has been provided with all 27615
required hardware and software materials and all such materials 27616
are operational so that the student is capable of fully 27617
participating in the learning opportunities specified in the 27618
contract between the school and the school's sponsor as required 27619
by division (A)(23) of section 3314.03 of the Revised Code; 27620

(b) The school is in compliance with division (A) of section 27621
3314.22 of the Revised Code, relative to such student. 27622

(2) In accordance with policies adopted jointly by the 27623
superintendent of public instruction and the auditor of state, the 27624
department shall reduce the amounts otherwise payable under 27625
division (C) of this section to any community school that includes 27626
in its program the provision of computer hardware and software 27627
materials to any student, if such hardware and software materials 27628
have not been delivered, installed, and activated for each such 27629
student in a timely manner or other educational materials or 27630

services have not been provided according to the contract between 27631
the individual community school and its sponsor. 27632

The superintendent of public instruction and the auditor of 27633
state shall jointly establish a method for auditing any community 27634
school to which this division pertains to ensure compliance with 27635
this section. 27636

The superintendent, auditor of state, and the governor shall 27637
jointly make recommendations to the general assembly for 27638
legislative changes that may be required to assure fiscal and 27639
academic accountability for such schools. 27640

(K)(1) If the department determines that a review of a 27641
community school's enrollment is necessary, such review shall be 27642
completed and written notice of the findings shall be provided to 27643
the governing authority of the community school and its sponsor 27644
within ninety days of the end of the community school's fiscal 27645
year, unless extended for a period not to exceed thirty additional 27646
days for one of the following reasons: 27647

(a) The department and the community school mutually agree to 27648
the extension. 27649

(b) Delays in data submission caused by either a community 27650
school or its sponsor. 27651

(2) If the review results in a finding that additional 27652
funding is owed to the school, such payment shall be made within 27653
thirty days of the written notice. If the review results in a 27654
finding that the community school owes moneys to the state, the 27655
following procedure shall apply: 27656

(a) Within ten business days of the receipt of the notice of 27657
findings, the community school may appeal the department's 27658
determination to the state board of education or its designee. 27659

(b) The board or its designee shall conduct an informal 27660

hearing on the matter within thirty days of receipt of such an 27661
appeal and shall issue a decision within fifteen days of the 27662
conclusion of the hearing. 27663

(c) If the board has enlisted a designee to conduct the 27664
hearing, the designee shall certify its decision to the board. The 27665
board may accept the decision of the designee or may reject the 27666
decision of the designee and issue its own decision on the matter. 27667

(d) Any decision made by the board under this division is 27668
final. 27669

(3) If it is decided that the community school owes moneys to 27670
the state, the department shall deduct such amount from the 27671
school's future payments in accordance with guidelines issued by 27672
the superintendent of public instruction. 27673

(L) The department shall not subtract from a school 27674
district's state aid account and shall not pay to a community 27675
school under division (C) of this section any amount for any of 27676
the following: 27677

(1) Any student who has graduated from the twelfth grade of a 27678
public or nonpublic high school; 27679

(2) Any student who is not a resident of the state; 27680

(3) Any student who was enrolled in the community school 27681
during the previous school year when assessments were administered 27682
under section 3301.0711 of the Revised Code but did not take one 27683
or more of the assessments required by that section and was not 27684
excused pursuant to division (C)(1) or (3) of that section, unless 27685
the superintendent of public instruction grants the student a 27686
waiver from the requirement to take the assessment and a parent is 27687
not paying tuition for the student pursuant to section 3314.26 of 27688
the Revised Code. The superintendent may grant a waiver only for 27689
good cause in accordance with rules adopted by the state board of 27690
education. 27691

(4) Any student who has attained the age of twenty-two years, 27692
except for veterans of the armed services whose attendance was 27693
interrupted before completing the recognized twelve-year course of 27694
the public schools by reason of induction or enlistment in the 27695
armed forces and who apply for enrollment in a community school 27696
not later than four years after termination of war or their 27697
honorable discharge. If, however, any such veteran elects to 27698
enroll in special courses organized for veterans for whom tuition 27699
is paid under federal law, or otherwise, the department shall not 27700
subtract from a school district's state aid account and shall not 27701
pay to a community school under division (C) of this section any 27702
amount for that veteran. 27703

Sec. 3316.20. (A)(1) The school district solvency assistance 27704
fund is hereby created in the state treasury, to consist of such 27705
amounts designated for the purposes of the fund by the general 27706
assembly. The fund shall be used to provide assistance and grants 27707
to school districts to enable them to remain solvent and to pay 27708
unforeseeable expenses of a temporary or emergency nature that 27709
they are unable to pay from existing resources. 27710

(2) There is hereby created within the fund an account known 27711
as the school district shared resource account, which shall 27712
consist of money appropriated to it by the general assembly. The 27713
money in the account shall be used solely for solvency assistance 27714
to school districts that have been declared under division (B) of 27715
section 3316.03 of the Revised Code to be in a state of fiscal 27716
emergency. 27717

(3) There is hereby created within the fund an account known 27718
as the catastrophic expenditures account, which shall consist of 27719
money appropriated to the account by the general assembly plus all 27720
investment earnings of the fund. Money in the account shall be 27721
used solely for the following: 27722

(a) Solvency assistance to school districts that have been 27723
declared under division (B) of section 3316.03 of the Revised Code 27724
to be in a state of fiscal emergency, in the event that all money 27725
in the shared resource account is utilized for solvency 27726
assistance; 27727

(b) Grants to school districts under division (C) of this 27728
section. 27729

(B) Solvency assistance payments under division (A)(2) or 27730
(3)(a) of this section shall be made from the fund by the 27731
superintendent of public instruction in accordance with rules 27732
adopted by the director of budget and management, after consulting 27733
with the superintendent, specifying approval criteria and 27734
procedures necessary for administering the fund. 27735

The fund shall be reimbursed for any solvency assistance 27736
amounts paid under division (A)(2) or (3)(a) of this section not 27737
later than the end of the second fiscal year following the fiscal 27738
year in which the solvency assistance payment was made, except 27739
that, upon the approval of the director of budget and management 27740
and the superintendent of public instruction, the fund may be 27741
reimbursed in another fiscal year designated by the director and 27742
superintendent that is not later than the end of the tenth fiscal 27743
year following the fiscal year in which the solvency assistance 27744
payment was made. If not made directly by the school district, 27745
such reimbursement shall be made by the director of budget and 27746
management from the amounts the school district would otherwise 27747
receive pursuant to Chapter 3317. of the Revised Code, or from any 27748
other funds appropriated for the district by the general assembly. 27749
Reimbursements shall be credited to the respective account from 27750
which the solvency assistance paid to the district was deducted. 27751

(C) The superintendent of public instruction may make 27752
recommendations, and the controlling board may grant money from 27753
the catastrophic expenditures account to any school district that 27754

suffers an unforeseen catastrophic event that severely depletes 27755
the district's financial resources. The superintendent shall make 27756
recommendations for the grants in accordance with rules adopted by 27757
the director of budget and management, after consulting with the 27758
superintendent. A school district shall not be required to repay 27759
any grant awarded to the district under this division, unless the 27760
district receives money from this state or a third party, 27761
including an agency of the government of the United States, 27762
specifically for the purpose of compensating the district for 27763
revenue lost or expenses incurred as a result of the unforeseen 27764
catastrophic event. If a school district receives a grant from the 27765
catastrophic expenditures account on the basis of the same 27766
circumstances for which an adjustment or recomputation is 27767
authorized under section 3317.025, ~~3317.026, 3317.027,~~ 3317.028, 27768
3317.0210, or 3317.0211 of the Revised Code, the department of 27769
education shall reduce the adjustment or recomputation by an 27770
amount not to exceed the total amount of the grant, and an amount 27771
equal to the reduction shall be transferred, from the funding 27772
source from which the adjustment or recomputation would be paid, 27773
to the catastrophic expenditures account. Any adjustment or 27774
recomputation under such sections that is in excess of the total 27775
amount of the grant shall be paid to the school district. 27776

Sec. 3317.01. As used in this section, "school district," 27777
unless otherwise specified, means any city, local, exempted 27778
village, joint vocational, or cooperative education school 27779
district and any educational service center. 27780

This chapter shall be administered by the state board of 27781
education. The superintendent of public instruction shall 27782
calculate the amounts payable to each school district and shall 27783
certify the amounts payable to each eligible district to the 27784
treasurer of the district as provided by this chapter. As soon as 27785
possible after such amounts are calculated, the superintendent 27786

shall certify to the treasurer of each school district the 27787
district's adjusted charge-off increase, as defined in section 27788
5705.211 of the Revised Code. Certification of moneys pursuant to 27789
this section shall include the amounts payable to each school 27790
building, at a frequency determined by the superintendent, for 27791
each subgroup of students, as defined in section 3317.40 of the 27792
Revised Code, receiving services, provided for by state funding, 27793
from the district or school. No moneys shall be distributed 27794
pursuant to this chapter without the approval of the controlling 27795
board. 27796

The state board of education shall, in accordance with 27797
appropriations made by the general assembly, meet the financial 27798
obligations of this chapter. 27799

Moneys distributed to school districts pursuant to this 27800
chapter shall be calculated based on the annual enrollment 27801
calculated from the three reports required under sections 3317.03 27802
and 3317.036 of the Revised Code and paid on a fiscal year basis, 27803
beginning with the first day of July and extending through the 27804
thirtieth day of June. In any given fiscal year, prior to school 27805
districts submitting the first report required under section 27806
3317.03 of the Revised Code, enrollment for the districts shall be 27807
calculated based on the third report submitted by the districts 27808
for the previous fiscal year. The moneys appropriated for each 27809
fiscal year shall be distributed periodically to each school 27810
district unless otherwise provided for. The state board, in June 27811
of each year, shall submit to the controlling board the state 27812
board's year-end distributions pursuant to this chapter. 27813

Except as otherwise provided, payments under this chapter 27814
shall be made only to those school districts in which: 27815

(A) The school district, except for any educational service 27816
center and any joint vocational or cooperative education school 27817
district, levies for current operating expenses at least twenty 27818

mills. Levies for joint vocational or cooperative education school
districts or county school financing districts, limited to or to
the extent apportioned to current expenses, shall be included in
this qualification requirement. School district income tax levies
under Chapter 5748. of the Revised Code, limited to or to the
extent apportioned to current operating expenses, shall be
included in this qualification requirement to the extent
determined by the tax commissioner under division ~~(D)~~(C) of
section 3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which
such payments are authorized meets the requirement of section
3313.48 of the Revised Code, with regard to the minimum number of
hours school must be open for instruction with pupils in
attendance, for individualized parent-teacher conference and
reporting periods, and for professional meetings of teachers.

A school district shall not be considered to have failed to
comply with this division because schools were open for
instruction but either twelfth grade students were excused from
attendance for up to the equivalent of three school days or only a
portion of the kindergarten students were in attendance for up to
the equivalent of three school days in order to allow for the
gradual orientation to school of such students.

A board of education or governing board of an educational
service center which has not conformed with other law and the
rules pursuant thereto, shall not participate in the distribution
of funds authorized by this chapter, except for good and
sufficient reason established to the satisfaction of the state
board of education and the state controlling board.

All funds allocated to school districts under this chapter,
except those specifically allocated for other purposes, shall be
used to pay current operating expenses only.

Sec. 3317.013. The amounts for the following categories of 27850
special education programs, as these programs are defined for 27851
purposes of Chapter 3323. of the Revised Code, are as follows: 27852

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 27853
~~fiscal year 2017,~~ for each student whose primary or only 27854
identified disability is a speech and language disability, as this 27855
term is defined pursuant to Chapter 3323. of the Revised Code; 27856

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 27857
~~fiscal year 2017,~~ for each student identified as specific learning 27858
disabled or developmentally disabled, as these terms are defined 27859
pursuant to Chapter 3323. of the Revised Code, identified as 27860
having an other health impairment-minor, or identified as a 27861
preschool child who is developmentally delayed; 27862

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 27863
~~fiscal year 2017,~~ for each student identified as hearing disabled 27864
or severe behavior disabled, as these terms are defined pursuant 27865
to Chapter 3323. of the Revised Code; 27866

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 27867
~~fiscal year 2017,~~ for each student identified as vision impaired, 27868
as this term is defined pursuant to Chapter 3323. of the Revised 27869
Code, or as having an other health impairment-major; 27870

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 27871
~~fiscal year 2017,~~ for each student identified as orthopedically 27872
disabled or as having multiple disabilities, as these terms are 27873
defined pursuant to Chapter 3323. of the Revised Code; 27874

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 27875
~~fiscal year 2017,~~ for each student identified as autistic, having 27876
traumatic brain injuries, or as both visually and hearing 27877
impaired, as these terms are defined pursuant to Chapter 3323. of 27878
the Revised Code. 27879

Sec. 3317.014. The career-technical education additional 27880
amount per pupil for each student enrolled in career-technical 27881
education programs approved by the department of education under 27882
section 3317.161 of the Revised Code shall be as follows: 27883

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 27884
~~fiscal year 2017,~~ for each student enrolled in career-technical 27885
education workforce development programs in agricultural and 27886
environmental systems, construction technologies, engineering and 27887
science technologies, finance, health science, information 27888
technology, and manufacturing technologies, each of which shall be 27889
defined by the department in consultation with the governor's 27890
office of workforce transformation; 27891

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 27892
~~fiscal year 2017,~~ for each student enrolled in workforce 27893
development programs in business and administration, hospitality 27894
and tourism, human services, law and public safety, transportation 27895
systems, and arts and communications, each of which shall be 27896
defined by the department in consultation with the governor's 27897
office of workforce transformation; 27898

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 27899
~~fiscal year 2017,~~ for students enrolled in career-based 27900
intervention programs, which shall be defined by the department in 27901
consultation with the governor's office of workforce 27902
transformation; 27903

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 27904
~~fiscal year 2017,~~ for students enrolled in workforce development 27905
programs in education and training, marketing, workforce 27906
development academics, public administration, and career 27907
development, each of which shall be defined by the department of 27908
education in consultation with the governor's office of workforce 27909
transformation; 27910

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 27911
~~fiscal year 2017,~~ for students enrolled in family and consumer 27912
science programs, which shall be defined by the department of 27913
education in consultation with the governor's office of workforce 27914
transformation. 27915

The amount for career-technical education associated 27916
services, as defined by the department, shall be ~~\$236, in fiscal~~ 27917
~~year 2016, or \$245, in fiscal year 2017.~~ 27918

Sec. 3317.017. The department of education shall compute a 27919
school district's state share index as follows: 27920

(A) Calculate the district's valuation index, which equals 27921
the following quotient: 27922

(The district's three-year average valuation / the district's 27923
total ADM) / (the statewide three-year average valuation for 27924
school districts with a total ADM greater than zero / the 27925
statewide total ADM) 27926

(B)(1) Calculate the district's median income index, which 27927
equals the following quotient: 27928

(The district's median Ohio adjusted gross income / the 27929
median of the median Ohio adjusted gross income of all districts 27930
statewide with a total ADM greater than zero) 27931

(2) Calculate the district's income index, which equals the 27932
following sum: 27933

(The district's median income index X 0.5) + {[the three-year 27934
average federal adjusted gross income of the school district's 27935
residents / the district's formula ADM for fiscal year 2017) / 27936
(the three-year average federal adjusted gross income of all 27937
districts statewide with a formula ADM for fiscal year 2017 27938
greater than zero / the statewide formula ADM for fiscal year 27939
2017)] X 0.5} 27940

(C) Determine the district's wealth index as follows:	27941
(1) If the district's income index is less than the	27942
district's valuation index and the district's median income index	27943
is less than or equal to 1.5, then the district's wealth index	27944
shall be equal to [(0.4 X the district's income index) + (0.6 X	27945
the district's valuation index)].	27946
(2) If the district's income index does not meet both of the	27947
conditions described in division (C)(1) of this section, then the	27948
district's wealth index shall be equal to the district's valuation	27949
index.	27950
(D) Determine the district's state share index as follows:	27951
(1) If the district's wealth index is less than or equal to	27952
0.35, then the district's state share index shall be equal to	27953
0.90.	27954
(2) If the district's wealth index is greater than 0.35 but	27955
less than or equal to 0.90, then the district's state share index	27956
shall be equal to {0.40 X [(0.90 - the district's wealth index) /	27957
0.55]] + 0.50.	27958
(3) If the district's wealth index is greater than 0.90 but	27959
less than 1.8, then the district's state share index shall be	27960
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} +	27961
0.05.	27962
(4) If the district's wealth index is greater than or equal	27963
to 1.8, then the district's state share index shall be equal to	27964
0.05.	27965
(E)(1) For each school district for which the tax-exempt	27966
value of the district, as certified under division (A)(4) of	27967
section 3317.021 of the Revised Code, equals or exceeds thirty per	27968
cent of the potential value of the district, the department shall	27969
calculate the difference between the district's tax-exempt value	27970

and thirty per cent of the district's potential value. For this 27971
purpose, the "potential value" of a school district is the 27972
three-year average valuation of the district plus the tax-exempt 27973
value of the district. 27974

(2) For each school district to which division (E)(1) of this 27975
section applies, the department shall adjust the district's 27976
three-year average valuation used in the calculation under 27977
division (A) of this section by subtracting from it the amount 27978
calculated under division (E)(1) of this section. The department 27979
shall not, however, make any adjustments to the statewide 27980
three-year average valuation used in the calculation under 27981
division (A) of this section. 27982

(F) When performing the calculations required under this 27983
section, the department shall not round to fewer than four decimal 27984
places. 27985

For purposes of these calculations for fiscal years ~~2016~~ 2018 27986
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 27987
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 27988
Ohio adjusted gross income, as that term is defined in section 27989
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 27990
average federal adjusted gross income" means the average of the 27991
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 27992
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 27993
Code; and "tax-exempt value" means the tax-exempt value for tax 27994
year ~~2014~~ 2016. 27995

Sec. 3317.02. As used in this chapter: 27996

(A)(1) "Category one career-technical education ADM" means 27997
the enrollment of students during the school year on a full-time 27998
equivalency basis in career-technical education programs described 27999
in division (A) of section 3317.014 of the Revised Code and 28000
certified under division (B)(11) or (D)(2)(h) of section 3317.03 28001

of the Revised Code. 28002

(2) "Category two career-technical education ADM" means the 28003
enrollment of students during the school year on a full-time 28004
equivalency basis in career-technical education programs described 28005
in division (B) of section 3317.014 of the Revised Code and 28006
certified under division (B)(12) or (D)(2)(i) of section 3317.03 28007
of the Revised Code. 28008

(3) "Category three career-technical education ADM" means the 28009
enrollment of students during the school year on a full-time 28010
equivalency basis in career-technical education programs described 28011
in division (C) of section 3317.014 of the Revised Code and 28012
certified under division (B)(13) or (D)(2)(j) of section 3317.03 28013
of the Revised Code. 28014

(4) "Category four career-technical education ADM" means the 28015
enrollment of students during the school year on a full-time 28016
equivalency basis in career-technical education programs described 28017
in division (D) of section 3317.014 of the Revised Code and 28018
certified under division (B)(14) or (D)(2)(k) of section 3317.03 28019
of the Revised Code. 28020

(5) "Category five career-technical education ADM" means the 28021
enrollment of students during the school year on a full-time 28022
equivalency basis in career-technical education programs described 28023
in division (E) of section 3317.014 of the Revised Code and 28024
certified under division (B)(15) or (D)(2)(l) of section 3317.03 28025
of the Revised Code. 28026

(B)(1) "Category one limited English proficient ADM" means 28027
the full-time equivalent number of limited English proficient 28028
students described in division (A) of section 3317.016 of the 28029
Revised Code and certified under division (B)(16) or (D)(2)(m) of 28030
section 3317.03 of the Revised Code. 28031

(2) "Category two limited English proficient ADM" means the 28032

full-time equivalent number of limited English proficient students 28033
described in division (B) of section 3317.016 of the Revised Code 28034
and certified under division (B)(17) or (D)(2)(n) of section 28035
3317.03 of the Revised Code. 28036

(3) "Category three limited English proficient ADM" means the 28037
full-time equivalent number of limited English proficient students 28038
described in division (C) of section 3317.016 of the Revised Code 28039
and certified under division (B)(18) or (D)(2)(o) of section 28040
3317.03 of the Revised Code. 28041

(C)(1) "Category one special education ADM" means the 28042
full-time equivalent number of children with disabilities 28043
receiving special education services for the disability specified 28044
in division (A) of section 3317.013 of the Revised Code and 28045
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 28046
the Revised Code. 28047

(2) "Category two special education ADM" means the full-time 28048
equivalent number of children with disabilities receiving special 28049
education services for those disabilities specified in division 28050
(B) of section 3317.013 of the Revised Code and certified under 28051
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 28052
Code. 28053

(3) "Category three special education ADM" means the 28054
full-time equivalent number of students receiving special 28055
education services for those disabilities specified in division 28056
(C) of section 3317.013 of the Revised Code, and certified under 28057
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 28058
Code. 28059

(4) "Category four special education ADM" means the full-time 28060
equivalent number of students receiving special education services 28061
for those disabilities specified in division (D) of section 28062
3317.013 of the Revised Code and certified under division (B)(8) 28063

or (D)(2)(e) of section 3317.03 of the Revised Code. 28064

(5) "Category five special education ADM" means the full-time 28065
equivalent number of students receiving special education services 28066
for the disabilities specified in division (E) of section 3317.013 28067
of the Revised Code and certified under division (B)(9) or 28068
(D)(2)(f) of section 3317.03 of the Revised Code. 28069

(6) "Category six special education ADM" means the full-time 28070
equivalent number of students receiving special education services 28071
for the disabilities specified in division (F) of section 3317.013 28072
of the Revised Code and certified under division (B)(10) or 28073
(D)(2)(g) of section 3317.03 of the Revised Code. 28074

(D) "Economically disadvantaged index for a school district" 28075
means the square of the quotient of that district's percentage of 28076
students in its total ADM who are identified as economically 28077
disadvantaged as defined by the department of education, divided 28078
by the percentage of students in the statewide total ADM 28079
identified as economically disadvantaged. For purposes of this 28080
calculation: 28081

(1) For a city, local, or exempted village school district, 28082
the "statewide total ADM" equals the sum of the total ADM for all 28083
city, local, and exempted village school districts combined. 28084

(2) For a joint vocational school district, the "statewide 28085
total ADM" equals the sum of the formula ADM for all joint 28086
vocational school districts combined. 28087

(E)(1) "Formula ADM" means, for a city, local, or exempted 28088
village school district, the enrollment reported under division 28089
(A) of section 3317.03 of the Revised Code, as verified by the 28090
superintendent of public instruction and adjusted if so ordered 28091
under division (K) of that section, and as further adjusted by the 28092
department of education, as follows: 28093

(a) Count only twenty per cent of the number of joint 28094

vocational school district students counted under division (A)(3) 28095
of section 3317.03 of the Revised Code; 28096

(b) Add twenty per cent of the number of students who are 28097
entitled to attend school in the district under section 3313.64 or 28098
3313.65 of the Revised Code and are enrolled in another school 28099
district under a career-technical education compact. 28100

(2) "Formula ADM" means, for a joint vocational school 28101
district, the final number verified by the superintendent of 28102
public instruction, based on the enrollment reported and certified 28103
under division (D) of section 3317.03 of the Revised Code, as 28104
adjusted, if so ordered, under division (K) of that section. 28105

(F) "Formula amount" means ~~\$5,900, for fiscal year 2016, and~~ 28106
~~\$6,000, for fiscal year 2017.~~ 28107

(G) "FTE basis" means a count of students based on full-time 28108
equivalency, in accordance with rules adopted by the department of 28109
education pursuant to section 3317.03 of the Revised Code. In 28110
adopting its rules under this division, the department shall 28111
provide for counting any student in category one, two, three, 28112
four, five, or six special education ADM or in category one, two, 28113
three, four, or five career-technical education ADM in the same 28114
proportion the student is counted in formula ADM. 28115

(H) "Internet- or computer-based community school" has the 28116
same meaning as in section 3314.02 of the Revised Code. 28117

(I) "Medically fragile child" means a child to whom all of 28118
the following apply: 28119

(1) The child requires the services of a doctor of medicine 28120
or osteopathic medicine at least once a week due to the 28121
instability of the child's medical condition. 28122

(2) The child requires the services of a registered nurse on 28123
a daily basis. 28124

(3) The child is at risk of institutionalization in a	28125
hospital, skilled nursing facility, or intermediate care facility	28126
for individuals with intellectual disabilities.	28127
(J)(1) A child may be identified as having an "other health	28128
impairment-major" if the child's condition meets the definition of	28129
"other health impaired" established in rules previously adopted by	28130
the state board of education and if either of the following apply:	28131
(a) The child is identified as having a medical condition	28132
that is among those listed by the superintendent of public	28133
instruction as conditions where a substantial majority of cases	28134
fall within the definition of "medically fragile child."	28135
(b) The child is determined by the superintendent of public	28136
instruction to be a medically fragile child. A school district	28137
superintendent may petition the superintendent of public	28138
instruction for a determination that a child is a medically	28139
fragile child.	28140
(2) A child may be identified as having an "other health	28141
impairment-minor" if the child's condition meets the definition of	28142
"other health impaired" established in rules previously adopted by	28143
the state board of education but the child's condition does not	28144
meet either of the conditions specified in division ~~(K)~~ (J)(1)(a)	28145
or (b) of this section.	28146
(K) "Preschool child with a disability" means a child with a	28147
disability, as defined in section 3323.01 of the Revised Code, who	28148
is at least age three but is not of compulsory school age, as	28149
defined in section 3321.01 of the Revised Code, and who is not	28150
currently enrolled in kindergarten.	28151
(L) "Preschool scholarship ADM" means the number of preschool	28152
children with disabilities certified under division (B)(3)(h) of	28153
section 3317.03 of the Revised Code.	28154
(M) "Related services" includes:	28155

(1) Child study, special education supervisors and	28156
coordinators, speech and hearing services, adaptive physical	28157
development services, occupational or physical therapy, teacher	28158
assistants for children with disabilities whose disabilities are	28159
described in division (B) of section 3317.013 or division (B)(3)	28160
of this section, behavioral intervention, interpreter services,	28161
work study, nursing services, and specialized integrative services	28162
as those terms are defined by the department;	28163
(2) Speech and language services provided to any student with	28164
a disability, including any student whose primary or only	28165
disability is a speech and language disability;	28166
(3) Any related service not specifically covered by other	28167
state funds but specified in federal law, including but not	28168
limited to, audiology and school psychological services;	28169
(4) Any service included in units funded under former	28170
division (0)(1) of section 3317.024 of the Revised Code;	28171
(5) Any other related service needed by children with	28172
disabilities in accordance with their individualized education	28173
programs.	28174
(N) "School district," unless otherwise specified, means	28175
city, local, and exempted village school districts.	28176
(O) "State education aid" has the same meaning as in section	28177
5751.20 of the Revised Code.	28178
(P) "State share index" means the state share index	28179
calculated for a district under section 3317.017 of the Revised	28180
Code.	28181
(Q) "Taxes charged and payable" means the taxes charged and	28182
payable against real and public utility property after making the	28183
reduction required by section 319.301 of the Revised Code, plus	28184
the taxes levied against tangible personal property.	28185

(R)(1) For purposes of section 3317.017 of the Revised Code,	28186
"three-year average valuation" means the average of total taxable	28187
value for tax years ~~2012~~ <u>2014</u> , ~~2013~~ <u>2015</u> , and ~~2014~~ <u>2016</u> .	28188
(2) ~~For purposes of section 3317.018 of the Revised Code,~~	28189
~~"three year average valuation" means the following:~~	28190
(a) ~~For fiscal year 2016, the average of total taxable value~~	28191
~~for tax years 2013, 2014, and 2015;~~	28192
(b) ~~For fiscal year 2017, the average of total taxable value~~	28193
~~for tax years 2014, 2015, and 2016.~~	28194
~~(3)~~ For purposes of sections 3317.0217, 3317.0218, and	28195
3317.16 of the Revised Code, "three-year average valuation" means	28196
the following:	28197
(a) For fiscal year ~~2016~~ <u>2018</u> , the average of total taxable	28198
value for tax years ~~2012~~ <u>2014</u> , ~~2013~~ <u>2015</u> , and ~~2014~~ <u>2016</u> ;	28199
(b) For fiscal year ~~2017~~ <u>2019</u> , the average of total taxable	28200
value for tax years ~~2013~~ <u>2015</u> , ~~2014~~ <u>2016</u> , and ~~2015~~ <u>2017</u> .	28201
(S) "Total ADM" means, for a city, local, or exempted village	28202
school district, the enrollment reported under division (A) of	28203
section 3317.03 of the Revised Code, as verified by the	28204
superintendent of public instruction and adjusted if so ordered	28205
under division (K) of that section.	28206
(T) "Total special education ADM" means the sum of categories	28207
one through six special education ADM.	28208
(U) "Total taxable value" means the sum of the amounts	28209
certified for a city, local, exempted village, or joint vocational	28210
school district under divisions (A)(1) and (2) of section 3317.021	28211
of the Revised Code.	28212
Sec. 3317.021. (A) On or before the first day of June of each	28213
year, the tax commissioner shall certify to the department of	28214

education and the office of budget and management the information 28215
described in divisions (A)(1) to (5) of this section for each 28216
city, exempted village, and local school district, and the 28217
information required by divisions (A)(1) and (2) of this section 28218
for each joint vocational school district, and it shall be used, 28219
along with the information certified under division (B) of this 28220
section, in making the computations for the district under this 28221
chapter. 28222

(1) The taxable value of real and public utility real 28223
property in the school district subject to taxation in the 28224
preceding tax year, by class and by county of location. 28225

(2) The taxable value of tangible personal property, 28226
including public utility personal property, subject to taxation by 28227
the district for the preceding tax year. 28228

(3)(a) The total property tax rate and total taxes charged 28229
and payable for the current expenses for the preceding tax year 28230
and the total property tax rate and the total taxes charged and 28231
payable to a joint vocational district for the preceding tax year 28232
that are limited to or to the extent apportioned to current 28233
expenses. 28234

(b) The portion of the amount of taxes charged and payable 28235
reported for each city, local, and exempted village school 28236
district under division (A)(3)(a) of this section attributable to 28237
a joint vocational school district. 28238

(4) The value of all real and public utility real property in 28239
the school district exempted from taxation minus both of the 28240
following: 28241

(a) The value of real and public utility real property in the 28242
district owned by the United States government and used 28243
exclusively for a public purpose; 28244

(b) The value of real and public utility real property in the 28245

district exempted from taxation under Chapter 725. or 1728. or 28246
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 28247
5709.632, 5709.73, or 5709.78 of the Revised Code. 28248

(5) The total federal adjusted gross income of the residents 28249
of the school district, based on tax returns filed by the 28250
residents of the district, for the most recent year for which this 28251
information is available, and the median Ohio adjusted gross 28252
income of the residents of the school district determined on the 28253
basis of tax returns filed for the second preceding tax year by 28254
the residents of the district. 28255

(B) On or before the first day of May each year, the tax 28256
commissioner shall certify to the department of education and the 28257
office of budget and management the total taxable real property 28258
value of railroads and, separately, the total taxable tangible 28259
personal property value of all public utilities for the preceding 28260
tax year, by school district and by county of location. 28261

~~(C) If a public utility has properly and timely filed a 28262
petition for reassessment under section 5727.47 of the Revised 28263
Code with respect to an assessment issued under section 5727.23 of 28264
the Revised Code affecting taxable property apportioned by the tax 28265
commissioner to a school district, the taxable value of public 28266
utility tangible personal property included in the certification 28267
under divisions (A)(2) and (B) of this section for the school 28268
district shall include only the amount of taxable value on the 28269
basis of which the public utility paid tax for the preceding year 28270
as provided in division (B)(1) or (2) of section 5727.47 of the 28271
Revised Code. 28272~~

~~(D) If on the basis of the information certified under 28273
division (A) of this section, the department determines that any 28274
district fails in any year to meet the qualification requirement 28275
specified in division (A) of section 3317.01 of the Revised Code, 28276
the department shall immediately request the tax commissioner to 28277~~

determine the extent to which any school district income tax 28278
levied by the district under Chapter 5748. of the Revised Code 28279
shall be included in meeting that requirement. Within five days of 28280
receiving such a request from the department, the tax commissioner 28281
shall make the determination required by this division and report 28282
the quotient obtained under division ~~(D)~~(C)(3) of this section to 28283
the department and the office of budget and management. This 28284
quotient represents the number of mills that the department shall 28285
include in determining whether the district meets the 28286
qualification requirement of division (A) of section 3317.01 of 28287
the Revised Code. 28288

The tax commissioner shall make the determination required by 28289
this division as follows: 28290

(1) Multiply one mill times the total taxable value of the 28291
district as determined in divisions (A)(1) and (2) of this 28292
section; 28293

(2) Estimate the total amount of tax liability for the 28294
current tax year under taxes levied by Chapter 5748. of the 28295
Revised Code that are apportioned to current operating expenses of 28296
the district, excluding any income tax receipts allocated for the 28297
project cost, debt service, or maintenance set-aside associated 28298
with a state-assisted classroom facilities project as authorized 28299
by section 3318.052 of the Revised Code; 28300

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 28301
this section by the product obtained under division ~~(D)~~(C)(1) of 28302
this section. 28303

Sec. 3317.022. (A) The department of education shall compute 28304
and distribute state core foundation funding to each eligible 28305
school district for the fiscal year, using the information 28306
obtained under section 3317.021 of the Revised Code in the 28307
calendar year in which the fiscal year begins, as prescribed in 28308

the following divisions:	28309
(1) An opportunity grant calculated according to the	28310
following formula:	28311
The formula amount X (formula ADM + preschool scholarship	28312
ADM) X the district's state share index	28313
(2) Targeted assistance funds calculated under divisions (A)	28314
and (B) of section 3317.0217 of the Revised Code;	28315
(3) Additional state aid for special education and related	28316
services provided under Chapter 3323. of the Revised Code	28317
calculated as the sum of the following:	28318
(a) The district's category one special education ADM X the	28319
amount specified in division (A) of section 3317.013 of the	28320
Revised Code X the district's state share index;	28321
(b) The district's category two special education ADM X the	28322
amount specified in division (B) of section 3317.013 of the	28323
Revised Code X the district's state share index;	28324
(c) The district's category three special education ADM X the	28325
amount specified in division (C) of section 3317.013 of the	28326
Revised Code X the district's state share index;	28327
(d) The district's category four special education ADM X the	28328
amount specified in division (D) of section 3317.013 of the	28329
Revised Code X the district's state share index;	28330
(e) The district's category five special education ADM X the	28331
amount specified in division (E) of section 3317.013 of the	28332
Revised Code X the district's state share index;	28333
(f) The district's category six special education ADM X the	28334
amount specified in division (F) of section 3317.013 of the	28335
Revised Code X the district's state share index.	28336
(4) Kindergarten through third grade literacy funds	28337

calculated according to the following formula: 28338

~~{(\$184, in fiscal year 2016, or \$193, in fiscal year 2017) X~~ 28339
formula ADM for grades kindergarten through three X the district's 28340
state share index}] + ~~{(\$121, in fiscal year 2016, or \$127, in~~ 28341
~~fiscal year 2017) X formula ADM for grades kindergarten through~~ 28342
~~three}]~~ 28343

For purposes of this calculation, the department shall 28344
subtract from a district's formula ADM for grades kindergarten 28345
through three the number of students reported under division 28346
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 28347
internet- or computer-based community school who are in grades 28348
kindergarten through three. 28349

(5) Economically disadvantaged funds calculated according to 28350
the following formula: 28351

\$272 X (the district's economically disadvantaged index) X 28352
the number of students who are economically disadvantaged as 28353
certified under division (B)(21) of section 3317.03 of the Revised 28354
Code 28355

(6) Limited English proficiency funds calculated as the sum 28356
of the following: 28357

(a) The district's category one limited English proficient 28358
ADM X the amount specified in division (A) of section 3317.016 of 28359
the Revised Code X the district's state share index; 28360

(b) The district's category two limited English proficient 28361
ADM X the amount specified in division (B) of section 3317.016 of 28362
the Revised Code X the district's state share index; 28363

(c) The district's category three limited English proficient 28364
ADM X the amount specified in division (C) of section 3317.016 of 28365
the Revised Code X the district's state share index. 28366

(7)(a) Gifted identification funds calculated according to 28367

the following formula:	28368
\$5.05 X the district's formula ADM	28369
(b) Gifted unit funding calculated under section 3317.051 of	28370
the Revised Code.	28371
(8) Career-technical education funds calculated as the sum of	28372
the following:	28373
(a) The district's category one career-technical education	28374
ADM X the amount specified in division (A) of section 3317.014 of	28375
the Revised Code X the district's state share index;	28376
(b) The district's category two career-technical education	28377
ADM X the amount specified in division (B) of section 3317.014 of	28378
the Revised Code X the district's state share index;	28379
(c) The district's category three career-technical education	28380
ADM X the amount specified in division (C) of section 3317.014 of	28381
the Revised Code X the district's state share index;	28382
(d) The district's category four career-technical education	28383
ADM X the amount specified in division (D) of section 3317.014 of	28384
the Revised Code X the district's state share index;	28385
(e) The district's category five career-technical education	28386
ADM X the amount specified in division (E) of section 3317.014 of	28387
the Revised Code X the district's state share index.	28388
Payment of funds under division (A)(8) of this section is	28389
subject to approval under section 3317.161 of the Revised Code.	28390
(9) Career-technical education associated services funds	28391
calculated according to the following formula:	28392
The district's state share index X the amount for career-technical	28393
education associated services specified in section 3317.014 of the	28394
Revised Code X the sum of categories one through five	28395
career-technical education ADM	28396
(10) Capacity aid funds calculated under section 3317.0218 of	28397

the Revised Code; 28398

(11) A graduation bonus calculated under section 3317.0215 of 28399
the Revised Code; 28400

(12) A third-grade reading bonus calculated under section 28401
3317.0216 of the Revised Code. 28402

(B) In any fiscal year, a school district shall spend for 28403
purposes that the department designates as approved for special 28404
education and related services expenses at least the amount 28405
calculated as follows: 28406

(The formula amount X the total special education ADM) + (the 28407
district's category one special education ADM X the amount 28408
specified in division (A) of section 3317.013 of the Revised Code) 28409
+ (the district's category two special education ADM X the amount 28410
specified in division (B) of section 3317.013 of the Revised Code) 28411
+ (the district's category three special education ADM X the 28412
amount specified in division (C) of section 3317.013 of the 28413
Revised Code) + (the district's category four special education 28414
ADM X the amount specified in division (D) of section 3317.013 of 28415
the Revised Code) + (the district's category five special 28416
education ADM X the amount specified in division (E) of section 28417
3317.013 of the Revised Code) + (the district's category six 28418
special education ADM X the amount specified in division (F) of 28419
section 3317.013 of the Revised Code) 28420

The purposes approved by the department for special education 28421
expenses shall include, but shall not be limited to, 28422
identification of children with disabilities, compliance with 28423
state rules governing the education of children with disabilities 28424
and prescribing the continuum of program options for children with 28425
disabilities, provision of speech language pathology services, and 28426
the portion of the school district's overall administrative and 28427
overhead costs that are attributable to the district's special 28428
education student population. 28429

The scholarships deducted from the school district's account 28430
under sections 3310.41 and 3310.55 of the Revised Code shall be 28431
considered to be an approved special education and related 28432
services expense for the purpose of the school district's 28433
compliance with this division. 28434

(C) In any fiscal year, a school district receiving funds 28435
under division (A)(8) of this section shall spend those funds only 28436
for the purposes that the department designates as approved for 28437
career-technical education expenses. Career-technical education 28438
expenses approved by the department shall include only expenses 28439
connected to the delivery of career-technical programming to 28440
career-technical students. The department shall require the school 28441
district to report data annually so that the department may 28442
monitor the district's compliance with the requirements regarding 28443
the manner in which funding received under division (A)(8) of this 28444
section may be spent. 28445

(D) In any fiscal year, a school district receiving funds 28446
under division (A)(9) of this section, or through a transfer of 28447
funds pursuant to division (I) of section 3317.023 of the Revised 28448
Code, shall spend those funds only for the purposes that the 28449
department designates as approved for career-technical education 28450
associated services expenses, which may include such purposes as 28451
apprenticeship coordinators, coordinators for other 28452
career-technical education services, career-technical evaluation, 28453
and other purposes designated by the department. The department 28454
may deny payment under division (A)(9) of this section to any 28455
district that the department determines is not operating those 28456
services or is using funds paid under division (A)(9) of this 28457
section, or through a transfer of funds pursuant to division (I) 28458
of section 3317.023 of the Revised Code, for other purposes. 28459

(E) All funds received under division (A)(8) of this section 28460
shall be spent in the following manner: 28461

(1) At least seventy-five per cent of the funds shall be 28462
spent on curriculum development, purchase, and implementation; 28463
instructional resources and supplies; industry-based program 28464
certification; student assessment, credentialing, and placement; 28465
curriculum specific equipment purchases and leases; 28466
career-technical student organization fees and expenses; home and 28467
agency linkages; work-based learning experiences; professional 28468
development; and other costs directly associated with 28469
career-technical education programs including development of new 28470
programs. 28471

(2) Not more than twenty-five per cent of the funds shall be 28472
used for personnel expenditures. 28473

(F) A school district shall spend the funds it receives under 28474
division (A)(5) of this section in accordance with section 3317.25 28475
of the Revised Code. 28476

Sec. 3317.025. On or before the first day of June of each 28477
year, the tax commissioner shall certify the following information 28478
to the department of education and the office of budget and 28479
management, for each school district in which the value of the 28480
property described under division (A) of this section exceeds one 28481
per cent of the taxable value of all real and tangible personal 28482
property in the district or in which is located tangible personal 28483
property designed for use or used in strip mining operations, 28484
whose taxable value exceeds five million dollars, and the taxes 28485
upon which the district is precluded from collecting by virtue of 28486
legal proceedings to determine the value of such property: 28487

(A) The total taxable value of all property in the district 28488
owned by a public utility or railroad that has filed a petition 28489
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 28490
(1898), 11 U.S.C. 205, as amended, and all tangible personal 28491
property in the district designed for use or used in strip mining 28492

operations whose taxable value exceeds five million dollars upon 28493
which have not been paid in full on or before the first day of 28494
April of that calendar year all real and tangible personal 28495
property taxes levied for the preceding calendar year and which 28496
the district was precluded from collecting by virtue of 28497
proceedings under section 205 of said act or by virtue of legal 28498
proceedings to determine the tax liability of such strip mining 28499
equipment; 28500

(B) The percentage of the total operating taxes charged and 28501
payable for school district purposes levied against such valuation 28502
for the preceding calendar year that have not been paid by such 28503
date; 28504

(C) The product obtained by multiplying the value certified 28505
under division (A) of this section by the percentage certified 28506
under division (B) of this section. If the value certified under 28507
division (A) of this section includes taxable property owned by a 28508
public utility or railroad that has filed a petition for 28509
reorganization under the bankruptcy act, the amount used in making 28510
the calculation under this division shall be reduced by one per 28511
cent of the total value of all real and tangible personal property 28512
in the district or the value of the utility's or railroad's 28513
property, whichever is less. 28514

Upon receipt of the certification, the department shall 28515
recompute the payments required under this chapter in the manner 28516
the payments would have been computed if: 28517

(1) The amount certified under division (C) of this section 28518
was not subject to taxation by the district and was not included 28519
in the certification made under division (A)(1), (A)(2), or ~~(B)(C)~~ 28520
of section 3317.021 of the Revised Code. 28521

(2) The amount of taxes charged and payable and unpaid and 28522
used to make the computation under division (B) of this section 28523

had not been levied and had not been used in the computation 28524
required by division (B) of section 3317.021 of the Revised Code. 28525
The department shall pay the district that amount in the ensuing 28526
fiscal year in lieu of the amounts computed under this chapter. 28527

If a school district received a grant from the catastrophic 28528
expenditures account pursuant to division (C) of section 3316.20 28529
of the Revised Code on the basis of the same circumstances for 28530
which a recomputation is made under this section, the amount of 28531
the recomputation shall be reduced and transferred in accordance 28532
with division (C) of section 3316.20 of the Revised Code. 28533

Sec. 3317.0212. (A) As used in this section: 28534

(1) "Qualifying riders" means resident students enrolled in 28535
regular education in grades kindergarten to twelve who are 28536
provided school bus service by a school district and who live more 28537
than one mile from the school they attend, including students with 28538
dual enrollment in a joint vocational school district or a 28539
cooperative education school district, and students enrolled in a 28540
community school, STEM school, or nonpublic school. 28541

(2) "Qualifying ridership" means the average number of 28542
qualifying riders who are provided school bus service by a school 28543
district during the first full week of October. 28544

(3) "Rider density" means the total ADM per square mile of a 28545
school district. 28546

(4) "School bus service" means a school district's 28547
transportation of qualifying riders in any of the following types 28548
of vehicles: 28549

(a) School buses owned or leased by the district; 28550

(b) School buses operated by a private contractor hired by 28551
the district; 28552

(c) School buses operated by another school district or 28553

entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation

costs per mile and the ten districts with the lowest 28585
transportation costs per mile, divide the aggregate cost for 28586
school bus service for the remaining districts in the previous 28587
fiscal year by the aggregate miles driven for school bus service 28588
in those districts in the previous fiscal year. 28589

(E) The department shall calculate each city, local, and 28590
exempted village school district's transportation payment as 28591
follows: 28592

(1) Multiply the statewide transportation cost per student by 28593
the district's qualifying ridership for the current fiscal year. 28594

(2) Multiply the statewide transportation cost per mile by 28595
the district's total number of miles driven for school bus service 28596
in the current fiscal year. 28597

(3) Multiply the greater of the amounts calculated under 28598
divisions (E)(1) and (2) of this section by the following: 28599

(a) For fiscal year 2018, the greater of ~~fifty~~ thirty-seven 28600
and one-half per cent or the district's state share index, as 28601
defined in section 3317.02 of the Revised Code; 28602

(b) For fiscal year 2019, the greater of twenty-five per cent 28603
or the district's state share index. 28604

(F) In addition to funds paid under division (E) of this 28605
section, each city, local, and exempted village district shall 28606
receive in accordance with rules adopted by the state board of 28607
education a payment for students transported by means other than 28608
school bus service and whose transportation is not funded under 28609
division (C) of section 3317.024 of the Revised Code. The rules 28610
shall include provisions for school district reporting of such 28611
students. 28612

(G)(1) For purposes of division (G) of this section, a school 28613
district's "transportation supplement percentage" means the 28614

following quotient: 28615

~~$$\frac{[(35, \text{ in fiscal year 2016, or } 50, \text{ in fiscal year 2017}) - \text{ the district's rider density}]}{100}$$~~ 28616 28617

If the result of the calculation for a district under 28618
division (G)(1) of this section is less than zero, the district's 28619
transportation supplement percentage shall be zero. 28620

(2) The department shall pay each district a transportation 28621
supplement calculated according to the following formula: 28622

The district's transportation supplement percentage X the amount 28623
calculated for the district under division (E)(2) of this section 28624
$$X 0.55$$
 28625

Sec. 3317.0218. The department of education shall annually 28626
compute capacity aid funds to school districts, as follows: 28627

(A) For each school district, multiply the district's 28628
three-year average valuation by 0.001; 28629

(B) Determine the median amount of all of the amounts 28630
calculated under division (A) of this section; 28631

(C) Calculate each school district's capacity ratio, which 28632
equals the greater of zero or the amount calculated as follows: 28633
(The amount determined under division (B) of this section / the 28634
amount calculated for the district under division (A) of this 28635
section) - 1 28636

If the result of a calculation for a school district under 28637
division (C) of this section is greater than 2.5, the district's 28638
capacity ratio shall be 2.5. 28639

(D) Calculate the capacity aid per pupil amount, which equals 28640
the following quotient: 28641

(The amount determined under division (B) of this section) / (the 28642
average of the formula ADMs of all of the districts for which the 28643
amount calculated under division (A) of this section is less than 28644

the amount determined under division (B) of this section) 28645

(E) Calculate each school district's capacity aid, which 28646
equals the following product: 28647

The capacity aid per pupil amount calculated under division (D) of 28648
this section X the district's formula ADM X ~~(2.75, for fiscal year~~ 28649
~~2016, or 3.5, for fiscal year 2017)~~ X the district's capacity 28650
ratio calculated under division (C) of this section 28651

Sec. 3317.16. (A) The department of education shall compute 28652
and distribute state core foundation funding to each joint 28653
vocational school district for the fiscal year as prescribed in 28654
the following divisions: 28655

(1) An opportunity grant calculated according to the 28656
following formula: 28657

(The formula amount X formula ADM) - (0.0005 X the district's 28658
three-year average valuation) 28659

However, no district shall receive an opportunity grant that 28660
is less than 0.05 times the formula amount times formula ADM. 28661

(2) Additional state aid for special education and related 28662
services provided under Chapter 3323. of the Revised Code 28663
calculated as the sum of the following: 28664

(a) The district's category one special education ADM X the 28665
amount specified in division (A) of section 3317.013 of the 28666
Revised Code X the district's state share percentage; 28667

(b) The district's category two special education ADM X the 28668
amount specified in division (B) of section 3317.013 of the 28669
Revised Code X the district's state share percentage; 28670

(c) The district's category three special education ADM X the 28671
amount specified in division (C) of section 3317.013 of the 28672
Revised Code X the district's state share percentage; 28673

(d) The district's category four special education ADM X the 28674

amount specified in division (D) of section 3317.013 of the	28675
Revised Code X the district's state share percentage;	28676
(e) The district's category five special education ADM X the	28677
amount specified in division (E) of section 3317.013 of the	28678
Revised Code X the district's state share percentage;	28679
(f) The district's category six special education ADM X the	28680
amount specified in division (F) of section 3317.013 of the	28681
Revised Code X the district's state share percentage.	28682
(3) Economically disadvantaged funds calculated according to	28683
the following formula:	28684
\$272 X the district's economically disadvantaged index X the	28685
number of students who are economically disadvantaged as certified	28686
under division (D)(2)(p) of section 3317.03 of the Revised Code	28687
(4) Limited English proficiency funds calculated as the sum	28688
of the following:	28689
(a) The district's category one limited English proficient	28690
ADM X the amount specified in division (A) of section 3317.016 of	28691
the Revised Code X the district's state share percentage;	28692
(b) The district's category two limited English proficient	28693
ADM X the amount specified in division (B) of section 3317.016 of	28694
the Revised Code X the district's state share percentage;	28695
(c) The district's category three limited English proficient	28696
ADM X the amount specified in division (C) of section 3317.016 of	28697
the Revised Code X the district's state share percentage;	28698
(5) Career-technical education funds calculated as the sum of	28699
the following:	28700
(a) The district's category one career-technical education	28701
ADM X the amount specified in division (A) of section 3317.014 of	28702
the Revised Code X the district's state share percentage;	28703
(b) The district's category two career-technical education	28704

ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 28705
28706

(c) The district's category three career-technical education 28707
ADM X the amount specified in division (C) of section 3317.014 of 28708
the Revised Code X the district's state share percentage; 28709

(d) The district's category four career-technical education 28710
ADM X the amount specified in division (D) of section 3317.014 of 28711
the Revised Code X the district's state share percentage; 28712

(e) The district's category five career-technical education 28713
ADM X the amount specified in division (E) of section 3317.014 of 28714
the Revised Code X the district's state share percentage. 28715

Payment of funds under division (A)(5) of this section is 28716
subject to approval under section 3317.161 of the Revised Code. 28717

(6) Career-technical education associated services funds 28718
calculated under the following formula: 28719

The district's state share percentage X the 28720
amount for career-technical education associated services 28721
specified in section 3317.014 of the Revised Code X the sum of 28722
categories one through five career-technical 28723
education ~~ADM X the district's state share percentage~~ 28724

(7) A graduation bonus calculated according to the following 28725
formula: 28726

The district's graduation rate as reported on its most recent 28727
report card issued by the department under section 3302.033 of the 28728
Revised Code X 0.075 X the formula amount X the number of the 28729
district's students who received high school or honors high school 28730
diplomas as reported by the district to the department, in 28731
accordance with the guidelines adopted under section 3301.0714 of 28732
the Revised Code, for the same school year for which the most 28733
recent report card was issued X the district's state share 28734
percentage 28735

(B)(1) If a joint vocational school district's costs for a 28736
fiscal year for a student in its categories two through six 28737
special education ADM exceed the threshold catastrophic cost for 28738
serving the student, as specified in division (B) of section 28739
3317.0214 of the Revised Code, the district may submit to the 28740
superintendent of public instruction documentation, as prescribed 28741
by the superintendent, of all of its costs for that student. Upon 28742
submission of documentation for a student of the type and in the 28743
manner prescribed, the department shall pay to the district an 28744
amount equal to the sum of the following: 28745

(a) One-half of the district's costs for the student in 28746
excess of the threshold catastrophic cost; 28747

(b) The product of one-half of the district's costs for the 28748
student in excess of the threshold catastrophic cost multiplied by 28749
the district's state share percentage. 28750

(2) The district shall report under division (B)(1) of this 28751
section, and the department shall pay for, only the costs of 28752
educational expenses and the related services provided to the 28753
student in accordance with the student's individualized education 28754
program. Any legal fees, court costs, or other costs associated 28755
with any cause of action relating to the student may not be 28756
included in the amount. 28757

(C)(1) For each student with a disability receiving special 28758
education and related services under an individualized education 28759
program, as defined in section 3323.01 of the Revised Code, at a 28760
joint vocational school district, the resident district or, if the 28761
student is enrolled in a community school, the community school 28762
shall be responsible for the amount of any costs of providing 28763
those special education and related services to that student that 28764
exceed the sum of the amount calculated for those services 28765
attributable to that student under division (A) of this section. 28766

Those excess costs shall be calculated using a formula 28767
approved by the department. 28768

(2) The board of education of the joint vocational school 28769
district may report the excess costs calculated under division 28770
(C)(1) of this section to the department of education. 28771

(3) If the board of education of the joint vocational school 28772
district reports excess costs under division (C)(2) of this 28773
section, the department shall pay the amount of excess cost 28774
calculated under division (C)(2) of this section to the joint 28775
vocational school district and shall deduct that amount as 28776
provided in division (C)(3)(a) or (b) of this section, as 28777
applicable: 28778

(a) If the student is not enrolled in a community school, the 28779
department shall deduct the amount from the account of the 28780
student's resident district pursuant to division (J) of section 28781
3317.023 of the Revised Code. 28782

(b) If the student is enrolled in a community school, the 28783
department shall deduct the amount from the account of the 28784
community school pursuant to section 3314.083 of the Revised Code. 28785

(D)(1) In any fiscal year, a school district receiving funds 28786
under division (A)(5) of this section shall spend those funds only 28787
for the purposes that the department designates as approved for 28788
career-technical education expenses. Career-technical education 28789
expenses approved by the department shall include only expenses 28790
connected to the delivery of career-technical programming to 28791
career-technical students. The department shall require the school 28792
district to report data annually so that the department may 28793
monitor the district's compliance with the requirements regarding 28794
the manner in which funding received under division (A)(5) of this 28795
section may be spent. 28796

(2) All funds received under division (A)(5) of this section 28797

shall be spent in the following manner: 28798

(a) At least seventy-five per cent of the funds shall be 28799
spent on curriculum development, purchase, and implementation; 28800
instructional resources and supplies; industry-based program 28801
certification; student assessment, credentialing, and placement; 28802
curriculum specific equipment purchases and leases; 28803
career-technical student organization fees and expenses; home and 28804
agency linkages; work-based learning experiences; professional 28805
development; and other costs directly associated with 28806
career-technical education programs including development of new 28807
programs. 28808

(b) Not more than twenty-five per cent of the funds shall be 28809
used for personnel expenditures. 28810

(E) In any fiscal year, a school district receiving funds 28811
under division (A)(6) of this section, or through a transfer of 28812
funds pursuant to division (I) of section 3317.023 of the Revised 28813
Code, shall spend those funds only for the purposes that the 28814
department designates as approved for career-technical education 28815
associated services expenses, which may include such purposes as 28816
apprenticeship coordinators, coordinators for other 28817
career-technical education services, career-technical evaluation, 28818
and other purposes designated by the department. The department 28819
may deny payment under division (A)(6) of this section to any 28820
district that the department determines is not operating those 28821
services or is using funds paid under division (A)(6) of this 28822
section, or through a transfer of funds pursuant to division (I) 28823
of section 3317.023 of the Revised Code, for other purposes. 28824

(F) A joint vocational school district shall spend the funds 28825
it receives under division (A)(3) of this section in accordance 28826
with section 3317.25 of the Revised Code. 28827

(G) As used in this section: 28828

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	28829 28830
(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	28831 28832 28833
(3) "State share percentage" is equal to the following: The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)	28834 28835 28836
Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code:	28837 28838
(A) "Ohio ~~school~~ facilities <u>construction</u> commission" means the commission created pursuant to section ~~3318.30~~ <u>123.20</u> of the Revised Code.	28839 28840 28841
(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education program for secondary students in any school district that operates such a program.	28842 28843 28844 28845 28846 28847 28848 28849 28850 28851
(C) "Project" means a project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities, to be used for housing the applicable school district and its functions.	28852 28853 28854 28855
(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state	28856 28857 28858

government, performing essential governmental functions of state 28859
government pursuant to sections 3318.01 to 3318.20 of the Revised 28860
Code. 28861

For purposes of assistance provided under sections 3318.40 to 28862
3318.45 of the Revised Code, the term "school district" as used in 28863
this section and in divisions (A), (C), and (D) of section 3318.03 28864
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 28865
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 28866
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 28867
Code means a joint vocational school district established pursuant 28868
to section 3311.18 of the Revised Code. 28869

(E) "School district board" means the board of education of a 28870
school district. 28871

(F) "Net bonded indebtedness" means the difference between 28872
the sum of the par value of all outstanding and unpaid bonds and 28873
notes which a school district board is obligated to pay and any 28874
amounts the school district is obligated to pay under 28875
lease-purchase agreements entered into under section 3313.375 of 28876
the Revised Code, and the amount held in the sinking fund and 28877
other indebtedness retirement funds for their redemption. Notes 28878
issued for school buses in accordance with section 3327.08 of the 28879
Revised Code, notes issued in anticipation of the collection of 28880
current revenues, and bonds issued to pay final judgments shall 28881
not be considered in calculating the net bonded indebtedness. 28882

"Net bonded indebtedness" does not include indebtedness 28883
arising from the acquisition of land to provide a site for 28884
classroom facilities constructed, acquired, or added to pursuant 28885
to sections 3318.01 to 3318.20 of the Revised Code or the par 28886
value of bonds that have been authorized by the electors and the 28887
proceeds of which will be used by the district to provide any part 28888
of its portion of the basic project cost. 28889

(G) "Board of elections" means the board of elections of the 28890
county containing the most populous portion of the school 28891
district. 28892

(H) "County auditor" means the auditor of the county in which 28893
the greatest value of taxable property of such school district is 28894
located. 28895

(I) "Tax duplicates" means the general tax lists and 28896
duplicates prescribed by sections 319.28 and 319.29 of the Revised 28897
Code. 28898

(J) "Required level of indebtedness" means: 28899

(1) In the case of school districts in the first percentile, 28900
five per cent of the district's valuation for the year preceding 28901
the year in which the controlling board approved the project under 28902
section 3318.04 of the Revised Code. 28903

(2) In the case of school districts ranked in a subsequent 28904
percentile, five per cent of the district's valuation for the year 28905
preceding the year in which the controlling board approved the 28906
project under section 3318.04 of the Revised Code, plus [two 28907
one-hundredths of one per cent multiplied by (the percentile in 28908
which the district ranks for the fiscal year preceding the fiscal 28909
year in which the controlling board approved the district's 28910
project minus one)]. 28911

(K) "Required percentage of the basic project costs" means 28912
one per cent of the basic project costs times the percentile in 28913
which the school district ranks for the fiscal year preceding the 28914
fiscal year in which the controlling board approved the district's 28915
project. 28916

(L) "Basic project cost" means a cost amount determined in 28917
accordance with rules adopted under section 111.15 of the Revised 28918
Code by the Ohio ~~school~~ facilities construction commission. The 28919
basic project cost calculation shall take into consideration the 28920

square footage and cost per square foot necessary for the grade 28921
levels to be housed in the classroom facilities, the variation 28922
across the state in construction and related costs, the cost of 28923
the installation of site utilities and site preparation, the cost 28924
of demolition of all or part of any existing classroom facilities 28925
that are abandoned under the project, the cost of insuring the 28926
project until it is completed, any contingency reserve amount 28927
prescribed by the commission under section 3318.086 of the Revised 28928
Code, and the professional planning, administration, and design 28929
fees that a school district may have to pay to undertake a 28930
classroom facilities project. 28931

For a joint vocational school district that receives 28932
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28933
the basic project cost calculation for a project under those 28934
sections shall also take into account the types of laboratory 28935
spaces and program square footages needed for the vocational 28936
education programs for high school students offered by the school 28937
district. 28938

For a district that opts to divide its entire classroom 28939
facilities needs into segments, as authorized by section 3318.034 28940
of the Revised Code, "basic project cost" means the cost 28941
determined in accordance with this division of a segment. 28942

(M)(1) Except for a joint vocational school district that 28943
receives assistance under sections 3318.40 to 3318.45 of the 28944
Revised Code, a "school district's portion of the basic project 28945
cost" means the amount determined under section 3318.032 of the 28946
Revised Code. 28947

(2) For a joint vocational school district that receives 28948
assistance under sections 3318.40 to 3318.45 of the Revised Code, 28949
a "school district's portion of the basic project cost" means the 28950
amount determined under division (C) of section 3318.42 of the 28951
Revised Code. 28952

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

Sec. 3318.011. For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following:

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula:

The district's valuation per pupil - 28983
[\$30,000 X (1 - the district's income factor)]. 28984

For purposes of this calculation: 28985

(1) Except for a district with an open enrollment net gain 28986
that is ten per cent or more of its formula ADM, "valuation per 28987
pupil" for a district means its average taxable value, divided by 28988
its formula ADM for the previous fiscal year. "Valuation per 28989
pupil," for a district with an open enrollment net gain that is 28990
ten per cent or more of its formula ADM, means its average taxable 28991
value, divided by the sum of its formula ADM for the previous 28992
fiscal year plus its open enrollment net gain for the previous 28993
fiscal year. 28994

(2) "Average taxable value" means the average of the sum of 28995
the amounts certified for a district under divisions (A)(1) and 28996
(2) of section 3317.021 of the Revised Code in the second, third, 28997
and fourth preceding fiscal years. 28998

(3) "Entitled to attend school" means entitled to attend 28999
school in a city, local, or exempted village school district under 29000
section 3313.64 or 3313.65 of the Revised Code. 29001

(4) "Formula ADM" has the same meaning as in section 3317.02 29002
of the Revised Code. 29003

(5) "Native student" has the same meaning as in section 29004
3313.98 of the Revised Code. 29005

(6) "Open enrollment net gain" for a district means (a) the 29006
number of the students entitled to attend school in another 29007
district but who are enrolled in the schools of the district under 29008
its open enrollment policy minus (b) the number of the district's 29009
native students who are enrolled in the schools of another 29010
district under the other district's open enrollment policy, both 29011
numbers as certified to the department under section 3313.981 of 29012
the Revised Code. If the difference is a negative number, the 29013

district's "open enrollment net gain" is zero.	29014
(7) "Open enrollment policy" means an interdistrict open	29015
enrollment policy adopted under section 3313.98 of the Revised	29016
Code.	29017
(8) "District median income" means the median Ohio adjusted	29018
gross income certified for a school district under section	29019
3317.021 of the Revised Code.	29020
(9) "Statewide median income" means the median district	29021
median income of all city, exempted village, and local school	29022
districts in the state.	29023
(10) "Income factor" for a city, exempted village, or local	29024
school district means the quotient obtained by dividing that	29025
district's median income by the statewide median income.	29026
(B) Calculate for each district the three-year average of the	29027
adjusted valuations per pupil calculated for the district for the	29028
current and two preceding fiscal years;	29029
(C) Rank all such districts in order of adjusted valuation	29030
per pupil from the district with the lowest three-year average	29031
adjusted valuation per pupil to the district with the highest	29032
three-year average adjusted valuation per pupil;	29033
(D) Divide such ranking into percentiles with the first	29034
percentile containing the one per cent of school districts having	29035
the lowest three-year average adjusted valuations per pupil and	29036
the one-hundredth percentile containing the one per cent of school	29037
districts having the highest three-year average adjusted	29038
valuations per pupil;	29039
(E) Determine the school districts that have three-year	29040
average adjusted valuations per pupil that are greater than the	29041
median three-year average adjusted valuation per pupil for all	29042
school districts in the state;	29043

(F) On or before the first day of September, certify the 29044
information described in divisions (A) to (E) of this section to 29045
the Ohio ~~school~~ facilities construction commission. 29046

Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.20 29047
of the Revised Code, the Ohio ~~school~~ facilities construction 29048
commission shall periodically perform an assessment of the 29049
classroom facility needs in the state to identify school districts 29050
in need of additional classroom facilities, or replacement or 29051
reconstruction of existent classroom facilities, and the cost to 29052
each such district of constructing or acquiring such additional 29053
facilities or making such renovations. 29054

(B) Based upon the most recent assessment conducted pursuant 29055
to division (A) of this section, the commission shall conduct 29056
on-site visits to school districts identified as having classroom 29057
facility needs to confirm the findings of the periodic assessment 29058
and further evaluate the classroom facility needs of the district. 29059
The evaluation shall assess the district's need to construct or 29060
acquire new classroom facilities and may include an assessment of 29061
the district's need for building additions or for the 29062
reconstruction of existent buildings in lieu of constructing or 29063
acquiring replacement buildings. 29064

(C)(1) Except as provided in division (C)(2) of this section, 29065
on-site visits performed on or after May 20, 1997, shall be 29066
performed in the order specified in this division. The first round 29067
of on-site visits first succeeding the effective date of this 29068
amendment, May 20, 1997, shall be limited to the school districts 29069
in the first through fifth percentiles, excluding districts that 29070
are ineligible for funding under this chapter pursuant to section 29071
3318.04 of the Revised Code. The second round of on-site visits 29072
shall be limited to the school districts in the first through 29073
tenth percentiles, excluding districts that are ineligible for 29074

funding under this chapter pursuant to section 3318.04 of the Revised Code. Each succeeding round of on-site visits shall be limited to the percentiles included in the immediately preceding round of on-site visits plus the next five percentiles. Except for the first round of on-site visits, no round of on-site visits shall commence unless eighty per cent of the districts for which on-site visits were performed during the immediately preceding round, have had projects approved under section 3318.04 of the Revised Code.

(2) Notwithstanding division (C)(1) of this section, the commission may perform on-site visits for school districts in the next highest percentile to the percentiles included in the current round of on-site visits, and then to succeeding percentiles one at a time, not to exceed the twenty-fifth percentile, if all of the following apply:

(a) Less than eighty per cent of the districts for which on-site visits were performed in the current round, and in any percentiles for which on-site visits were performed in addition to the current round pursuant to this division, have had projects approved under section 3318.04 of the Revised Code;

(b) There are funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code that are not reserved and encumbered for projects pursuant to section 3318.04 of the Revised Code;

(c) The commission makes a finding that such available funds would be more thoroughly utilized if on-site visits were extended to the next highest percentile.

(D) Notwithstanding divisions (B) and (C) of this section, in any fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects

under sections 3318.01 to 3318.20 of the Revised Code for that 29106
year. 29107

Sec. 3318.021. Notwithstanding section 3318.02 of the Revised 29108
Code, the Ohio ~~school~~ facilities construction commission may 29109
conduct on-site visits to any school district whose district board 29110
adopts a resolution certifying to the commission the board's 29111
intent to participate in the school building assistance expedited 29112
local partnership program under section 3318.36 of the Revised 29113
Code. 29114

Sec. 3318.022. Notwithstanding anything to the contrary in 29115
section 3318.02 of the Revised Code, within two years following 29116
the request of the school district, the Ohio ~~school~~ facilities 29117
construction commission shall assess the current conditions of the 29118
classroom facilities needs of any school district that is not yet 29119
eligible for state assistance under Chapter 3318. of the Revised 29120
Code and that requests such an assessment. The assessment made 29121
under this section shall not include a final agreement between the 29122
school district and the commission as to the basic project cost of 29123
the school district's classroom facilities needs. The commission 29124
shall not consider any request for an assessment under this 29125
section that is submitted sooner than ~~the effective date of this~~ 29126
~~section~~ September 14, 2000. 29127

Sec. 3318.024. In the first year of a capital biennium, any 29128
funds appropriated to the Ohio ~~school~~ facilities construction 29129
commission for classroom facilities projects under this chapter in 29130
the previous capital biennium that were not spent or encumbered, 29131
or for which an encumbrance has been canceled under section 29132
3318.05 of the Revised Code, shall be used by the commission only 29133
for projects under sections 3318.01 to 3318.20 of the Revised 29134
Code, subject to appropriation by the general assembly. 29135

In the second year of a capital biennium, any funds 29136
appropriated to the Ohio ~~school~~ facilities construction commission 29137
for classroom facilities projects under this chapter that were not 29138
spent or encumbered in the first year of the biennium and which 29139
are in excess of an amount equal to half of the appropriations for 29140
the capital biennium, or for which an encumbrance has been 29141
canceled under section 3318.05 of the Revised Code, shall be used 29142
by the commission only for projects under sections 3318.01 to 29143
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 29144
3318.40 to 3318.46 of the Revised Code, subject to appropriation 29145
by the general assembly. 29146

Sec. 3318.03. (A) Before conducting an on-site evaluation of 29147
a school district under section 3318.02 of the Revised Code, at 29148
the request of the district board of education, the Ohio ~~school~~ 29149
facilities construction commission shall examine any classroom 29150
facilities needs assessment that has been conducted by the 29151
district and any master plan developed for meeting the facility 29152
needs of the district. 29153

(B) Upon conducting the on-site evaluation under section 29154
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 29155
construction commission shall make a determination of all of the 29156
following: 29157

(1) The needs of the school district for additional classroom 29158
facilities; 29159

(2) The number of classroom facilities to be included in a 29160
project and the basic project cost of constructing, acquiring, 29161
reconstructing, or making additions to each such facility; 29162

(3) The amount of such cost that the school district can 29163
supply from available funds, by the issuance of bonds previously 29164
authorized by the electors of the school district the proceeds of 29165
which can lawfully be used for the project and by the issuance of 29166

bonds under section 3318.05 of the Revised Code; 29167

(4) The remaining amount of such cost that shall be supplied 29168
by the state; 29169

(5) The amount of the state's portion to be encumbered in 29170
accordance with section 3318.11 of the Revised Code in the current 29171
and subsequent fiscal years from funds appropriated for purposes 29172
of sections 3318.01 to 3318.20 of the Revised Code. 29173

(C) The commission shall make a determination in favor of 29174
constructing, acquiring, reconstructing, or making additions to a 29175
classroom facility only upon evidence that the proposed project 29176
conforms to sound educational practice, that it is in keeping with 29177
the orderly process of school district reorganization and 29178
consolidation, and that the actual or projected enrollment in each 29179
classroom facility proposed to be included in the project is at 29180
least three hundred fifty pupils. Exceptions shall be authorized 29181
only in those districts where topography, sparsity of population, 29182
and other factors make larger schools impracticable. 29183

If the school district board determines that an existing 29184
facility has historical value or for other good cause determines 29185
that an existing facility should be renovated in lieu of acquiring 29186
a comparable facility by new construction, the commission may 29187
approve the expenditure of project funds for the renovation of 29188
that facility up to but not exceeding one hundred per cent of the 29189
estimated cost of acquiring a comparable facility by new 29190
construction, as long as the commission determines that the 29191
facility when renovated can be operationally efficient, will be 29192
adequate for the future needs of the district, and will comply 29193
with the other provisions of this division. 29194

(D) Sections 125.81 and 153.04 of the Revised Code shall not 29195
apply to classroom facilities constructed under either sections 29196
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 29197

Code. 29198

Sec. 3318.031. (A) The Ohio school facilities construction 29199
commission shall consider student and staff safety and health when 29200
reviewing design plans for classroom facility construction 29201
projects proposed under this chapter. After consulting with 29202
appropriate education, health, and law enforcement personnel, the 29203
commission may require as a condition of project approval under 29204
either section 3318.03 or division (B)(1) of section 3318.41 of 29205
the Revised Code such changes in the design plans as the 29206
commission believes will advance or improve student and staff 29207
safety and health in the proposed classroom facility. 29208

To carry out its duties under this division, the commission 29209
shall review and, if necessary, amend any construction and design 29210
standards used in its project approval process, including 29211
standards for location and number of exits, standards for lead 29212
safety in classroom facilities constructed before 1978 in which 29213
services are provided to children under six years of age, and 29214
location of restrooms, with a focus on advancing student and staff 29215
safety and health. 29216

(B) When reviewing design standards for classroom facility 29217
construction projects proposed under this chapter, the commission 29218
shall also consider the extent to which the design standards 29219
support the following: 29220

(1) Trends in educational delivery methods, including digital 29221
access and blended learning; 29222

(2) Provision of sufficient space for training new teachers 29223
and promotion of collaboration among teaching candidates, 29224
experienced teachers, and teacher educators; 29225

(3) Provision of adequate space for teacher planning and 29226
collaboration; 29227

(4) Provision of adequate space for parent involvement activities;	29228 29229
(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.	29230 29231
Sec. 3318.032. (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:	29232 29233 29234
(1) The required percentage of the basic project costs;	29235
(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;	29236 29237 29238 29239 29240 29241 29242
(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:	29243 29244 29245 29246 29247 29248
The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio ~~school~~ facilities <u>construction</u> commission and the district)	29249 29250 29251 29252 29253 29254
(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the	29255 29256 29257

thirteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that period, and the school district later receives the controlling board's approval for the project, subject to a new project scope and estimated costs under section 3318.054 of the Revised Code, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (A) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for the new project;

(b) The percentage of the basic project cost paid by the district for the previous project.

Sec. 3318.033. (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(2) "Open enrollment net gain" has the same meaning as in 29288
section 3318.011 of the Revised Code. 29289

(B) This section applies to each school district that meets 29290
the following criteria: 29291

(1) The Ohio ~~school~~ facilities construction commission 29292
certified its conditional approval of the district's project under 29293
sections 3318.01 to 3318.20 of the Revised Code after July 1, 29294
2006, and prior to September 29, 2007, and the project had not 29295
been completed as of September 29, 2007. 29296

(2) Within one year after the date of the commission's 29297
certification of its conditional approval, the district's electors 29298
approved a bond issue to pay the district's portion of the basic 29299
project cost or the district board of education complied with 29300
section 3318.052 of the Revised Code. 29301

(3) In the fiscal year prior to the fiscal year in which the 29302
district's project was conditionally approved, the district had an 29303
open enrollment net gain that was ten per cent or more of its 29304
formula ADM. 29305

(C) For each school district to which this section applies, 29306
the department of education shall recalculate the district's 29307
percentile ranking under section 3318.011 of the Revised Code for 29308
the fiscal year prior to the fiscal year in which the district's 29309
project was conditionally approved and shall report the 29310
recalculated percentile ranking to the commission. For this 29311
purpose, the department shall recalculate every school district's 29312
percentile ranking for that fiscal year using the district's 29313
"valuation per pupil" as that term is defined in section 3318.011 29314
of the Revised Code on and after September 29, 2007. 29315

(D) For each school district to which this section applies, 29316
the commission shall use the recalculated percentile ranking 29317
reported under division (C) of this section to determine the 29318

district's portion of the basic project cost under section 29319
3318.032 of the Revised Code. The commission shall not use the 29320
recalculated percentile ranking for any other purpose, and the 29321
recalculated ranking shall not affect any other district's portion 29322
of the basic project cost under section 3318.032 of the Revised 29323
Code or any district's eligibility for assistance under sections 29324
3318.01 to 3318.20 of the Revised Code. The commission shall 29325
revise the agreement entered into under section 3318.08 of the 29326
Revised Code to reflect the district's new portion of the basic 29327
project cost as determined under this division. 29328

Sec. 3318.034. (A) This section applies to both of the 29329
following: 29330

(1) Any school district that has not executed an agreement 29331
for a project under sections 3318.01 to 3318.20 of the Revised 29332
Code prior to June 24, 2008; 29333

(2) Any school district that is eligible for additional 29334
assistance under sections 3318.01 to 3318.20 of the Revised Code 29335
pursuant to division (B)(2) of section 3318.04 of the Revised 29336
Code. 29337

Notwithstanding any provision of this chapter to the 29338
contrary, with the approval of the Ohio ~~school~~ facilities 29339
construction commission, any school district to which this section 29340
applies may opt to divide the district's entire classroom 29341
facilities needs, as those needs are jointly determined by the 29342
staff of the commission and the school district, into discrete 29343
segments and shall comply with all of the provisions of those 29344
sections unless otherwise provided in this section. 29345

(B) Except as provided in division (C) of this section, each 29346
segment shall comply with both of the following: 29347

(1) The segment shall consist of the new construction of one 29348

or more entire buildings, a stand-alone segment of a building that 29349
serves grades kindergarten through twelve, or the complete 29350
renovation of one or more entire existing buildings, with any 29351
necessary additions to that building. 29352

(2) The segment shall not include any construction of or 29353
renovation or repair to any building that does not complete the 29354
needs of the district with respect to that particular building at 29355
the time the segment is completed. 29356

(C) A district described in division (A)(2) of this section 29357
that has not received the additional assistance authorized under 29358
division (B)(2) of section 3318.04 of the Revised Code may 29359
undertake a segment, with commission approval, for the purpose of 29360
renovating or replacing work performed on a facility under the 29361
district's prior project. The commission may approve that segment 29362
if the commission determines that the renovation or replacement is 29363
necessary to protect the facility. The basic project cost of the 29364
segment shall be allocated between the state and the district in 29365
accordance with section 3318.032 of the Revised Code. However, the 29366
requirements of division (B) of this section shall not apply to a 29367
segment undertaken under this division. 29368

(D) The commission shall conditionally approve and seek 29369
controlling board approval in accordance with division (A) of 29370
section 3318.04 of the Revised Code of each segment. 29371

(E)(1) When undertaking a segment under this section, a 29372
school district may elect to prorate its full maintenance amount 29373
by setting aside for maintenance the amount calculated under 29374
division (E)(2) of this section to maintain the classroom 29375
facilities acquired under the segment, if the district will use 29376
one or more of the alternative methods authorized in sections 29377
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 29378
the entire amount calculated under that division. If the district 29379
so elects, the commission and the district shall include in the 29380

agreement entered into under section 3318.08 of the Revised Code a 29381
statement specifying that the district will use the amount 29382
calculated under that division only to maintain the classroom 29383
facilities acquired under the segment. 29384

(2) The commission shall calculate the amount for a school 29385
district to maintain the classroom facilities acquired under a 29386
segment as follows: 29387

The full maintenance amount X (the school district's portion 29388
of the basic project cost for the segment / the school district's 29389
portion of the basic project cost for the district's entire 29390
classroom facilities needs, as determined jointly by the staff of 29391
the commission and the district) 29392

(3) A school district may elect to prorate its full 29393
maintenance amount for any number of segments, provided the 29394
district will use one or more of the alternative methods 29395
authorized in sections 3318.051, 3318.052, and 3318.084 of the 29396
Revised Code to generate the entire amount calculated under 29397
division (E)(2) of this section to maintain the classroom 29398
facilities acquired under each segment for which it so elects. If 29399
the district cannot use one or more of those alternative methods 29400
to generate the entire amount calculated under that division, the 29401
district shall levy the tax described in division (B) of section 29402
3318.05 of the Revised Code or an extension of that tax under 29403
section 3318.061 of the Revised Code in an amount necessary to 29404
generate the remainder of its full maintenance amount. The 29405
commission shall calculate the remainder of the district's full 29406
maintenance amount as follows: 29407

The full maintenance amount - the sum of the amounts 29408
calculated for the district under division (E)(2) of this section 29409
for each prior segment of the district's project 29410

(4) In no case shall the sum of the amounts calculated for a 29411

school district's maintenance of classroom facilities under 29412
divisions (E)(2) and (3) of this section exceed the amount that 29413
would have been required for maintenance if the district had 29414
elected to undertake its project in its entirety instead of 29415
segmenting the project under this section. 29416

(5) If a school district commenced a segment under this 29417
section prior to September 10, 2012, but has not completed that 29418
segment, and has not levied the tax described in division (B) of 29419
section 3318.05 of the Revised Code or an extension of that tax 29420
under section 3318.061 of the Revised Code, the district may 29421
request approval from the commission to prorate its full 29422
maintenance amount in accordance with divisions (E)(1) to (4) of 29423
this section. If the commission approves the request, the 29424
commission and the district shall amend the agreement entered into 29425
under section 3318.08 of the Revised Code to reflect the change. 29426

(F) If a school district levies the tax described in division 29427
(B) of section 3318.05 of the Revised Code or an extension of that 29428
tax under section 3318.061 of the Revised Code, the tax shall run 29429
for twenty-three years from the date the segment for which the tax 29430
is initially levied is undertaken. The maintenance levy 29431
requirement, as defined in section 3318.18 of the Revised Code, 29432
does not apply to a segment undertaken under division (C) of this 29433
section. 29434

(G) As used in this section, "full maintenance amount" means 29435
the amount of total revenue that a school district likely would 29436
generate by one-half mill of the tax described in division (B) of 29437
section 3318.05 of the Revised Code over the entire 29438
twenty-three-year period required under that section, as 29439
determined by the commission in consultation with the department 29440
of taxation. 29441

Sec. 3318.035. (A) This section applies only if there is a 29442

change in the assessment rates on gas pipelines imposed under 29443
state law. 29444

(B) If at any time division (A) of this section applies and 29445
if the change in assessment rates described in that division 29446
affects a school district's valuation as determined under division 29447
(P) of section 3318.01 of the Revised Code by greater than ten per 29448
cent and if the Ohio ~~school~~ facilities construction commission had 29449
determined the state and school district portion of the basic 29450
project cost of such a district's project under section 3318.36 or 29451
3318.37 of the Revised Code prior to that change in valuation, the 29452
commission shall adjust the state and school district portions of 29453
the basic project cost of the school district's project using the 29454
valuation altered by the change in assessment rates described in 29455
division (A) of this section. 29456

Sec. 3318.036. (A) For purposes of this section: 29457

(1) "Eligible school district" is a city, local, or exempted 29458
village school district that satisfies both of the following 29459
conditions: 29460

(a) The district resulted from one of the following that 29461
became effective between July 1, 2013, and June 30, 2018: 29462

(i) A transfer of all of the territory of one school district 29463
to another school district in accordance with section 3311.22, 29464
3311.231, 3311.24, or 3311.38 of the Revised Code; 29465

(ii) The merger of two or more districts in accordance with 29466
section 3311.25 of the Revised Code; 29467

(iii) The creation of a new local school district from all of 29468
one or more local school districts in accordance with section 29469
3311.26 of the Revised Code; 29470

(iv) The consolidation of two or more school districts under 29471

section 3311.37 of the Revised Code. 29472

(b) The district has demonstrated to the Ohio school 29473
facilities construction commission an efficient use of facility 29474
space, including a reduction in the number of buildings used by 29475
students and administrative staff. 29476

(2) "Basic project cost" and "required percentage of the 29477
basic project cost" have the same meanings as in section 3318.01 29478
of the Revised Code. 29479

(B) Notwithstanding anything to the contrary in this chapter: 29480

(1) If the commission determines that a district is an 29481
eligible school district, the commission shall give that district 29482
first priority for funding for a project under sections 3318.01 to 29483
3318.20 of the Revised Code as such funds become available, 29484
regardless of the district's percentile rank under section 29485
3318.011 of the Revised Code. If the district results from a 29486
transfer, merger, consolidation, or creation of a new local 29487
district that takes effect prior to ~~the effective date of this~~ 29488
~~section~~ April 6, 2017, the district's portion of the basic project 29489
cost shall be the required percentage of the basic project cost 29490
based on the percentile ranking of the district that was 29491
transferred, merged, consolidated, or existed prior to the 29492
creation of the new district that has the lowest three-year 29493
average adjusted valuation per pupil, as calculated under section 29494
3318.011 of the Revised Code, on the date that the transfer, 29495
merger, consolidation, or creation of the new district became 29496
effective. 29497

(2) If an eligible school district is given priority under 29498
division (B)(1) of this section, the commission may reduce that 29499
district's portion of the basic project cost by twenty-five 29500
percentage points from the portion determined under section 29501
3318.032 of the Revised Code or, if the district results from a 29502

transfer, merger, consolidation, or creation of a new local 29503
district that takes effect prior to ~~the effective date of this~~ 29504
~~section April 6, 2017,~~ from the portion determined under division 29505
(B)(1) of this section. At no time, however, shall that district's 29506
portion of the basic project cost be less than five per cent. 29507

(3) If an eligible school district is given priority under 29508
division (B)(1) of this section, the commission may reduce that 29509
district's portion of the basic project cost by ten percentage 29510
points from the portion determined under section 3318.032 of the 29511
Revised Code or, if the district results from a transfer, merger, 29512
consolidation, or creation of a new local district that takes 29513
effect prior to ~~the effective date of this section April 6, 2017,~~ 29514
from the portion determined under division (B)(1) of this section, 29515
if the district's project satisfies the following conditions: 29516

(a) The project involves construction of a building on land 29517
owned by a state institution of higher education, as that term is 29518
defined in section 3345.011 of the Revised Code, and the 29519
commission approves the project. 29520

(b) The district and the state institution of higher 29521
education enter into a written agreement regarding the continued 29522
use of the institution's land by the district, and the commission 29523
approves the agreement. 29524

(c) On the date that the district and the state institution 29525
of higher education enter into the written agreement described in 29526
division (B)(3)(b) of this section, the state institution of 29527
higher education is participating in the college credit plus 29528
program established under Chapter 3365. of the Revised Code. 29529

At no time, however, shall that district's portion of the 29530
basic project cost be less than five per cent. 29531

The reduction of the district's portion of the basic project 29532
cost described in division (B)(3) of this section may be in 29533

addition to a reduction of the district's portion of the basic 29534
project cost under division (B)(2) of this section. 29535

(C) Except as provided in division (B) of this section, a 29536
district's project undertaken pursuant to this section shall be 29537
subject to all other requirements in sections 3318.01 to 3318.20 29538
of the Revised Code. 29539

Sec. 3318.04. (A) If the Ohio ~~school~~ facilities construction 29540
commission makes a determination under section 3318.03 of the 29541
Revised Code in favor of constructing, acquiring, reconstructing, 29542
or making additions to a classroom facility, the project shall be 29543
conditionally approved. Such conditional approval shall be 29544
submitted to the controlling board for approval thereof. The 29545
controlling board shall forthwith approve or reject the 29546
commission's determination, conditional approval, the amount of 29547
the state's portion of the basic project cost, and, the amount of 29548
the state's portion to be encumbered in the current fiscal year. 29549
In the event of approval thereof by the controlling board, the 29550
commission shall certify such conditional approval to the school 29551
district board and shall encumber from the total funds 29552
appropriated for the purpose of sections 3318.01 to 3318.20 of the 29553
Revised Code the amount approved under this section to be 29554
encumbered in the current fiscal year. 29555

The basic project cost for a project approved under this 29556
section shall not exceed the cost that would otherwise have to be 29557
incurred if the classroom facilities to be constructed, acquired, 29558
or reconstructed, or the additions to be made to classroom 29559
facilities, under such project meet, but do not exceed, the 29560
specifications for plans and materials for classroom facilities 29561
adopted by the commission. 29562

(B)(1) No school district shall have a project conditionally 29563
approved pursuant to this section if the school district has 29564

already received any assistance for a project funded under any 29565
version of sections 3318.01 to 3318.20 of the Revised Code, and 29566
the prior project was one for which the electors of such district 29567
approved a levy within the last twenty years pursuant to any 29568
version of section 3318.06 of the Revised Code for purposes of 29569
qualifying for the funding of that project, unless the district 29570
demonstrates to the satisfaction of the commission that the 29571
district has experienced since approval of its prior project an 29572
exceptional increase in enrollment significantly above the 29573
district's design capacity under that prior project as determined 29574
by rule of the commission. 29575

(2) Notwithstanding division (B)(1) of this section, any 29576
school district that received assistance under sections 3318.01 to 29577
3318.20 of the Revised Code, as those sections existed prior to 29578
May 20, 1997, may receive additional assistance under those 29579
sections, as they exist on and after May 20, 1997, prior to the 29580
expiration of the period of time required under division (B)(1) of 29581
this section, if the percentile in which the school district is 29582
located, as determined under section 3318.011 of the Revised Code, 29583
is eligible for assistance as prescribed in section 3318.02 of the 29584
Revised Code. 29585

The commission may provide assistance under sections 3318.01 29586
to 3318.20 of the Revised Code pursuant to this division to no 29587
more than five school districts per fiscal year until all eligible 29588
school districts have received the additional assistance 29589
authorized under this division. The commission shall establish 29590
application procedures, deadlines, and priorities for funding 29591
projects under this division. 29592

The commission at its discretion may waive current design 29593
specifications it has adopted for projects under sections 3318.01 29594
to 3318.20 of the Revised Code when assessing an application for 29595
additional assistance under this division for the renovation of 29596

classroom facilities constructed or renovated under a school 29597
district's previous project. If the commission finds that a school 29598
district's existing classroom facilities are adequate to meet all 29599
of the school district's needs, the commission may determine that 29600
no additional state assistance be awarded to a school district 29601
under this division. 29602

In order for a school district to be eligible to receive any 29603
additional assistance under this division, the school district 29604
electors shall extend the school district's existing levy 29605
dedicated for maintenance of classroom facilities under Chapter 29606
3318. of the Revised Code, pursuant to section 3318.061 of the 29607
Revised Code or shall provide equivalent alternative maintenance 29608
funds as specified in division (A)(2) of section 3318.06 of the 29609
Revised Code. 29610

(3) Notwithstanding division (B)(1) of this section, any 29611
school district that has received assistance under sections 29612
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 29613
receive additional assistance if the commission decides in favor 29614
of providing such assistance pursuant to section 3318.042 of the 29615
Revised Code. 29616

(4) Notwithstanding division (B)(1) of this section, any 29617
school district that has opted to divide its entire classroom 29618
facilities needs into segments to be completed separately, as 29619
authorized by section 3318.034 of the Revised Code, and that has 29620
received assistance under sections 3318.01 to 3318.20 of the 29621
Revised Code for one of those segments may receive assistance 29622
under those sections for a subsequent segment. Assistance for any 29623
subsequent segment shall not include any additional work on a 29624
building included in a prior segment unless the district 29625
demonstrates to the satisfaction of the commission that the 29626
district has experienced since the completion of the prior segment 29627
an exceptional increase in enrollment in the grade levels housed 29628

in that building. 29629

Sec. 3318.041. A school district ranked in the first through 29630
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 29631
facilities construction commission a resolution specifying a 29632
proposed project that meets the requirements of this chapter and 29633
the needs of the district, as confirmed through an on-site visit 29634
pursuant to section 3318.02 of the Revised Code. The commission 29635
shall consider such projects for conditional approval pursuant to 29636
section 3318.03 and shall encumber funds pursuant to section 29637
3318.04 of the Revised Code in the order in which such resolutions 29638
are received. 29639

Sec. 3318.042. (A) The board of education of any school 29640
district that is receiving assistance under sections 3318.01 to 29641
3318.20 of the Revised Code after May 20, 1997, or under sections 29642
3318.40 to 3318.45 of the Revised Code, and whose project is still 29643
under construction, may request that the Ohio ~~school~~ facilities 29644
construction commission examine whether the circumstances 29645
prescribed in either division (B)(1) or (2) of this section exist 29646
in the school district. If the commission so finds, the commission 29647
shall review the school district's original assessment and 29648
approved project and consider providing additional assistance to 29649
the school district to correct the prescribed conditions found to 29650
exist in the district. Additional assistance under this section 29651
shall be limited to additions to one or more buildings, remodeling 29652
of one or more buildings, or changes to the infrastructure of one 29653
or more buildings. 29654

(B) Consideration of additional assistance to a school 29655
district under this section is warranted in either of the 29656
following circumstances: 29657

(1) Additional work is needed to correct an oversight or 29658

deficiency not identified or included in the district's initial 29659
assessment. 29660

(2) Other conditions exist that, in the opinion of the 29661
commission, warrant additions or remodeling of the project 29662
facilities or changes to infrastructure associated with the 29663
district's project that were not identified in the initial 29664
assessment and plan. 29665

(C) If the commission decides in favor of providing 29666
additional assistance to any school district under this section, 29667
the school district shall be responsible for paying for its 29668
portion of the cost of the additions, remodeling, or 29669
infrastructure changes pursuant to section 3318.083 of the Revised 29670
Code. If, after making a financial evaluation of the school 29671
district, the commission determines that the school district is 29672
unable without undue hardship, according to the guidelines adopted 29673
by the commission, to fund the school district portion of the 29674
increase, then the state and the school district shall enter into 29675
an agreement whereby the state shall pay the portion of the cost 29676
increase attributable to the school district which is determined 29677
to be in excess of any local resources available to the district 29678
and the district shall thereafter reimburse the state. The 29679
commission shall establish the district's schedule for reimbursing 29680
the state, which shall not extend beyond ten years. The commission 29681
may lengthen the reimbursement schedule of a school district that 29682
has entered into an agreement under this section prior to ~~the~~ 29683
~~effective date of this amendment~~ September 26, 2003, as long as 29684
the total term of that schedule does not extend beyond ten years. 29685
Debt incurred under this section shall not be included in the 29686
calculation of the net indebtedness of the school district under 29687
section 133.06 of the Revised Code. 29688

Sec. 3318.05. The conditional approval of the Ohio school 29689

facilities construction commission for a project shall lapse and 29690
the amount reserved and encumbered for such project shall be 29691
released unless the school district board accepts such conditional 29692
approval within one hundred twenty days following the date of 29693
certification of the conditional approval to the school district 29694
board and the electors of the school district vote favorably on 29695
both of the propositions described in divisions (A) and (B) of 29696
this section within thirteen months of the date of such 29697
certification, except that a school district described in division 29698
(C) of this section does not need to submit the proposition 29699
described in division (B) of this section. The propositions 29700
described in divisions (A) and (B) of this section shall be 29701
combined in a single proposal. If the district board or the 29702
district's electors fail to meet such requirements and the amount 29703
reserved and encumbered for the district's project is released, 29704
the district shall be given first priority for project funding as 29705
such funds become available, subject to section 3318.054 of the 29706
Revised Code. 29707

(A) On the question of issuing bonds of the school district 29708
board, for the school district's portion of the basic project 29709
cost, in an amount equal to the school district's portion of the 29710
basic project cost less the amount of the proceeds of any 29711
securities authorized or to be authorized under division (J) of 29712
section 133.06 of the Revised Code and dedicated by the school 29713
district board to payment of the district's portion of the basic 29714
project cost; and 29715

(B) On the question of levying a tax the proceeds of which 29716
shall be used to pay the cost of maintaining the classroom 29717
facilities included in the project. Such tax shall be at the rate 29718
of not less than one-half mill for each dollar of valuation for a 29719
period of twenty-three years, subject to any extension approved 29720
under section 3318.061 of the Revised Code. 29721

(C) If a school district has in place a tax levied under 29722
section 5705.21 of the Revised Code for general permanent 29723
improvements for a continuing period of time and the proceeds of 29724
such tax can be used for maintenance, or if a district agrees to 29725
the transfers described in section 3318.051 of the Revised Code, 29726
the school district need not levy the additional tax required 29727
under division (B) of this section, provided the school district 29728
board includes in the agreement entered into under section 3318.08 29729
of the Revised Code provisions either: 29730

(1) Earmarking an amount from the proceeds of that permanent 29731
improvement tax for maintenance of classroom facilities equivalent 29732
to the amount of the additional tax and for the equivalent number 29733
of years otherwise required under this section; 29734

(2) Requiring the transfer of money in accordance with 29735
section 3318.051 of the Revised Code. 29736

The district board subsequently may rescind the agreement to 29737
make the transfers under section 3318.051 of the Revised Code only 29738
so long as the electors of the district have approved, in 29739
accordance with section 3318.063 of the Revised Code, the levy of 29740
a tax for the maintenance of the classroom facilities acquired 29741
under the district's project and that levy continues to be 29742
collected as approved by the electors. 29743

(D) Proceeds of the tax to be used for maintenance of the 29744
classroom facilities under either division (B) or (C)(1) of this 29745
section, and transfers of money in accordance with section 29746
3318.051 of the Revised Code shall be deposited into a separate 29747
fund established by the school district for such purpose. 29748

Sec. 3318.051. (A) Any city, exempted village, or local 29749
school district that commences a project under sections 3318.01 to 29750
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 29751
after September 5, 2006, need not levy the tax otherwise required 29752

under division (B) of section 3318.05 of the Revised Code, if the 29753
district board of education adopts a resolution petitioning the 29754
Ohio ~~school~~ facilities construction commission to approve the 29755
transfer of money in accordance with this section and the 29756
commission approves that transfer. If so approved, the commission 29757
and the district board shall enter into an agreement under which 29758
the board, in each of twenty-three consecutive years beginning in 29759
the year in which the board and the commission enter into the 29760
project agreement under section 3318.08 of the Revised Code, shall 29761
transfer into the maintenance fund required by division (D) of 29762
section 3318.05 of the Revised Code not less than an amount equal 29763
to one-half mill for each dollar of the district's valuation 29764
unless and until the agreement to make those transfers is 29765
rescinded by the district board pursuant to division (F) of this 29766
section. 29767

(B) On the first day of July each year, or on an alternative 29768
date prescribed by the commission, the district treasurer shall 29769
certify to the commission and the auditor of state that the amount 29770
required for the year has been transferred. The auditor of state 29771
shall include verification of the transfer as part of any audit of 29772
the district under section 117.11 of the Revised Code. If the 29773
auditor of state finds that less than the required amount has been 29774
deposited into a district's maintenance fund, the auditor of state 29775
shall notify the district board of education in writing of that 29776
fact and require the board to deposit into the fund, within ninety 29777
days after the date of the notice, the amount by which the fund is 29778
deficient for the year. If the district board fails to demonstrate 29779
to the auditor of state's satisfaction that the board has made the 29780
deposit required in the notice, the auditor of state shall notify 29781
the department of education. At that time, the department shall 29782
withhold an amount equal to ten per cent of the district's funds 29783
calculated for the current fiscal year under Chapter 3317. of the 29784
Revised Code until the auditor of state notifies the department 29785

that the auditor of state is satisfied that the board has made the 29786
required transfer. 29787

(C) Money transferred to the maintenance fund shall be used 29788
for the maintenance of the facilities acquired under the 29789
district's project. 29790

(D) The transfers to the maintenance fund under this section 29791
does not affect a district's obligation to establish and maintain 29792
a capital and maintenance fund under section 3315.18 of the 29793
Revised Code. 29794

(E) Any decision by the commission to approve or not approve 29795
the transfer of money under this section is final and not subject 29796
to appeal. The commission shall not be responsible for errors or 29797
miscalculations made in deciding whether to approve a petition to 29798
make transfers under this section. 29799

(F) If the district board determines that it no longer can 29800
continue making the transfers agreed to under this section, the 29801
board may rescind the agreement only so long as the electors of 29802
the district have approved, in accordance with section 3318.063 of 29803
the Revised Code, the levy of a tax for the maintenance of the 29804
classroom facilities acquired under the district's project and 29805
that levy continues to be collected as approved by the electors. 29806
That levy shall be for a number of years that is equal to the 29807
difference between twenty-three years and the number of years that 29808
the district made transfers under this section and shall be at the 29809
rate of not less than one-half mill for each dollar of the 29810
district's valuation. The district board shall continue to make 29811
the transfers agreed to under this section until that levy has 29812
been approved by the electors. 29813

Sec. 3318.052. At any time after the electors of a school 29814
district have approved either or both a property tax levied under 29815
section 5705.21 or 5705.218 of the Revised Code for the purpose of 29816

permanent improvements, including general permanent improvements, 29817
or a school district income tax levied under Chapter 5748. of the 29818
Revised Code, the proceeds of either of which, pursuant to the 29819
ballot measures approved by the electors, are not so restricted 29820
that they cannot be used to pay the costs of a project or 29821
maintaining classroom facilities, the school district board may: 29822

(A) Within one year following the date of the certification 29823
of the conditional approval of the school district's classroom 29824
facilities project by the Ohio ~~school~~ facilities construction 29825
commission, enter into a written agreement with the commission, 29826
which may be part of an agreement entered into under section 29827
3318.08 of the Revised Code, and in which the school district 29828
board covenants and agrees to do one or both of the following: 29829

(1) Apply a specified amount of available proceeds of that 29830
property tax levy, of that school district income tax, or of 29831
securities issued under this section, or of proceeds from any two 29832
or more of those sources, to pay all or part of the district's 29833
portion of the basic project cost of its classroom facilities 29834
project; 29835

(2) Apply available proceeds of either or both a property tax 29836
levied under section 5705.21 or 5705.218 of the Revised Code in 29837
effect for a continuing period of time, or of a school district 29838
income tax levied under Chapter 5748. of the Revised Code in 29839
effect for a continuing period of time to the payment of costs of 29840
maintaining the classroom facilities. 29841

(B) Receive, as a credit against the amount of bonds required 29842
under sections 3318.05 and 3318.06 of the Revised Code, to be 29843
approved by the electors of the district and issued by the 29844
district board for the district's portion of the basic project 29845
cost of its classroom facilities project in order for the district 29846
to receive state assistance for the project, an amount equal to 29847

the specified amount that the district board covenants and agrees 29848
with the commission to apply as set forth in division (A)(1) of 29849
this section; 29850

(C) Receive, as a credit against the amount of the tax levy 29851
required under sections 3318.05 and 3318.06 of the Revised Code, 29852
to be approved by the electors of the district to pay the costs of 29853
maintaining the classroom facilities in order to receive state 29854
assistance for the classroom facilities project, an amount 29855
equivalent to the specified amount of proceeds the school district 29856
board covenants and agrees with the commission to apply as 29857
referred to in division (A)(2) of this section; 29858

(D) Apply proceeds of either or both a school district income 29859
tax levied under Chapter 5748. of the Revised Code that may 29860
lawfully be used to pay the costs of a classroom facilities 29861
project or of a tax levied under section 5705.21 or 5705.218 of 29862
the Revised Code to the payment of debt charges on and financing 29863
costs related to securities issued under this section; 29864

(E) Issue securities to provide moneys to pay all or part of 29865
the district's portion of the basic project cost of its classroom 29866
facilities project in accordance with an agreement entered into 29867
under division (A) of this section. Securities issued under this 29868
section shall be Chapter 133. securities and may be issued as 29869
general obligation securities or issued in anticipation of a 29870
school district income tax or as property tax anticipation notes 29871
under section 133.24 of the Revised Code. The district board's 29872
resolution authorizing the issuance and sale of general obligation 29873
securities under this section shall conform to the applicable 29874
requirements of section 133.22 or 133.23 of the Revised Code. 29875
Securities issued under this section shall have principal payments 29876
during each year after the year of issuance over a period of not 29877
more than twenty-three years and, if so determined by the district 29878
board, during the year of issuance. Securities issued under this 29879

section shall not be included in the calculation of net 29880
indebtedness of the district under section 133.06 of the Revised 29881
Code, including but not limited to the limitation on unvoted 29882
indebtedness specified in division (G) of that section, or under 29883
section 3313.372 of the Revised Code, if the resolution of the 29884
district board authorizing their issuance and sale includes 29885
covenants to appropriate annually from lawfully available proceeds 29886
of a property tax levied under section 5705.21 or 5705.218 of the 29887
Revised Code or of a school district income tax levied under 29888
Chapter 5748. of the Revised Code and to continue to levy and 29889
collect the tax in amounts necessary to pay the debt charges on 29890
and financing costs related to the securities as they become due. 29891
No property tax levied under section 5705.21 or 5705.218 of the 29892
Revised Code and no school district income tax levied under 29893
Chapter 5748. of the Revised Code that is pledged, or that the 29894
school district board has covenanted to levy, collect, and 29895
appropriate annually, to pay the debt charges on and financing 29896
costs related to securities issued under this section shall be 29897
repealed while those securities are outstanding. If such a tax is 29898
reduced by the electors of the district or by the district board 29899
while those securities are outstanding, the school district board 29900
shall continue to levy and collect the tax under the authority of 29901
the original election authorizing the tax at a rate in each year 29902
that the board reasonably estimates will produce an amount in that 29903
year equal to the debt charges on the securities in that year, 29904
except that in the case of a school district income tax that 29905
amount shall be rounded up to the nearest one-fourth of one per 29906
cent. 29907

No state moneys shall be released for a project to which this 29908
section applies until the proceeds of the tax securities issued 29909
under this section that are dedicated for the payment of the 29910
district portion of the basic project cost of its classroom 29911
facilities project are first deposited into the district's project 29912

construction fund. 29913

Sec. 3318.054. (A) If conditional approval of a city, 29914
exempted village, or local school district's project lapses as 29915
provided in section 3318.05 of the Revised Code, or if conditional 29916
approval of a joint vocational school district's project lapses as 29917
provided in division (D) of section 3318.41 of the Revised Code, 29918
because the district's electors have not approved the ballot 29919
measures necessary to generate the district's portion of the basic 29920
project cost, and if the district board desires to seek a new 29921
conditional approval of the project, the district board shall 29922
request that the Ohio ~~school~~ facilities construction commission 29923
set the scope, basic project cost, and school district portion of 29924
the basic project cost prior to resubmitting the ballot measures 29925
to the electors. To do so, the commission shall use the district's 29926
current assessed tax valuation and the district's percentile for 29927
the prior fiscal year. For a district that has entered into an 29928
agreement under section 3318.36 of the Revised Code and desires to 29929
proceed with a project under sections 3318.01 to 3318.20 of the 29930
Revised Code, the district's portion of the basic project cost 29931
shall be the percentage specified in that agreement. The project 29932
scope and basic costs established under this division shall be 29933
valid for thirteen months from the date the commission approves 29934
them. 29935

(B) Upon the commission's approval under division (A) of this 29936
section, the district board may submit the ballot measures to the 29937
district's electors for approval of the project based on the new 29938
project scope and estimated costs. Upon electoral approval of 29939
those measures, the district shall be given first priority for 29940
project funding as such funds become available. 29941

(C) When the commission determines that funds are available 29942
for the district's project, the commission shall do all of the 29943

following:	29944
(1) Determine the school district portion of the basic	29945
project cost under section 3318.032 of the Revised Code, in the	29946
case of a city, exempted village, or local school district, or	29947
under section 3318.42 of the Revised Code, in the case of a joint	29948
vocational school district;	29949
(2) Conditionally approve the project and submit it to the	29950
controlling board for approval pursuant to section 3318.04 of the	29951
Revised Code;	29952
(3) Encumber funds for the project under section 3318.11 of	29953
the Revised Code;	29954
(4) Enter into an agreement with the district board under	29955
section 3318.08 of the Revised Code.	29956
Sec. 3318.06. (A) After receipt of the conditional approval	29957
of the Ohio ~~school~~ facilities <u>construction</u> commission, the school	29958
district board by a majority of all of its members shall, if it	29959
desires to proceed with the project, declare all of the following	29960
by resolution:	29961
(1) That by issuing bonds in an amount equal to the school	29962
district's portion of the basic project cost the district is	29963
unable to provide adequate classroom facilities without assistance	29964
from the state;	29965
(2) Unless the school district board has resolved to transfer	29966
money in accordance with section 3318.051 of the Revised Code or	29967
to apply the proceeds of a property tax or the proceeds of an	29968
income tax, or a combination of proceeds from such taxes, as	29969
authorized under section 3318.052 of the Revised Code, that to	29970
qualify for such state assistance it is necessary to do either of	29971
the following:	29972
(a) Levy a tax outside the ten-mill limitation the proceeds	29973

of which shall be used to pay the cost of maintaining the 29974
classroom facilities included in the project; 29975

(b) Earmark for maintenance of classroom facilities from the 29976
proceeds of an existing permanent improvement tax levied under 29977
section 5705.21 of the Revised Code, if such tax can be used for 29978
maintenance, an amount equivalent to the amount of the additional 29979
tax otherwise required under this section and sections 3318.05 and 29980
3318.08 of the Revised Code. 29981

(3) That the question of any tax levy specified in a 29982
resolution described in division (A)(2)(a) of this section, if 29983
required, shall be submitted to the electors of the school 29984
district at the next general or primary election, if there be a 29985
general or primary election not less than ninety and not more than 29986
one hundred ten days after the day of the adoption of such 29987
resolution or, if not, at a special election to be held at a time 29988
specified in the resolution which shall be not less than ninety 29989
days after the day of the adoption of the resolution and which 29990
shall be in accordance with the requirements of section 3501.01 of 29991
the Revised Code. 29992

Such resolution shall also state that the question of issuing 29993
bonds of the board shall be combined in a single proposal with the 29994
question of such tax levy. More than one election under this 29995
section may be held in any one calendar year. Such resolution 29996
shall specify both of the following: 29997

(a) That the rate which it is necessary to levy shall be at 29998
the rate of not less than one-half mill for each one dollar of 29999
valuation, and that such tax shall be levied for a period of 30000
twenty-three years; 30001

(b) That the proceeds of the tax shall be used to pay the 30002
cost of maintaining the classroom facilities included in the 30003
project. 30004

(B) A copy of a resolution adopted under division (A) of this section shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which may be any number of years not exceeding the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and

that the proceeds of the tax shall be used to pay the cost of 30037
maintaining the classroom facilities included in the project. 30038

If the bonds are to be issued in more than one series, the 30039
board of education, when filing copies of the resolution with the 30040
board of elections as required by division (D) of section 133.18 30041
of the Revised Code, may direct the board of elections to include 30042
in the notice of election the principal amount and approximate 30043
date of each series, the maximum number of years over which the 30044
principal of each series may be paid, the estimated additional 30045
average property tax levy for each series, and the first calendar 30046
year in which the tax is expected to be due for each series, in 30047
addition to the information required to be stated in the notice 30048
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 30049
Code. 30050

(C)(1) Except as otherwise provided in division (C)(2) of 30051
this section, the form of the ballot to be used at such election 30052
shall be: 30053

"A majority affirmative vote is necessary for passage. 30054

Shall bonds be issued by the (here insert name 30055
of school district) school district to pay the local share of 30056
school construction under the State of Ohio Classroom Facilities 30057
Assistance Program in the principal amount of (here 30058
insert principal amount of the bond issue), to be repaid annually 30059
over a maximum period of (here insert the maximum 30060
number of years over which the principal of the bonds may be paid) 30061
years, and an annual levy of property taxes be made outside the 30062
ten-mill limitation, estimated by the county auditor to average 30063
over the repayment period of the bond issue (here 30064
insert the number of mills estimated) mills for each one dollar of 30065
tax valuation, which amounts to (rate expressed in 30066
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 30067
for each one hundred dollars of tax valuation to pay the annual 30068

debt charges on the bonds and to pay debt charges on any notes 30069
issued in anticipation of the bonds?" 30070

and, unless the additional levy 30071
of taxes is not required pursuant 30072
to division (C) of section 30073
3318.05 of the Revised Code, 30074

"Shall an additional levy of taxes be made for a period of 30075
twenty-three years to benefit the (here insert name 30076
of school district) school district, the proceeds of which shall 30077
be used to pay the cost of maintaining the classroom facilities 30078
included in the project at the rate of (here insert the 30079
number of mills, which shall not be less than one-half mill) mills 30080
for each one dollar of valuation? 30081

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

30082
30083
30084
30085
(2) If authority is sought to issue bonds in more than one 30086
series and the board of education so elects, the form of the 30087
ballot shall be as prescribed in section 3318.062 of the Revised 30088
Code. If the board of education elects the form of the ballot 30089
prescribed in that section, it shall so state in the resolution 30090
adopted under this section. 30091

(D) If it is necessary for the school district to acquire a 30092
site for the classroom facilities to be acquired pursuant to 30093
sections 3318.01 to 3318.20 of the Revised Code, the district 30094
board may propose either to issue bonds of the board or to levy a 30095
tax to pay for the acquisition of such site, and may combine the 30096
question of doing so with the questions specified in division (B) 30097
of this section. Bonds issued under this division for the purpose 30098
of acquiring a site are a general obligation of the school 30099

district and are Chapter 133. securities. 30100

The form of that portion of the ballot to include the 30101
question of either issuing bonds or levying a tax for site 30102
acquisition purposes shall be one of the following: 30103

(1) "Shall bonds be issued by the (here insert 30104
name of the school district) school district to pay costs of 30105
acquiring a site for classroom facilities under the State of Ohio 30106
Classroom Facilities Assistance Program in the principal amount of 30107
..... (here insert principal amount of the bond issue), to be 30108
repaid annually over a maximum period of (here insert 30109
maximum number of years over which the principal of the bonds may 30110
be paid) years, and an annual levy of property taxes be made 30111
outside the ten-mill limitation, estimated by the county auditor 30112
to average over the repayment period of the bond issue 30113
(here insert number of mills) mills for each one dollar of tax 30114
valuation, which amount to (here insert rate expressed 30115
in cents or dollars and cents, such as "thirty-six cents" or 30116
"\$0.36") for each one hundred dollars of valuation to pay the 30117
annual debt charges on the bonds and to pay debt charges on any 30118
notes issued in anticipation of the bonds?" 30119

(2) "Shall an additional levy of taxes outside the ten-mill 30120
limitation be made for the benefit of the (here insert 30121
name of the school district) school district for the purpose of 30122
acquiring a site for classroom facilities in the sum of 30123
(here insert annual amount the levy is to produce) estimated by 30124
the county auditor to average (here insert number of 30125
mills) mills for each one hundred dollars of valuation, for a 30126
period of (here insert number of years the millage is to 30127
be imposed) years?" 30128

Where it is necessary to combine the question of issuing 30129
bonds of the school district and levying a tax as described in 30130
division (B) of this section with the question of issuing bonds of 30131

the school district for acquisition of a site, the question 30132
specified in that division to be voted on shall be "For the Bond 30133
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 30134
Levy." 30135

Where it is necessary to combine the question of issuing 30136
bonds of the school district and levying a tax as described in 30137
division (B) of this section with the question of levying a tax 30138
for the acquisition of a site, the question specified in that 30139
division to be voted on shall be "For the Bond Issue and the Tax 30140
Levies" and "Against the Bond Issue and the Tax Levies." 30141

Where the school district board chooses to combine the 30142
question in division (B) of this section with any of the 30143
additional questions described in divisions (A) to (D) of section 30144
3318.056 of the Revised Code, the question specified in division 30145
(B) of this section to be voted on shall be "For the Bond Issues 30146
and the Tax Levies" and "Against the Bond Issues and the Tax 30147
Levies." 30148

If a majority of those voting upon a proposition hereunder 30149
which includes the question of issuing bonds vote in favor 30150
thereof, and if the agreement provided for by section 3318.08 of 30151
the Revised Code has been entered into, the school district board 30152
may proceed under Chapter 133. of the Revised Code, with the 30153
issuance of bonds or bond anticipation notes in accordance with 30154
the terms of the agreement. 30155

Sec. 3318.061. This section applies only to school districts 30156
eligible to receive additional assistance under division (B)(2) of 30157
section 3318.04 of the Revised Code. 30158

The board of education of a school district in which a tax 30159
described by division (B) of section 3318.05 and levied under 30160
section 3318.06 of the Revised Code is in effect, may adopt a 30161
resolution by vote of a majority of its members to extend the term 30162

of that tax beyond the expiration of that tax as originally 30163
approved under that section. The school district board may include 30164
in the resolution a proposal to extend the term of that tax at the 30165
rate of not less than one-half mill for each dollar of valuation 30166
for a period of twenty-three years from the year in which the 30167
school district board and the Ohio ~~school~~ facilities construction 30168
commission enter into an agreement under division (B)(2) of 30169
section 3318.04 of the Revised Code or in the following year, as 30170
specified in the resolution. Such a resolution may be adopted at 30171
any time before such an agreement is entered into and before the 30172
tax levied pursuant to section 3318.06 of the Revised Code 30173
expires. If the resolution is combined with a resolution to issue 30174
bonds to pay the school district's portion of the basic project 30175
cost, it shall conform with the requirements of divisions (A)(1), 30176
(2), and (3) of section 3318.06 of the Revised Code, except that 30177
the resolution also shall state that the tax levy proposed in the 30178
resolution is an extension of an existing tax levied under that 30179
section. A resolution proposing an extension adopted under this 30180
section does not take effect until it is approved by a majority of 30181
electors voting in favor of the resolution at a general, primary, 30182
or special election as provided in this section. 30183

A tax levy extended under this section is subject to the same 30184
terms and limitations to which the original tax levied under 30185
section 3318.06 of the Revised Code is subject under that section, 30186
except the term of the extension shall be as specified in this 30187
section. 30188

The school district board shall certify a copy of the 30189
resolution adopted under this section to the proper county board 30190
of elections not later than ninety days before the date set in the 30191
resolution as the date of the election at which the question will 30192
be submitted to electors. The notice of the election shall conform 30193
with the requirements of division (A)(3) of section 3318.06 of the 30194

Revised Code, except that the notice also shall state that the
maintenance tax levy is an extension of an existing tax levy.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining
classroom facilities constructed with the proceeds of the
previously issued bonds at the rate of (here insert the
number of mills, which shall not be less than one-half mill) mills
per dollar of tax valuation, be extended until (here
insert the year that is twenty-three years after the year in which
the district and commission will enter into an agreement under
division (B)(2) of section 3318.04 of the Revised Code or the
following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot
questions under this section.

Sec. 3318.07. The board of elections shall certify the result
of the election to the tax commissioner, to the auditor of the
county or counties in which the school district is located, to the
treasurer of the school district board, and to the Ohio school
facilities construction commission. The necessary tax levy for
debt service on the bonds shall be included in the annual tax
budget that is certified to the county budget commission or, if
adoption of the tax budget is waived under section 5705.281 of the
Revised Code, included among the tax rates required to be provided
to the budget commission under that section.

Sec. 3318.08. Except in the case of a joint vocational school
district that receives assistance under sections 3318.40 to

3318.45 of the Revised Code, if the requisite favorable vote on 30225
the election is obtained, or if the school district board has 30226
resolved to apply the proceeds of a property tax levy or the 30227
proceeds of an income tax, or a combination of proceeds from such 30228
taxes, as authorized in section 3318.052 of the Revised Code, the 30229
Ohio ~~school~~ facilities construction commission, upon certification 30230
to it of either the results of the election or the resolution 30231
under section 3318.052 of the Revised Code, shall enter into a 30232
written agreement with the school district board for the 30233
construction and sale of the project. In the case of a joint 30234
vocational school district that receives assistance under sections 30235
3318.40 to 3318.45 of the Revised Code, if the school district 30236
board of education and the school district electors have satisfied 30237
the conditions prescribed in division (D)(1) of section 3318.41 of 30238
the Revised Code, the commission shall enter into an agreement 30239
with the school district board for the construction and sale of 30240
the project. In either case, the agreement shall include, but need 30241
not be limited to, the following provisions: 30242

(A) The sale and issuance of bonds or notes in anticipation 30243
thereof, as soon as practicable after the execution of the 30244
agreement, in an amount equal to the school district's portion of 30245
the basic project cost, including any securities authorized under 30246
division (J) of section 133.06 of the Revised Code and dedicated 30247
by the school district board to payment of the district's portion 30248
of the basic project cost of the project; provided, that if at 30249
that time the county treasurer of each county in which the school 30250
district is located has not commenced the collection of taxes on 30251
the general duplicate of real and public utility property for the 30252
year in which the controlling board approved the project, the 30253
school district board shall authorize the issuance of a first 30254
installment of bond anticipation notes in an amount specified by 30255
the agreement, which amount shall not exceed an amount necessary 30256

to raise the net bonded indebtedness of the school district as of 30257
the date of the controlling board's approval to within five 30258
thousand dollars of the required level of indebtedness for the 30259
preceding year. In the event that a first installment of bond 30260
anticipation notes is issued, the school district board shall, as 30261
soon as practicable after the county treasurer of each county in 30262
which the school district is located has commenced the collection 30263
of taxes on the general duplicate of real and public utility 30264
property for the year in which the controlling board approved the 30265
project, authorize the issuance of a second and final installment 30266
of bond anticipation notes or a first and final issue of bonds. 30267

The combined value of the first and second installment of 30268
bond anticipation notes or the value of the first and final issue 30269
of bonds shall be equal to the school district's portion of the 30270
basic project cost. The proceeds of any such bonds shall be used 30271
first to retire any bond anticipation notes. Otherwise, the 30272
proceeds of such bonds and of any bond anticipation notes, except 30273
the premium and accrued interest thereon, shall be deposited in 30274
the school district's project construction fund. In determining 30275
the amount of net bonded indebtedness for the purpose of fixing 30276
the amount of an issue of either bonds or bond anticipation notes, 30277
gross indebtedness shall be reduced by moneys in the bond 30278
retirement fund only to the extent of the moneys therein on the 30279
first day of the year preceding the year in which the controlling 30280
board approved the project. Should there be a decrease in the tax 30281
valuation of the school district so that the amount of 30282
indebtedness that can be incurred on the tax duplicates for the 30283
year in which the controlling board approved the project is less 30284
than the amount of the first installment of bond anticipation 30285
notes, there shall be paid from the school district's project 30286
construction fund to the school district's bond retirement fund to 30287
be applied against such notes an amount sufficient to cause the 30288
net bonded indebtedness of the school district, as of the first 30289

day of the year following the year in which the controlling board 30290
approved the project, to be within five thousand dollars of the 30291
required level of indebtedness for the year in which the 30292
controlling board approved the project. The maximum amount of 30293
indebtedness to be incurred by any school district board as its 30294
share of the cost of the project is either an amount that will 30295
cause its net bonded indebtedness, as of the first day of the year 30296
following the year in which the controlling board approved the 30297
project, to be within five thousand dollars of the required level 30298
of indebtedness, or an amount equal to the required percentage of 30299
the basic project costs, whichever is greater. All bonds and bond 30300
anticipation notes shall be issued in accordance with Chapter 133. 30301
of the Revised Code, and notes may be renewed as provided in 30302
section 133.22 of the Revised Code. 30303

(B) The transfer of such funds of the school district board 30304
available for the project, together with the proceeds of the sale 30305
of the bonds or notes, except premium, accrued interest, and 30306
interest included in the amount of the issue, to the school 30307
district's project construction fund; 30308

(C) For all school districts except joint vocational school 30309
districts that receive assistance under sections 3318.40 to 30310
3318.45 of the Revised Code, the following provisions as 30311
applicable: 30312

(1) If section 3318.052 of the Revised Code applies, the 30313
earmarking of the proceeds of a tax levied under section 5705.21 30314
of the Revised Code for general permanent improvements or under 30315
section 5705.218 of the Revised Code for the purpose of permanent 30316
improvements, or the proceeds of a school district income tax 30317
levied under Chapter 5748. of the Revised Code, or the proceeds 30318
from a combination of those two taxes, in an amount to pay all or 30319
part of the service charges on bonds issued to pay the school 30320
district portion of the project and an amount equivalent to all or 30321

part of the tax required under division (B) of section 3318.05 of 30322
the Revised Code; 30323

(2) If section 3318.052 of the Revised Code does not apply, 30324
one of the following: 30325

(a) The levy of the tax authorized at the election for the 30326
payment of maintenance costs, as specified in division (B) of 30327
section 3318.05 of the Revised Code; 30328

(b) If the school district electors have approved a 30329
continuing tax for general permanent improvements under section 30330
5705.21 of the Revised Code and that tax can be used for 30331
maintenance, the earmarking of an amount of the proceeds from such 30332
tax for maintenance of classroom facilities as specified in 30333
division (B) of section 3318.05 of the Revised Code; 30334

(c) If, in lieu of the tax otherwise required under division 30335
(B) of section 3318.05 of the Revised Code, the commission has 30336
approved the transfer of money to the maintenance fund in 30337
accordance with section 3318.051 of the Revised Code, a 30338
requirement that the district board comply with the provisions of 30339
that section. The district board may rescind the provision 30340
prescribed under division (C)(2)(c) of this section only so long 30341
as the electors of the district have approved, in accordance with 30342
section 3318.063 of the Revised Code, the levy of a tax for the 30343
maintenance of the classroom facilities acquired under the 30344
district's project and that levy continues to be collected as 30345
approved by the electors. 30346

(D) For joint vocational school districts that receive 30347
assistance under sections 3318.40 to 3318.45 of the Revised Code, 30348
provision for deposit of school district moneys dedicated to 30349
maintenance of the classroom facilities acquired under those 30350
sections as prescribed in section 3318.43 of the Revised Code; 30351

(E) Dedication of any local donated contribution as provided 30352

for under section 3318.084 of the Revised Code, including a 30353
schedule for depositing such moneys applied as an offset of the 30354
district's obligation to levy the tax described in division (B) of 30355
section 3318.05 of the Revised Code as required under division 30356
(D)(2) of section 3318.084 of the Revised Code; 30357

(F) Ownership of or interest in the project during the period 30358
of construction, which shall be divided between the commission and 30359
the school district board in proportion to their respective 30360
contributions to the school district's project construction fund; 30361

(G) Maintenance of the state's interest in the project until 30362
any obligations issued for the project under section 3318.26 of 30363
the Revised Code are no longer outstanding; 30364

(H) The insurance of the project by the school district from 30365
the time there is an insurable interest therein and so long as the 30366
state retains any ownership or interest in the project pursuant to 30367
division (F) of this section, in such amounts and against such 30368
risks as the commission shall require; provided, that the cost of 30369
any required insurance until the project is completed shall be a 30370
part of the basic project cost; 30371

(I) The certification by the director of budget and 30372
management that funds are available and have been set aside to 30373
meet the state's share of the basic project cost as approved by 30374
the controlling board pursuant to either section 3318.04 or 30375
division (B)(1) of section 3318.41 of the Revised Code; 30376

(J) Authorization of the school district board to advertise 30377
for and receive construction bids for the project, for and on 30378
behalf of the commission, and to award contracts in the name of 30379
the state subject to approval by the commission; 30380

(K) Provisions for the disbursement of moneys from the school 30381
district's project account upon issuance by the commission or the 30382
commission's designated representative of vouchers for work done 30383

to be certified to the commission by the treasurer of the school	30384
district board;	30385
(L) Disposal of any balance left in the school district's	30386
project construction fund upon completion of the project;	30387
(M) Limitations upon use of the project or any part of it so	30388
long as any obligations issued to finance the project under	30389
section 3318.26 of the Revised Code are outstanding;	30390
(N) Provision for vesting the state's interest in the project	30391
to the school district board when the obligations issued to	30392
finance the project under section 3318.26 of the Revised Code are	30393
outstanding;	30394
(O) Provision for deposit of an executed copy of the	30395
agreement in the office of the commission;	30396
(P) Provision for termination of the contract and release of	30397
the funds encumbered at the time of the conditional approval, if	30398
the proceeds of the sale of the bonds of the school district board	30399
are not paid into the school district's project construction fund	30400
and if bids for the construction of the project have not been	30401
taken within such period after the execution of the agreement as	30402
may be fixed by the commission;	30403
(Q) Provision for the school district to maintain the project	30404
in accordance with a plan approved by the commission;	30405
(R) Provision that all state funds reserved and encumbered to	30406
pay the state share of the cost of the project and the funds	30407
provided by the school district to pay for its share of the	30408
project cost, including the respective shares of the cost of a	30409
segment if the project is divided into segments, be spent on the	30410
construction and acquisition of the project or segment	30411
simultaneously in proportion to the state's and the school	30412
district's respective shares of that basic project cost as	30413
determined under section 3318.032 of the Revised Code or, if the	30414

district is a joint vocational school district, under section 30415
3318.42 of the Revised Code. However, if the school district 30416
certifies to the commission that expenditure by the school 30417
district is necessary to maintain the federal tax status or 30418
tax-exempt status of notes or bonds issued by the school district 30419
to pay for its share of the project cost or to comply with 30420
applicable temporary investment periods or spending exceptions to 30421
rebate as provided for under federal law in regard to those notes 30422
or bonds, the school district may commit to spend, or spend, a 30423
greater portion of the funds it provides during any specific 30424
period than would otherwise be required under this division. 30425

(S) A provision stipulating that the commission may prohibit 30426
the district from proceeding with any project if the commission 30427
determines that the site is not suitable for construction 30428
purposes. The commission may perform soil tests in its 30429
determination of whether a site is appropriate for construction 30430
purposes. 30431

(T) A provision stipulating that, unless otherwise authorized 30432
by the commission, any contingency reserve portion of the 30433
construction budget prescribed by the commission shall be used 30434
only to pay costs resulting from unforeseen job conditions, to 30435
comply with rulings regarding building and other codes, to pay 30436
costs related to design clarifications or corrections to contract 30437
documents, and to pay the costs of settlements or judgments 30438
related to the project as provided under section 3318.086 of the 30439
Revised Code; 30440

(U) A provision stipulating that for continued release of 30441
project funds the school district board shall comply with sections 30442
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 30443
project and shall notify the department of education and the Ohio 30444
community school association when the board plans to dispose of 30445
facilities by sale under that section; 30446

(V) A provision stipulating that the commission shall not
approve a contract for demolition of a facility until the school
district board has complied with sections 3313.41, 3313.411, and
3313.413 of the Revised Code relative to that facility, unless
demolition of that facility is to clear a site for construction of
a replacement facility included in the district's project;

(W) A requirement for the school district to adhere to a
facilities maintenance plan approved by the commission.

Sec. 3318.081. If the board of education of a school district
authorized to impose a tax pursuant to section 3318.06 of the
Revised Code determines that taxable value of property subject to
the tax has increased to the extent it will not be necessary to
impose such tax for twenty-three years in order to generate an
amount equal to the amount of the project cost supplied by the
state, it may request the county auditor to determine the amount
remaining to be paid and the estimated rate of taxation required
each year to pay such remainder in equal installments over the
maximum number of remaining years the tax may be in effect. The
auditor shall make such determination upon request and certify the
results thereof to the board of education.

Upon receipt of the auditor's determination, the board of
education may request the Ohio ~~school~~ facilities construction
commission to enter into a supplemental agreement under which the
district may pay the remainder of the amount in annual amounts
equal to the quotient obtained by dividing the amount remaining to
be paid by the maximum number of remaining years the tax may be in
effect. If such an agreement is entered into, the commission shall
certify a copy thereof to the county auditor and the tax
authorized by section 3318.06 of the Revised Code thereafter shall
be levied at the rate required to make the annual payments
required by the supplemental agreement rather than the rate

required by such section. 30478

Sec. 3318.082. The board of education of any school district 30479
imposing a tax for the purpose of paying the state pursuant to 30480
section 3318.06 of the Revised Code prior to the effective date of 30481
the amendments to that section by Amended Substitute House Bill 30482
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 30483
into a supplemental agreement with the Ohio ~~school~~ facilities 30484
construction commission under which the proceeds of such tax shall 30485
be distributed in accordance with the requirements of section 30486
3318.06 of the Revised Code, as amended by Amended Substitute 30487
House Bill No. 748 of the 121st general assembly. 30488

Sec. 3318.083. If, after the Ohio ~~school~~ facilities 30489
construction commission and a school district enter into a written 30490
agreement under section 3318.08 of the Revised Code for the 30491
construction of a classroom facilities project, the commission 30492
approves an increase in the basic project cost above the amount 30493
budgeted plus any interest earned and available in the project 30494
construction fund, the state and the school district shall share 30495
the increased cost in proportion to their respective contributions 30496
to the district's project construction fund. 30497

Sec. 3318.084. (A) Notwithstanding anything to the contrary 30498
in Chapter 3318. of the Revised Code, a school district board may 30499
apply any local donated contribution toward any of the following: 30500

(1) The district's portion of the basic project cost of a 30501
project under either sections 3318.01 to 3318.20 or sections 30502
3318.40 to 3318.45 of the Revised Code to reduce the amount of 30503
bonds the district otherwise must issue in order to receive state 30504
assistance under those sections; 30505

(2) If the school district is not a joint vocational school 30506
district proceeding under sections 3318.40 to 3318.45 of the 30507

Revised Code, an offset of all or part of a district's obligation 30508
to levy the tax described in division (B) of section 3318.05 of 30509
the Revised Code, which shall be applied only in the manner 30510
prescribed in division (B) of this section; 30511

(3) If the school district is a joint vocational school 30512
district proceeding under sections 3318.40 to 3318.45 of the 30513
Revised Code, all or part of the amount the school district is 30514
obligated to set aside for maintenance of the classroom facilities 30515
acquired under that project pursuant to section 3318.43 of the 30516
Revised Code. 30517

(B) No school district board shall apply any local donated 30518
contribution under division (A)(2) of this section unless the Ohio 30519
~~school~~ facilities construction commission first approves that 30520
application. 30521

Upon the request of the school district board to apply local 30522
donated contribution under division (A)(2) of this section, the 30523
commission in consultation with the department of taxation shall 30524
determine the amount of total revenue that likely would be 30525
generated by one-half mill of the tax described in division (B) of 30526
section 3318.05 of the Revised Code over the entire 30527
twenty-three-year period required under that section and shall 30528
deduct from that amount any amount of local donated contribution 30529
that the board has committed to apply under division (A)(2) of 30530
this section. The commission then shall determine in consultation 30531
with the department of taxation the rate of tax over twenty-three 30532
years necessary to generate the amount of a one-half mill tax not 30533
offset by the local donated contribution. Notwithstanding anything 30534
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 30535
Revised Code, the rate determined by the commission shall be the 30536
rate for which the district board shall seek elector approval 30537
under those sections to meet its obligation under division (B) of 30538
section 3318.05 of the Revised Code. In the case of a complete 30539

offset of the district's obligation under division (B) of section 30540
3318.05 of the Revised Code, the district shall not be required to 30541
levy the tax otherwise required under that section. At the end of 30542
the twenty-three-year period of the tax required under division 30543
(B) of section 3318.05 of the Revised Code, whether or not the tax 30544
is actually levied, the commission in consultation of the 30545
department of taxation shall recalculate the amount that would 30546
have been generated by the tax if it had been levied at one-half 30547
mill. If the total amount actually generated over that period from 30548
both the tax that was actually levied and any local donated 30549
contribution applied under division (A)(2) of this section is less 30550
than the amount that would have been raised by a one-half mill 30551
tax, the district shall pay any difference. If the total amount 30552
actually raised in such manner is greater than the amount that 30553
would have been raised by a one-half mill tax the difference shall 30554
be zero and no payments shall be made by either the district or 30555
the commission. 30556

(C) As used in this section, "local donated contribution" 30557
means any of the following: 30558

(1) Any moneys irrevocably donated or granted to a school 30559
district board by a source other than the state which the board 30560
has the authority to apply to the school district's project under 30561
sections 3318.01 to 3318.20 of the Revised Code and which the 30562
board has pledged for that purpose by resolution adopted by a 30563
majority of its members; 30564

(2) Any irrevocable letter of credit issued on behalf of a 30565
school district which the school district board has encumbered for 30566
payment of the school district's share of its project under 30567
sections 3318.01 to 3318.20 of the Revised Code that has been 30568
approved by the commission in consultation with the department of 30569
education; 30570

(3) Any cash a school district has on hand that the school 30571

district board has encumbered for payment of the school district's 30572
share of its project under sections 3318.01 to 3318.20 of the 30573
Revised Code that has been approved by the commission in 30574
consultation with the department of education, including the 30575
following: 30576

(a) Any year-end operating fund balances that can be spent 30577
for classroom facilities; 30578

(b) Any cash resulting from a lease-purchase agreement that 30579
the school district board has entered into under section 3313.375 30580
of the Revised Code, provided that the agreement and the related 30581
financing documents contain provisions protecting the state's 30582
superior interest in the project. 30583

(4) Any moneys spent by a source other than the school 30584
district or the state for construction or renovation of specific 30585
classroom facilities that have been approved by the commission as 30586
part of the basic project cost of the district's project. The 30587
school district, the commission, and the entity providing the 30588
local donated contribution under division (C)(4) of this section 30589
shall enter into an agreement identifying the classroom facilities 30590
to be acquired by the expenditures made by that entity. The 30591
agreement shall include, but not be limited to, stipulations that 30592
require an audit by the commission of such expenditures made on 30593
behalf of the district and that specify the maximum amount of 30594
credit to be allowed for those expenditures. Upon completion of 30595
the construction or renovation, the commission shall determine the 30596
actual amount that the commission will credit, at the request of 30597
the district board, toward the district's portion of the basic 30598
project cost, any project cost overruns, or the basic project cost 30599
of future segments if the project has been divided into segments 30600
under section 3318.38 of the Revised Code. The actual amount of 30601
the credit shall not exceed the lesser of the amount specified in 30602
the agreement or the actual cost of the construction or 30603

renovation. 30604

(D) No state moneys shall be released for a project to which 30605
this section applies until: 30606

(1) Any local donated contribution authorized under division 30607
(A)(1) of this section is first deposited into the school 30608
district's project construction fund. 30609

(2) The school district board and the commission have 30610
included a stipulation in their agreement entered into under 30611
section 3318.08 of the Revised Code under which the board will 30612
deposit into a fund approved by the commission according to a 30613
schedule that does not extend beyond the anticipated completion 30614
date of the project the total amount of any local donated 30615
contribution authorized under division (A)(2) or (3) of this 30616
section and dedicated by the board for that purpose. 30617

However, if any local donated contribution as described in 30618
division (C)(4) of this section has been approved under this 30619
section, the state moneys may be released even if the entity 30620
providing that local donated contribution has not spent the moneys 30621
so dedicated as long as the agreement required under that section 30622
has been executed. 30623

Sec. 3318.086. The construction budget for any project under 30624
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 30625
Revised Code shall contain a contingency reserve in an amount 30626
prescribed by the Ohio ~~school~~ facilities construction commission, 30627
which unless otherwise authorized by the commission, shall be used 30628
only to pay costs resulting from unforeseen job conditions, to 30629
comply with rulings regarding building and other codes, to pay 30630
costs related to design clarifications or corrections to contract 30631
documents, and to pay the costs of settlements or judgments 30632
related to the project. 30633

Sec. 3318.091. (A) Promptly after the written agreement 30634
between the school district board and the Ohio school facilities 30635
construction commission has been entered into, the school district 30636
board shall proceed with the issuance of its bonds or notes in 30637
anticipation thereof pursuant to the provision of such agreement 30638
required by division (A) of section 3318.08 of the Revised Code 30639
and the deposit of the proceeds thereof in the school district's 30640
project construction fund pursuant to the provision of such 30641
agreement required by division (B) of section 3318.08 of the 30642
Revised Code, and the school district board, with the approval of 30643
the commission shall employ a qualified professional person or 30644
firm to prepare preliminary plans, working drawings, 30645
specifications, estimates of cost, and such data as the school 30646
district board and the commission consider necessary for the 30647
project. When the preliminary plans and preliminary estimates of 30648
cost have been prepared, and approved by the school district 30649
board, they shall be submitted to the commission for approval, 30650
modification, or rejection. The commission shall ensure that the 30651
plans and materials proposed for use in the project comply with 30652
specifications for plans and materials that shall be established 30653
by the commission. When such preliminary plans and preliminary 30654
estimates of cost and any modifications thereof have been approved 30655
by the commission and the school district board, the school 30656
district board shall cause such qualified professional person or 30657
firm to prepare the working drawings, specifications, and 30658
estimates of cost. 30659

(B) Whenever project plans submitted to the commission for 30660
approval under division (A) of this section propose to locate a 30661
facility on a state route or United States highway or within one 30662
mile of a state route or United States highway, the commission 30663
shall send a copy of the plans to the director of transportation. 30664
The director of transportation shall review the plans to determine 30665

the feasibility of the proposed ingress and egress to the 30666
facility, the traffic circulation pattern on roadways around the 30667
facility, and any improvements that would be necessary to conform 30668
the roadways to provisions of the manual adopted by the department 30669
of transportation pursuant to section 4511.09 of the Revised Code 30670
or state or federal law. The director of transportation shall 30671
provide a written summary of the director's findings to the 30672
commission in a timely manner. The commission shall consider the 30673
findings in deciding whether to approve the plans. 30674

Sec. 3318.10. When such working drawings, specifications, and 30675
estimates of cost have been approved by the school district board 30676
and the Ohio ~~school~~ facilities construction commission, the 30677
treasurer of the school district board shall advertise for 30678
construction bids in accordance with section 3313.46 of the 30679
Revised Code. Such notices shall state that plans and 30680
specifications for the project are on file in the office of the 30681
commission and such other place as may be designated in such 30682
notice, and the time and place when and where bids therefor will 30683
be received. 30684

The form of proposal to be submitted by bidders shall be 30685
supplied by the commission. Bidders may be permitted to bid upon 30686
all the branches of work and materials to be furnished and 30687
supplied, upon any branch thereof, or upon all or any thereof. 30688

When the construction bids for all branches of work and 30689
materials have been tabulated, the commission shall cause to be 30690
prepared a revised estimate of the basic project cost based upon 30691
the lowest responsible bids received. If such revised estimate 30692
exceeds the estimated basic project cost as approved by the 30693
controlling board pursuant to section 3318.04 or division (B)(1) 30694
of section 3318.41 of the Revised Code, no contracts may be 30695
entered into pursuant to this section unless such revised estimate 30696

is approved by the commission and by the controlling board. When 30697
such revised estimate has been prepared, and after such approvals 30698
are given, if necessary, and if the school district board has 30699
caused to be transferred to the project construction fund the 30700
proceeds from the sale of the first or first and final installment 30701
of its bonds or bond anticipation notes pursuant to the provision 30702
of the written agreement required by division (B) of section 30703
3318.08 of the Revised Code, and when the director of budget and 30704
management has certified that there is a balance in the 30705
appropriation, not otherwise obligated to pay precedent 30706
obligations, pursuant to which the state's share of such revised 30707
estimate is required to be paid, the contract for all branches of 30708
work and materials to be furnished and supplied, or for any branch 30709
thereof as determined by the school district board, shall be 30710
awarded by the school district board to the lowest responsible 30711
bidder subject to the approval of the commission. Such award shall 30712
be made within sixty days after the date on which the bids are 30713
opened, and the successful bidder shall enter into a contract 30714
within ten days after the successful bidder is notified of the 30715
award of the contract. 30716

Subject to the approval of the commission, the school 30717
district board may reject all bids and readvertise. Any contract 30718
made under this section shall be made in the name of the state and 30719
executed on its behalf by the president and treasurer of the 30720
school district board. 30721

The provisions of sections 9.312 and 3313.46 of the Revised 30722
Code, which are applicable to construction contracts of boards of 30723
education, shall apply to construction contracts for the project. 30724

The remedies afforded to any subcontractor, materials 30725
supplier, laborer, mechanic, or persons furnishing material or 30726
machinery for the project under sections 1311.26 to 1311.32 of the 30727
Revised Code, shall apply to contracts entered into under this 30728

section and the itemized statement required by section 1311.26 of 30729
the Revised Code shall be filed with the school district board. 30730

Notwithstanding any other requirement of this section, a 30731
school district, with the approval of the commission, may utilize 30732
any otherwise lawful alternative construction delivery method for 30733
the construction of the project. 30734

Sec. 3318.11. For any project undertaken with financial 30735
assistance from the state under this chapter, the amount of state 30736
appropriations to be encumbered for the project in each fiscal 30737
year shall be determined by the Ohio ~~school~~ facilities 30738
construction commission based on the project's estimated 30739
construction schedule for that year. In each fiscal year 30740
subsequent to the first year in which state appropriations are 30741
encumbered for the project, the project has priority for state 30742
funds over projects for which initial state funding is sought. 30743

Sec. 3318.112. (A) As used in this section, "solar_ready" 30744
means capable of accommodating the eventual installation of roof 30745
top, solar photovoltaic energy equipment. 30746

(B) The Ohio ~~school~~ facilities construction commission shall 30747
adopt rules prescribing standards for solar_ready equipment in 30748
school buildings under their jurisdiction. The rules shall 30749
include, but not be limited to, standards regarding roof space 30750
limitations, shading and obstruction, building orientation, roof 30751
loading capacity, and electric systems. 30752

(C) A school district may seek, and the commission may grant 30753
for good cause shown, a waiver from part or all of the standards 30754
prescribed under division (B) of this section. 30755

Sec. 3318.12. (A) The Ohio ~~school~~ facilities construction 30756
commission shall cause to be transferred to the school district's 30757

project construction fund the necessary amounts from amounts 30758
appropriated by the general assembly and set aside for such 30759
purpose, from time to time as may be necessary to pay obligations 30760
chargeable to such fund when due. All investment earnings of a 30761
school district's project construction fund shall be credited to 30762
the fund. 30763

(B)(1) The treasurer of the school district board shall 30764
disburse funds from the school district's project construction 30765
fund, including investment earnings credited to the fund, only 30766
upon the approval of the commission or the commission's designated 30767
representative. The commission or the commission's designated 30768
representative shall issue vouchers against such fund, in such 30769
amounts, and at such times as required by the contracts for 30770
construction of the project. 30771

(2) Notwithstanding anything to the contrary in division 30772
(B)(1) of this section, the school district board may, by a duly 30773
adopted resolution, choose to use all or part of the investment 30774
earnings of the district's project construction fund that are 30775
attributable to the district's contribution to the fund to pay the 30776
cost of classroom facilities or portions or components of 30777
classroom facilities that are not included in the district's basic 30778
project cost but that are related to the district's project. If 30779
the district board adopts a resolution in favor of using those 30780
investment earnings as authorized under division (B)(2) of this 30781
section, the treasurer shall disburse the amount as designated and 30782
directed by the board. However, if the district board chooses to 30783
use any part of the investment earnings for classroom facilities 30784
or portions or components of classroom facilities that are not 30785
included in the basic project cost, as authorized under division 30786
(B)(2) of this section, and, subsequently, the cost of the project 30787
exceeds the amount in the project construction fund, the district 30788
board shall restore to the project construction fund the full 30789

amount of the investment earnings used under division (B)(2) of 30790
this section before any additional state moneys shall be released 30791
for the project. 30792

(C) After a certificate of completion has been issued for a 30793
project under section 3318.48 of the Revised Code: 30794

(1) At the discretion of the school district board, any 30795
investment earnings remaining in the project construction fund 30796
that are attributable to the school district's contribution to the 30797
fund shall be: 30798

(a) Retained in the project construction fund for future 30799
projects; 30800

(b) Transferred to the district's maintenance fund required 30801
by division (B) of section 3318.05 or section 3318.43 of the 30802
Revised Code, and the money so transferred shall be used solely 30803
for maintaining the classroom facilities included in the project; 30804

(c) Transferred to the district's permanent improvement fund. 30805

(2) Any investment earnings remaining in the project 30806
construction fund that are attributable to the state's 30807
contribution to the fund shall be transferred to the commission 30808
for expenditure pursuant to sections 3318.01 to 3318.20 or 30809
sections 3318.40 to 3318.45 of the Revised Code. 30810

(3) Any other surplus remaining in the school district's 30811
project construction fund shall be transferred to the commission 30812
and the school district board in proportion to their respective 30813
contributions to the fund. The commission shall use the money 30814
transferred to it under this division for expenditure pursuant to 30815
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 30816
Revised Code. 30817

(D) Pursuant to appropriations of the general assembly, any 30818
moneys transferred to the commission under division (C)(2) or (3) 30819

of this section from a project construction fund for a project 30820
under sections 3318.40 to 3318.45 of the Revised Code may be used 30821
for future expenditures for projects under sections 3318.40 to 30822
3318.45 of the Revised Code, notwithstanding the two per cent 30823
annual limit specified in division (B) of section 3318.40 of the 30824
Revised Code. 30825

Sec. 3318.121. As used in this section, "big-eight school 30826
district" has the same meaning as in section 3314.02 of the 30827
Revised Code. 30828

Notwithstanding any provision to the contrary in section 30829
3318.12 or Chapter 5705. of the Revised Code, a big-eight school 30830
district receiving assistance for a project under this chapter, 30831
that has opted with the approval of the Ohio ~~school~~ facilities 30832
construction commission to divide the project into discrete 30833
segments to be completed sequentially, or otherwise, may, with the 30834
approval of the commission or the commission's designated 30835
representative, and pursuant to a resolution adopted by the school 30836
district board, transfer to a special construction fund investment 30837
earnings credited to the project construction fund that are 30838
attributable to the district's contribution to that fund, if the 30839
school district board and the commission, or its designated 30840
representative, determine that the unspent amount of the 30841
district's contribution to the project construction fund, 30842
including any investment earnings on that contribution that are 30843
not to be transferred to the special construction fund, together 30844
with the principal amount of any additional securities authorized 30845
by the voters of the district to be issued to pay the local share 30846
of the basic project cost of the entire project that have not yet 30847
been issued by the district, are projected at the time of the 30848
transfer to be not less than one hundred ten per cent of the 30849
amount required to provide for the entire remaining local share of 30850
the basic project cost because of reductions in the scope and 30851

estimated cost of the project that have been incorporated in the 30852
district's approved master facilities plan. The money in that 30853
special construction fund, including investment earnings 30854
attributable to money in that fund, shall be used by the district 30855
solely to pay costs of classroom facilities (A) in later segments 30856
of the project that are consistent with the specifications for 30857
plans and materials for classroom facilities adopted by the 30858
commission and those specifications used by the district for 30859
classroom facilities included in one or more prior segments, but 30860
which would cause the cost of the facilities in one or more later 30861
segments to be in excess of the approved budgeted basic project 30862
cost for the segment to be shared by the state and the district in 30863
proportion to the state's and the school district's respective 30864
shares of the basic project cost as determined under section 30865
3318.032 of the Revised Code, or (B) that were included in the 30866
master facilities plan prior to the reduction in scope. All 30867
investment earnings on a district's special construction fund 30868
shall be credited to the fund. After the entire project has been 30869
completed, any investment earnings remaining in the special 30870
construction fund shall be transferred to the district's 30871
maintenance fund required by division (B) of section 3318.05 of 30872
the Revised Code, and used solely for maintaining the classroom 30873
facilities included in the project. 30874

Sec. 3318.13. Notwithstanding any provision of sections 30875
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 30876
all taxable property within a school district for the purpose of 30877
paying the cost of maintaining the classroom facilities included 30878
in the project under the agreement provided in section 3318.08 of 30879
the Revised Code or the supplemental agreement provided in section 30880
3318.081 of the Revised Code shall be included in the budget of 30881
the school district for each year upon the certification to the 30882
county budget commission or commissions of the county or counties 30883

in which said school district is located, by the Ohio ~~school~~ 30884
facilities construction commission of the balance due the state 30885
under said agreement or supplemental agreement. Such certification 30886
shall be made on or before the fifteenth day of July in each year. 30887
Thereafter, the respective county budget commissions shall treat 30888
such certification as an additional item on the tax budget for the 30889
school district as to which such certification has been made and 30890
shall provide for the levy therefor in the manner provided in 30891
sections 5705.27 to 5705.50 of the Revised Code for tax levies 30892
included directly in the budgets of the subdivisions. 30893

The levy of taxes shall be included in the next annual tax 30894
budget that is certified to the county budget commission after the 30895
execution of the agreement for the project. 30896

Sec. 3318.15. There is hereby created the public school 30897
building fund within the state treasury consisting of any moneys 30898
transferred or appropriated to the fund by the general assembly, 30899
moneys paid into or transferred in accordance with section 3318.47 30900
of the Revised Code, and any grants, gifts, or contributions 30901
received by the Ohio ~~school~~ facilities construction commission to 30902
be used for the purposes of the fund. All investment earnings of 30903
the fund shall be credited to the fund. 30904

Moneys transferred or appropriated to the fund by the general 30905
assembly and moneys in the fund from grants, gifts, and 30906
contributions shall be used for the purposes of Chapter 3318. of 30907
the Revised Code as prescribed by the general assembly. 30908

Sec. 3318.16. The Ohio ~~school~~ facilities construction 30909
commission shall have an interest in real property purchased with 30910
moneys in the school district's project construction fund. 30911

Once obligations issued to finance a project under section 30912
3318.26 of the Revised Code are no longer outstanding, any 30913

interest held by the commission shall be transferred to the school 30914
district. 30915

Sec. 3318.18. (A) As used in this section: 30916

(1) "Valuation" of a school district means the sum of the 30917
amounts described in divisions (A)(1) and (2) of section 3317.021 30918
of the Revised Code as most recently certified for the district 30919
before the annual computation is made under division (B) of this 30920
section. 30921

(2) "Valuation per pupil" of a school district means the 30922
district's valuation divided by the district's formula ADM as most 30923
recently calculated under section 3317.03 of the Revised Code 30924
before the annual computation is made under division (B) of this 30925
section. 30926

(3) "Statewide average valuation per pupil" means the total 30927
of the valuations of all school districts divided by the total of 30928
the formula ADMs of all school districts as most recently 30929
calculated under section 3317.03 of the Revised Code before the 30930
annual computation is made under division (C) of this section. 30931

(4) "Maintenance levy requirement" means the tax required to 30932
be levied pursuant to division (C)(2)(a) of section 3318.08 and 30933
division (B) of section 3318.05 of the Revised Code or the 30934
application of proceeds of another levy to paying the costs of 30935
maintaining classroom facilities pursuant to division (A)(2) of 30936
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 30937
or division (D)(2) of section 3318.36 of the Revised Code, or a 30938
combination thereof. 30939

(5) "Project agreement" means an agreement between a school 30940
district and the Ohio ~~school~~ facilities construction commission 30941
under section 3318.08 or division (B)(1) of section 3318.36 of the 30942
Revised Code. 30943

(B) On or before July 1, 2006, the department of education 30944
shall compute the statewide average valuation per pupil and the 30945
valuation per pupil of each school district, and provide them to 30946
the Ohio ~~school~~ facilities construction commission. On or before 30947
the first day of July each year beginning in 2007, the department 30948
of education shall compute the statewide average valuation per 30949
pupil and the valuation per pupil of each school district that has 30950
not already entered into a project agreement, and provide the 30951
results of those computations to the commission. 30952

(C)(1) At the time the Ohio ~~school~~ facilities construction 30953
commission enters into a project agreement with a school district, 30954
the commission shall compute the difference between the district's 30955
valuation per pupil and the statewide average valuation per pupil 30956
as most recently provided to the commission under division (B) of 30957
this section. If the school district's valuation per pupil is less 30958
than the average statewide valuation per pupil, the commission 30959
shall multiply the difference between those amounts by one-half 30960
mill times the formula ADM of the district as most recently 30961
reported to the department of education for October under division 30962
(A) of section 3317.03 of the Revised Code. The commission shall 30963
certify the resulting product to the department of education, 30964
along with the date on which the maintenance levy requirement 30965
terminates as provided in the project agreement between the school 30966
district board and the commission. 30967

(2) In the case of a school district that entered into a 30968
project agreement after July 1, 1997, but before July 1, 2006, the 30969
commission shall make the computation described in division (C)(1) 30970
of this section on the basis of the district's valuation per pupil 30971
and the statewide average valuation per pupil computed as of 30972
September 1, 2006, and the district's formula ADM reported for 30973
October 2005. 30974

(3) The amount computed for a school district under division 30975

(C)(1) or (2) of this section shall not change for the period 30976
during which payments are made to the district under division (D) 30977
of this section. 30978

(4) A computation need not be made under division (C)(1) or 30979
(2) of this section for a school district that certified a 30980
resolution to the commission under division (D)(3) of section 30981
3318.36 of the Revised Code until the district becomes eligible 30982
for state assistance as provided in that division. 30983

(D) In the fourth quarter of each fiscal year, for each 30984
school district for which a computation has been made under 30985
division (C) of this section, the department of education shall 30986
pay the amount computed to each such school district. Payments 30987
shall be made to a school district each year until and including 30988
the tax year in which the district's maintenance levy requirement 30989
terminates. Payments shall be paid from the half-mill equalization 30990
fund, subject to appropriation by the general assembly. However, 30991
the department shall make no payments under this section to any 30992
district that elects the procedure authorized by section 3318.051 30993
of the Revised Code. 30994

(E) Payments made to a school district under this section 30995
shall be credited to the district's classroom facilities 30996
maintenance fund and shall be used only for the purpose of 30997
maintaining facilities constructed or renovated under the project 30998
agreement. 30999

(F) There is hereby created in the state treasury the 31000
half-mill equalization fund. The fund shall receive transfers 31001
pursuant to section 5727.85 of the Revised Code. The fund shall be 31002
used first to make annual payments under division (D) of this 31003
section. If a balance remains in the fund after such payments are 31004
made in full for a year, the Ohio ~~school~~ facilities construction 31005
commission may request the controlling board to transfer a 31006
reasonable amount from such remaining balance to the public school 31007

building fund created under section 3318.15 of the Revised Code 31008
for the purposes of this chapter. 31009

All investment earnings arising from investment of money in 31010
the half-mill equalization fund shall be credited to the fund. 31011

Sec. 3318.22. (A) The general assembly finds that many school 31012
districts are prevented by their size, tax base, or other 31013
conditions from performing their essential functions as agencies 31014
of state government to provide adequate classroom facilities and 31015
issuing securities under Chapter 133. of the Revised Code at 31016
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 31017
facilities construction commission is invested with the powers and 31018
duties provided in sections 3318.21 to 3318.29 of the Revised Code 31019
in order to provide deserved assistance and materially contribute 31020
to the educational revitalization of such school districts and 31021
result in improving the education and welfare of all the people of 31022
the state. 31023

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 31024
authorize the commission or the issuing authority to incur bonded 31025
indebtedness of the state or any political subdivision of the 31026
state, or to obligate or pledge moneys raised by taxation for the 31027
payment of any bonds or notes issued pursuant to sections 3318.21 31028
to 3318.29 of the Revised Code. 31029

Sec. 3318.25. There is hereby created in the state treasury 31030
the school building program assistance fund. The fund shall 31031
consist of the proceeds of obligations issued for the purposes of 31032
such fund pursuant to section 3318.26 of the Revised Code that are 31033
payable from moneys in the lottery profits education fund created 31034
in section 3770.06 of the Revised Code or pursuant to section 31035
151.03 of the Revised Code. All investment earnings of the fund 31036
shall be credited to the fund. Moneys in the fund shall be used as 31037

directed by the Ohio ~~school~~ facilities construction commission for 31038
the cost to the state of constructing classroom facilities under 31039
Chapter 3318. of the Revised Code as prescribed by the general 31040
assembly. 31041

Sec. 3318.26. (A) The provisions of this section apply only 31042
to obligations issued by the issuing authority prior to December 31043
1, 1999. 31044

(B) Subject to the limitations provided in section 3318.29 of 31045
the Revised Code, the issuing authority, upon the certification by 31046
the Ohio ~~school~~ facilities construction commission to the issuing 31047
authority of the amount of moneys or additional moneys needed in 31048
the school building program assistance fund for the purposes of 31049
sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the 31050
Revised Code, or needed for capitalized interest, for funding 31051
reserves, and for paying costs and expenses incurred in connection 31052
with the issuance, carrying, securing, paying, redeeming, or 31053
retirement of the obligations or any obligations refunded thereby, 31054
including payment of costs and expenses relating to letters of 31055
credit, lines of credit, insurance, put agreements, standby 31056
purchase agreements, indexing, marketing, remarketing and 31057
administrative arrangements, interest swap or hedging agreements, 31058
and any other credit enhancement, liquidity, remarketing, renewal, 31059
or refunding arrangements, all of which are authorized by this 31060
section, shall issue obligations of the state under this section 31061
in the required amount. The proceeds of such obligations, except 31062
for obligations issued to provide moneys for the school building 31063
program assistance fund shall be deposited by the treasurer of 31064
state in special funds, including reserve funds, as provided in 31065
the bond proceedings. The issuing authority may appoint trustees, 31066
paying agents, and transfer agents and may retain the services of 31067
financial advisors and accounting experts and retain or contract 31068
for the services of marketing, remarketing, indexing, and 31069

administrative agents, other consultants, and independent 31070
contractors, including printing services, as are necessary in the 31071
issuing authority's judgment to carry out this section. The costs 31072
of such services are payable from the school building program 31073
assistance fund or any special fund determined by the issuing 31074
authority. 31075

(C) The holders or owners of such obligations shall have no 31076
right to have moneys raised by taxation obligated or pledged, and 31077
moneys raised by taxation shall not be obligated or pledged, for 31078
the payment of bond service charges. Such holders or owners shall 31079
have no rights to payment of bond service charges from any money 31080
or property received by the commission, treasurer of state, or the 31081
state, or from any other use of the proceeds of the sale of the 31082
obligations, and no such moneys may be used for the payment of 31083
bond service charges, except for accrued interest, capitalized 31084
interest, and reserves funded from proceeds received upon the sale 31085
of the obligations and except as otherwise expressly provided in 31086
the applicable bond proceedings pursuant to written directions by 31087
the treasurer of state. The right of such holders and owners to 31088
payment of bond service charges shall be limited to all or that 31089
portion of the pledged receipts and those special funds pledged 31090
thereto pursuant to the bond proceedings in accordance with this 31091
section, and each such obligation shall bear on its face a 31092
statement to that effect. 31093

(D) Obligations shall be authorized by resolution or order of 31094
the issuing authority and the bond proceedings shall provide for 31095
the purpose thereof and the principal amount or amounts, and shall 31096
provide for or authorize the manner or agency for determining the 31097
principal maturity or maturities, not exceeding the limits 31098
specified in section 3318.29 of the Revised Code, the interest 31099
rate or rates or the maximum interest rate, the date of the 31100
obligations and the dates of payment of interest thereon, their 31101

denomination, and the establishment within or without the state of 31102
a place or places of payment of bond service charges. Sections 31103
9.98 to 9.983 of the Revised Code are applicable to obligations 31104
issued under this section, subject to any applicable limitation 31105
under section 3318.29 of the Revised Code. The purpose of such 31106
obligations may be stated in the bond proceedings in terms 31107
describing the general purpose or purposes to be served. The bond 31108
proceedings shall also provide, subject to the provisions of any 31109
other applicable bond proceedings, for the pledge of all, or such 31110
part as the issuing authority may determine, of the pledged 31111
receipts and the applicable special fund or funds to the payment 31112
of bond service charges, which pledges may be made either prior or 31113
subordinate to other expenses, claims, or payments, and may be 31114
made to secure the obligations on a parity with obligations 31115
theretofore or thereafter issued, if and to the extent provided in 31116
the bond proceedings. The pledged receipts and special funds so 31117
pledged and thereafter received by the state are immediately 31118
subject to the lien of such pledge without any physical delivery 31119
thereof or further act, and the lien of any such pledges is valid 31120
and binding against all parties having claims of any kind against 31121
the state or any governmental agency of the state, irrespective of 31122
whether such parties have notice thereof, and shall create a 31123
perfected security interest for all purposes of Chapter 1309. of 31124
the Revised Code, without the necessity for separation or delivery 31125
of funds or for the filing or recording of the bond proceedings by 31126
which such pledge is created or any certificate, statement or 31127
other document with respect thereto; and the pledge of such 31128
pledged receipts and special funds is effective and the money 31129
therefrom and thereof may be applied to the purposes for which 31130
pledged without necessity for any act of appropriation, except as 31131
required by section 3770.06 of the Revised Code. Every pledge, and 31132
every covenant and agreement made with respect thereto, made in 31133
the bond proceedings may therein be extended to the benefit of the 31134

owners and holders of obligations authorized by this section, and	31135
to any trustee therefor, for the further security of the payment	31136
of the bond service charges.	31137
(E) The bond proceedings may contain additional provisions as	31138
to:	31139
(1) The redemption of obligations prior to maturity at the	31140
option of the issuing authority at such price or prices and under	31141
such terms and conditions as are provided in the bond proceedings;	31142
(2) Other terms of the obligations;	31143
(3) Limitations on the issuance of additional obligations;	31144
(4) The terms of any trust agreement or indenture securing	31145
the obligations or under which the same may be issued;	31146
(5) The deposit, investment and application of special funds,	31147
and the safeguarding of moneys on hand or on deposit, without	31148
regard to Chapter 131., 133., or 135. of the Revised Code, but	31149
subject to any special provisions of sections 3318.21 to 3318.29	31150
of the Revised Code, with respect to particular funds or moneys,	31151
provided that any bank or trust company that acts as depository of	31152
any moneys in the special funds may furnish such indemnifying	31153
bonds or may pledge such securities as required by the issuing	31154
authority;	31155
(6) Any or every provision of the bond proceedings being	31156
binding upon such officer, board, commission, authority, agency,	31157
department, or other person or body as may from time to time have	31158
the authority under law to take such actions as may be necessary	31159
to perform all or any part of the duty required by such provision;	31160
(7) Any provision that may be made in a trust agreement or	31161
indenture;	31162
(8) The lease or sublease of any interest of the school	31163
district or the state in one or more projects as defined in	31164

division (C) of section 3318.01 of the Revised Code, or in one or 31165
more permanent improvements, to or from the issuing authority, as 31166
provided in one or more lease or sublease agreements between the 31167
school or the state and the issuing authority; 31168

(9) Any other or additional agreements with the holders of 31169
the obligations, or the trustee therefor, relating to the 31170
obligations or the security therefor. 31171

(F) The obligations may have the great seal of the state or a 31172
facsimile thereof affixed thereto or printed thereon. The 31173
obligations and any coupons pertaining to obligations shall be 31174
signed or bear the facsimile signature of the issuing authority. 31175
Any obligations or coupons may be executed by the person who, on 31176
the date of execution, is the proper issuing authority although on 31177
the date of such bonds or coupons such person was not the issuing 31178
authority. In case the issuing authority whose signature or a 31179
facsimile of whose signature appears on any such obligation or 31180
coupon ceases to be the issuing authority before delivery thereof, 31181
such signature or facsimile is nevertheless valid and sufficient 31182
for all purposes as if the issuing authority had remained the 31183
issuing authority until such delivery; and in case the seal to be 31184
affixed to obligations has been changed after a facsimile of the 31185
seal has been imprinted on such obligations, such facsimile seal 31186
shall continue to be sufficient as to such obligations and 31187
obligations issued in substitution or exchange therefor. 31188

(G) All obligations are negotiable instruments and securities 31189
under Chapter 1308. of the Revised Code, subject to the provisions 31190
of the bond proceedings as to registration. The obligations may be 31191
issued in coupon or in registered form, or both, as the issuing 31192
authority determines. Provision may be made for the registration 31193
of any obligations with coupons attached thereto as to principal 31194
alone or as to both principal and interest, their exchange for 31195
obligations so registered, and for the conversion or reconversion 31196

into obligations with coupons attached thereto of any obligations 31197
registered as to both principal and interest, and for reasonable 31198
charges for such registration, exchange, conversion, and 31199
reconversion. 31200

(H) Obligations may be sold at public sale or at private 31201
sale, as determined in the bond proceedings. 31202

(I) Pending preparation of definitive obligations, the 31203
issuing authority may issue interim receipts or certificates which 31204
shall be exchanged for such definitive obligations. 31205

(J) In the discretion of the issuing authority, obligations 31206
may be secured additionally by a trust agreement or indenture 31207
between the issuing authority and a corporate trustee which may be 31208
any trust company or bank having a place of business within the 31209
state. Any such agreement or indenture may contain the resolution 31210
or order authorizing the issuance of the obligations, any 31211
provisions that may be contained in any bond proceedings, and 31212
other provisions that are customary or appropriate in an agreement 31213
or indenture of such type, including, but not limited to: 31214

(1) Maintenance of each pledge, trust agreement, indenture, 31215
or other instrument comprising part of the bond proceedings until 31216
the state has fully paid the bond service charges on the 31217
obligations secured thereby, or provision therefor has been made; 31218

(2) In the event of default in any payments required to be 31219
made by the bond proceedings, or any other agreement of the 31220
issuing authority made as a part of the contract under which the 31221
obligations were issued, enforcement of such payments or agreement 31222
by mandamus, the appointment of a receiver, suit in equity, action 31223
at law, or any combination of the foregoing; 31224

(3) The rights and remedies of the holders of obligations and 31225
of the trustee, and provisions for protecting and enforcing them, 31226
including limitations on rights of individual holders of 31227

obligations;	31228
(4) The replacement of any obligations that become mutilated	31229
or are destroyed, lost, or stolen;	31230
(5) Such other provisions as the trustee and the issuing	31231
authority agree upon, including limitations, conditions, or	31232
qualifications relating to any of the foregoing.	31233
(K) Any holder of obligations or a trustee under the bond	31234
proceedings, except to the extent that the holder's or trustee's	31235
rights are restricted by the bond proceedings, may by any suitable	31236
form of legal proceedings, protect and enforce any rights under	31237
the laws of this state or granted by such bond proceedings. Such	31238
rights include the right to compel the performance of all duties	31239
of the issuing authority, the commission, or the director of	31240
budget and management required by sections 3318.21 to 3318.29 of	31241
the Revised Code or the bond proceedings; to enjoin unlawful	31242
activities; and in the event of default with respect to the	31243
payment of any bond service charges on any obligations or in the	31244
performance of any covenant or agreement on the part of the	31245
issuing authority, the commission, or the director of budget and	31246
management in the bond proceedings, to apply to a court having	31247
jurisdiction of the cause to appoint a receiver to receive and	31248
administer the pledged receipts and special funds, other than	31249
those in the custody of the treasurer of state or the commission,	31250
which are pledged to the payment of the bond service charges on	31251
such obligations or which are the subject of the covenant or	31252
agreement, with full power to pay, and to provide for payment of	31253
bond service charges on, such obligations, and with such powers,	31254
subject to the direction of the court, as are accorded receivers	31255
in general equity cases, excluding any power to pledge additional	31256
revenues or receipts or other income or moneys of the issuing	31257
authority or the state or governmental agencies of the state to	31258
the payment of such principal and interest and excluding the power	31259

to take possession of, mortgage, or cause the sale or otherwise 31260
dispose of any permanent improvement. 31261

Each duty of the issuing authority and the issuing 31262
authority's officers and employees, and of each governmental 31263
agency and its officers, members, or employees, undertaken 31264
pursuant to the bond proceedings or any agreement or loan made 31265
under authority of sections 3318.21 to 3318.29 of the Revised 31266
Code, and in every agreement by or with the issuing authority, is 31267
hereby established as a duty of the issuing authority, and of each 31268
such officer, member, or employee having authority to perform such 31269
duty, specifically enjoined by the law resulting from an office, 31270
trust, or station within the meaning of section 2731.01 of the 31271
Revised Code. 31272

The person who is at the time the issuing authority, or the 31273
issuing authority's officers or employees, are not liable in their 31274
personal capacities on any obligations issued by the issuing 31275
authority or any agreements of or with the issuing authority. 31276

(L) Obligations issued under this section are lawful 31277
investments for banks, societies for savings, savings and loan 31278
associations, deposit guarantee associations, trust companies, 31279
trustees, fiduciaries, insurance companies, including domestic for 31280
life and domestic not for life, trustees or other officers having 31281
charge of sinking and bond retirement or other special funds of 31282
political subdivisions and taxing districts of this state, the 31283
commissioners of the sinking fund of the state, the administrator 31284
of workers' compensation, the state teachers retirement system, 31285
the public employees retirement system, the school employees 31286
retirement system, and the Ohio police and fire pension fund, 31287
notwithstanding any other provisions of the Revised Code or rules 31288
adopted pursuant thereto by any governmental agency of the state 31289
with respect to investments by them, and also are acceptable as 31290
security for the deposit of public moneys. 31291

(M) Unless otherwise provided in any applicable bond 31292
proceedings, moneys to the credit of or in the special funds 31293
established by or pursuant to this section may be invested by or 31294
on behalf of the issuing authority only in notes, bonds, or other 31295
obligations of the United States, or of any agency or 31296
instrumentality of the United States, obligations guaranteed as to 31297
principal and interest by the United States, obligations of this 31298
state or any political subdivision of this state, and certificates 31299
of deposit of any national bank located in this state and any 31300
bank, as defined in section 1101.01 of the Revised Code, subject 31301
to inspection by the superintendent of financial institutions. If 31302
the law or the instrument creating a trust pursuant to division 31303
(J) of this section expressly permits investment in direct 31304
obligations of the United States or an agency of the United 31305
States, unless expressly prohibited by the instrument, such moneys 31306
also may be invested in no front end load money market mutual 31307
funds consisting exclusively of obligations of the United States 31308
or an agency of the United States and in repurchase agreements, 31309
including those issued by the fiduciary itself, secured by 31310
obligations of the United States or an agency of the United 31311
States; and in collective investment funds established in 31312
accordance with section 1111.14 of the Revised Code and consisting 31313
exclusively of any such securities, notwithstanding division 31314
(B)(1)(c) of that section. The income from such investments shall 31315
be credited to such funds as the issuing authority determines, and 31316
such investments may be sold at such times as the issuing 31317
authority determines or authorizes. 31318

(N) Provision may be made in the applicable bond proceedings 31319
for the establishment of separate accounts in the bond service 31320
fund and for the application of such accounts only to the 31321
specified bond service charges on obligations pertinent to such 31322
accounts and bond service fund and for other accounts therein 31323
within the general purposes of such fund. Unless otherwise 31324

provided in any applicable bond proceedings, moneys to the credit 31325
of or in the several special funds established pursuant to this 31326
section shall be disbursed on the order of the treasurer of state, 31327
provided that no such order is required for the payment from the 31328
bond service fund when due of bond service charges on obligations. 31329

(O) The issuing authority may pledge all, or such portion as 31330
the issuing authority determines, of the pledged receipts to the 31331
payment of bond service charges on obligations issued under this 31332
section, and for the establishment and maintenance of any 31333
reserves, as provided in the bond proceedings, and make other 31334
provisions therein with respect to pledged receipts as authorized 31335
by this chapter, which provisions shall be controlling 31336
notwithstanding any other provisions of law pertaining thereto. 31337

(P) The issuing authority may covenant in the bond 31338
proceedings, and any such covenants shall be controlling 31339
notwithstanding any other provision of law, that the state and 31340
applicable officers and governmental agencies of the state, 31341
including the general assembly, so long as any obligations are 31342
outstanding, shall: 31343

(1) Maintain statutory authority for and cause to be operated 31344
the state lottery, including the transfers to and from the lottery 31345
profits education fund created in section 3770.06 of the Revised 31346
Code so that the pledged receipts shall be sufficient in amount to 31347
meet bond service charges, and the establishment and maintenance 31348
of any reserves and other requirements provided for in the bond 31349
proceedings; 31350

(2) Take or permit no action, by statute or otherwise, that 31351
would impair the exclusion from gross income for federal income 31352
tax purposes of the interest on any obligations designated by the 31353
bond proceeding as tax-exempt obligations. 31354

(Q) There is hereby created the school building program bond 31355

service fund, which shall be in the custody of the treasurer of 31356
state but shall be separate and apart from and not a part of the 31357
state treasury. All moneys received by or on account of the 31358
issuing authority or state agencies and required by the applicable 31359
bond proceedings, consistent with this section, to be deposited, 31360
transferred, or credited to the school building program bond 31361
service fund, and all other moneys transferred or allocated to or 31362
received for the purposes of the fund, shall be deposited and 31363
credited to such fund and to any separate accounts therein, 31364
subject to applicable provisions of the bond proceedings, but 31365
without necessity for any act of appropriation, except as required 31366
by section 3770.06 of the Revised Code. During the period 31367
beginning with the date of the first issuance of obligations and 31368
continuing during such time as any such obligations are 31369
outstanding, and so long as moneys in the school building program 31370
bond service fund are insufficient to pay all bond service charges 31371
on such obligations becoming due in each year, a sufficient amount 31372
of the moneys from the lottery profits education fund included in 31373
pledged receipts, subject to appropriation for such purpose as 31374
provided in section 3770.06 of the Revised Code, are committed and 31375
shall be paid to the school building program bond service fund in 31376
each year for the purpose of paying the bond service charges 31377
becoming due in that year. The school building program bond 31378
service fund is a trust fund and is hereby pledged to the payment 31379
of bond service charges solely on obligations issued to provide 31380
moneys for the school building program assistance fund to the 31381
extent provided in the applicable bond proceedings, and payment 31382
thereof from such fund shall be made or provided for by the 31383
treasurer of state in accordance with such bond proceedings 31384
without necessity for any act of appropriation except as required 31385
by section 3770.06 of the Revised Code. 31386

(R) The obligations, the transfer thereof, and the income 31387
therefrom, including any profit made on the sale thereof, at all 31388

times shall be free from taxation within the state. 31389

Sec. 3318.311. ~~Not later than six months after September 14,~~ 31390
~~2000, the~~ The Ohio school facilities construction commission shall 31391
establish design specifications for classroom facilities that are 31392
appropriate for joint vocational education programs. The 31393
specifications shall provide standards for appropriate pupil 31394
instruction space but shall not include standards for any 31395
vocational education furnishings or equipment that is not 31396
comparable to, or the vocational education equivalent of, the 31397
furnishings or equipment for which assistance is available to 31398
other school districts under sections 3318.01 to 3318.20 of the 31399
Revised Code. 31400

Beginning September 1, 2003, from time to time the commission 31401
may amend the specifications as determined necessary by the 31402
commission; however, any project under sections 3318.40 to 3318.45 31403
of the Revised Code approved by the commission prior to the most 31404
recent amendment to the specifications shall not be subject to the 31405
provisions of such amendment. 31406

Sec. 3318.351. (A) As used in this section: 31407

(1) "Classroom facilities" has the same meaning as in section 31408
3318.01 of the Revised Code. 31409

(2) "Emergency project" means reconstruction or renovation of 31410
or repair to any classroom facilities made necessary because of 31411
damage due to an act of God. 31412

(3) "Eligible school district" means any school district in 31413
the first through one-hundredth percentiles as determined under 31414
section 3318.011 of the Revised Code. 31415

(B)(1) There is hereby established the school building 31416
emergency assistance program, under which the Ohio ~~school~~ 31417
facilities construction commission shall distribute grants to 31418

eligible school districts from moneys specifically appropriated by 31419
the general assembly for the purposes of this section to assist in 31420
emergency projects. Any assistance under this section shall be 31421
used to pay the cost of only the portion of an emergency project 31422
that is not covered by insurance or other public or private 31423
emergency assistance received by or payable to the school 31424
district. Any damage to classroom facilities caused by age of the 31425
facilities or by lack of timely maintenance to the facilities 31426
shall not constitute damage that is subject to assistance under 31427
this section. 31428

(2) The commission shall establish procedures and deadlines 31429
for eligible school districts to follow in applying for assistance 31430
under this section. The commission shall consider such 31431
applications on a case-by-case basis taking into account the 31432
amount of moneys available under this section. 31433

(3) Every effort shall be made to conform an emergency 31434
project to design specifications adopted by the commission, 31435
including minimum capacity requirements adopted under section 31436
3318.03 of the Revised Code, unless in the judgment of the 31437
commission it is not possible to conform the project to such 31438
specifications. 31439

Sec. 3318.36. (A)(1) As used in this section: 31440

(a) "Ohio school facilities construction commission," 31441
"classroom facilities," "school district," "school district 31442
board," "net bonded indebtedness," "required percentage of the 31443
basic project costs," "basic project cost," "valuation," and 31444
"percentile" have the same meanings as in section 3318.01 of the 31445
Revised Code. 31446

(b) "Required level of indebtedness" means five per cent of 31447
the school district's valuation for the year preceding the year in 31448
which the commission and school district enter into an agreement 31449

under division (B) of this section, plus [two one-hundredths of 31450
one per cent multiplied by (the percentile in which the district 31451
ranks minus one)]. 31452

(c) "Local resources" means any moneys generated in any 31453
manner permitted for a school district board to raise the school 31454
district portion of a project undertaken with assistance under 31455
sections 3318.01 to 3318.20 of the Revised Code. 31456

(2) For purposes of determining the required level of 31457
indebtedness, the required percentage of the basic project costs 31458
under division (C)(1) of this section, and priority for assistance 31459
under sections 3318.01 to 3318.20 of the Revised Code, the 31460
percentile ranking of a school district with which the commission 31461
has entered into an agreement under this section between the first 31462
day of July and the thirty-first day of August in each fiscal year 31463
is the percentile ranking calculated for that district for the 31464
immediately preceding fiscal year, and the percentile ranking of a 31465
school district with which the commission has entered into such 31466
agreement between the first day of September and the thirtieth day 31467
of June in each fiscal year is the percentile ranking calculated 31468
for that district for the current fiscal year. 31469

(B)(1) There is hereby established the school building 31470
assistance expedited local partnership program. Under the program, 31471
the Ohio ~~school~~ facilities construction commission may enter into 31472
an agreement with the board of any school district under which the 31473
board may proceed with the new construction or major repairs of a 31474
part of the district's classroom facilities needs, as determined 31475
under sections 3318.01 to 3318.20 of the Revised Code, through the 31476
expenditure of local resources prior to the school district's 31477
eligibility for state assistance under those sections, and may 31478
apply that expenditure toward meeting the school district's 31479
portion of the basic project cost of the total of the district's 31480
classroom facilities needs, as recalculated under division (E) of 31481

this section, when the district becomes eligible for state 31482
assistance under sections 3318.01 to 3318.20 or section 3318.364 31483
of the Revised Code. Any school district that is reasonably 31484
expected to receive assistance under sections 3318.01 to 3318.20 31485
of the Revised Code within two fiscal years from the date the 31486
school district adopts its resolution under division (B) of this 31487
section shall not be eligible to participate in the program 31488
established under this section. 31489

(2) To participate in the program, a school district board 31490
shall first adopt a resolution certifying to the commission the 31491
board's intent to participate in the program. 31492

The resolution shall specify the approximate date that the 31493
board intends to seek elector approval of any bond or tax measures 31494
or to apply other local resources to use to pay the cost of 31495
classroom facilities to be constructed under this section. The 31496
resolution may specify the application of local resources or 31497
elector-approved bond or tax measures after the resolution is 31498
adopted by the board, and in such case the board may proceed with 31499
a discrete portion of its project under this section as soon as 31500
the commission and the controlling board have approved the basic 31501
project cost of the district's classroom facilities needs as 31502
specified in division (D) of this section. The board shall submit 31503
its resolution to the commission not later than ten days after the 31504
date the resolution is adopted by the board. 31505

The commission shall not consider any resolution that is 31506
submitted pursuant to division (B)(2) of this section, as amended 31507
by this amendment, sooner than September 14, 2000. 31508

(3) For purposes of determining when a district that enters 31509
into an agreement under this section becomes eligible for 31510
assistance under sections 3318.01 to 3318.20 of the Revised Code 31511
or priority for assistance under section 3318.364 of the Revised 31512
Code, the commission shall use the district's percentile ranking 31513

determined at the time the district entered into the agreement 31514
under this section, as prescribed by division (A)(2) of this 31515
section. 31516

(4) Any project under this section shall comply with section 31517
3318.03 of the Revised Code and with any specifications for plans 31518
and materials for classroom facilities adopted by the commission 31519
under section 3318.04 of the Revised Code. 31520

(5) If a school district that enters into an agreement under 31521
this section has not begun a project applying local resources as 31522
provided for under that agreement at the time the district is 31523
notified by the commission that it is eligible to receive state 31524
assistance under sections 3318.01 to 3318.20 of the Revised Code, 31525
all assessment and agreement documents entered into under this 31526
section are void. 31527

(6) Only construction of or repairs to classroom facilities 31528
that have been approved by the commission and have been therefore 31529
included as part of a district's basic project cost qualify for 31530
application of local resources under this section. 31531

(C) Based on the results of on-site visits and assessment, 31532
the commission shall determine the basic project cost of the 31533
school district's classroom facilities needs. The commission shall 31534
determine the school district's portion of such basic project 31535
cost, which shall be the greater of: 31536

(1) The required percentage of the basic project costs, 31537
determined based on the school district's percentile ranking; 31538

(2) An amount necessary to raise the school district's net 31539
bonded indebtedness, as of the fiscal year the commission and the 31540
school district enter into the agreement under division (B) of 31541
this section, to within five thousand dollars of the required 31542
level of indebtedness. 31543

(D)(1) When the commission determines the basic project cost 31544

of the classroom facilities needs of a school district and the 31545
school district's portion of that basic project cost under 31546
division (C) of this section, the project shall be conditionally 31547
approved. Such conditional approval shall be submitted to the 31548
controlling board for approval thereof. The controlling board 31549
shall forthwith approve or reject the commission's determination, 31550
conditional approval, and the amount of the state's portion of the 31551
basic project cost; however, no state funds shall be encumbered 31552
under this section. Upon approval by the controlling board, the 31553
school district board may identify a discrete part of its 31554
classroom facilities needs, which shall include only new 31555
construction of or additions or major repairs to a particular 31556
building, to address with local resources. Upon identifying a part 31557
of the school district's basic project cost to address with local 31558
resources, the school district board may allocate any available 31559
school district moneys to pay the cost of that identified part, 31560
including the proceeds of an issuance of bonds if approved by the 31561
electors of the school district. 31562

All local resources utilized under this division shall first 31563
be deposited in the project construction account required under 31564
section 3318.08 of the Revised Code. 31565

(2) Unless the school district board exercises its option 31566
under division (D)(3) of this section, for a school district to 31567
qualify for participation in the program authorized under this 31568
section, one of the following conditions shall be satisfied: 31569

(a) The electors of the school district by a majority vote 31570
shall approve the levy of taxes outside the ten-mill limitation 31571
for a period of twenty-three years at the rate of not less than 31572
one-half mill for each dollar of valuation to be used to pay the 31573
cost of maintaining the classroom facilities included in the basic 31574
project cost as determined by the commission. The form of the 31575
ballot to be used to submit the question whether to approve the 31576

tax required under this division to the electors of the school 31577
district shall be the form for an additional levy of taxes 31578
prescribed in section 3318.361 of the Revised Code, which may be 31579
combined in a single ballot question with the questions prescribed 31580
under section 5705.218 of the Revised Code. 31581

(b) As authorized under division (C) of section 3318.05 of 31582
the Revised Code, the school district board shall earmark from the 31583
proceeds of a permanent improvement tax levied under section 31584
5705.21 of the Revised Code, an amount equivalent to the 31585
additional tax otherwise required under division (D)(2)(a) of this 31586
section for the maintenance of the classroom facilities included 31587
in the basic project cost as determined by the commission. 31588

(c) As authorized under section 3318.051 of the Revised Code, 31589
the school district board shall, if approved by the commission, 31590
annually transfer into the maintenance fund required under section 31591
3318.05 of the Revised Code the amount prescribed in section 31592
3318.051 of the Revised Code in lieu of the tax otherwise required 31593
under division (D)(2)(a) of this section for the maintenance of 31594
the classroom facilities included in the basic project cost as 31595
determined by the commission. 31596

(d) If the school district board has rescinded the agreement 31597
to make transfers under section 3318.051 of the Revised Code, as 31598
provided under division (F) of that section, the electors of the 31599
school district, in accordance with section 3318.063 of the 31600
Revised Code, first shall approve the levy of taxes outside the 31601
ten-mill limitation for the period specified in that section at a 31602
rate of not less than one-half mill for each dollar of valuation. 31603

(e) The school district board shall apply the proceeds of a 31604
tax to leverage bonds as authorized under section 3318.052 of the 31605
Revised Code or dedicate a local donated contribution in the 31606
manner described in division (B) of section 3318.084 of the 31607
Revised Code in an amount equivalent to the additional tax 31608

otherwise required under division (D)(2)(a) of this section for 31609
the maintenance of the classroom facilities included in the basic 31610
project cost as determined by the commission. 31611

(3) A school district board may opt to delay taking any of 31612
the actions described in division (D)(2) of this section until the 31613
school district becomes eligible for state assistance under 31614
sections 3318.01 to 3318.20 of the Revised Code. In order to 31615
exercise this option, the board shall certify to the commission a 31616
resolution indicating the board's intent to do so prior to 31617
entering into an agreement under division (B) of this section. 31618

(4) If pursuant to division (D)(3) of this section a district 31619
board opts to delay levying an additional tax until the district 31620
becomes eligible for state assistance, it shall submit the 31621
question of levying that tax to the district electors as follows: 31622

(a) In accordance with section 3318.06 of the Revised Code if 31623
it will also be necessary pursuant to division (E) of this section 31624
to submit a proposal for approval of a bond issue; 31625

(b) In accordance with section 3318.361 of the Revised Code 31626
if it is not necessary to also submit a proposal for approval of a 31627
bond issue pursuant to division (E) of this section. 31628

(5) No state assistance under sections 3318.01 to 3318.20 of 31629
the Revised Code shall be released until a school district board 31630
that adopts and certifies a resolution under division (D) of this 31631
section also demonstrates to the satisfaction of the commission 31632
compliance with the provisions of division (D)(2) of this section. 31633

Any amount required for maintenance under division (D)(2) of 31634
this section shall be deposited into a separate fund as specified 31635
in division (B) of section 3318.05 of the Revised Code. 31636

(E)(1) If the school district becomes eligible for state 31637
assistance under sections 3318.01 to 3318.20 of the Revised Code 31638
based on its percentile ranking under division (B)(3) of this 31639

section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of schooldistrict moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the

school district the difference between the two calculated 31673
portions, but at no time shall the commission expend any state 31674
funds on a project in an amount greater than the state's portion 31675
of the basic project cost as recalculated under this division. 31676

Any reimbursement under this division shall be only for local 31677
resources the school district has applied toward construction cost 31678
expenditures for the classroom facilities approved by the 31679
commission, which shall not include any financing costs associated 31680
with that construction. 31681

The school district board shall use any moneys reimbursed to 31682
the district under this division to pay off any debt service the 31683
district owes for classroom facilities constructed under its 31684
project under this section before such moneys are applied to any 31685
other purpose. However, the district board first may deposit 31686
moneys reimbursed under this division into the district's general 31687
fund or a permanent improvement fund to replace local resources 31688
the district withdrew from those funds, as long as, and to the 31689
extent that, those local resources were used by the district for 31690
constructing classroom facilities included in the district's basic 31691
project cost. 31692

Sec. 3318.362. This section applies only to a school district 31693
that participates in the school building assistance expedited 31694
local partnership program under section 3318.36 of the Revised 31695
Code. 31696

A school district board that enters into an agreement with 31697
the Ohio ~~school~~ facilities construction commission under division 31698
(B) of section 3318.36 of the Revised Code may propose for 31699
issuance any bonds necessary for its participation in the program 31700
under section 3318.36 of the Revised Code for any number of years 31701
not exceeding the term calculated pursuant to section 133.20 of 31702
the Revised Code. Any moneys received from the state under 31703

division (E)(2) of section 3318.36 of the Revised Code shall be 31704
applied, as agreed in writing by the school district board and the 31705
commission, to pay debt service on outstanding bonds or bond 31706
anticipation notes issued by the school district board for its 31707
participation in the expedited local partnership program, 31708
including by placing those moneys in an applicable escrow fund 31709
under division (D) of section 133.34 of the Revised Code. 31710

Sec. 3318.363. (A) This section applies beginning in fiscal 31711
year 2003 and only to a school district participating in the 31712
school building assistance expedited local partnership program 31713
under section 3318.36 of the Revised Code. 31714

(B) If there is a decrease in the tax valuation of a school 31715
district to which this section applies by ten per cent or greater 31716
from one tax year to the next due to a decrease in the assessment 31717
rate of the taxable property of an electric company that owns 31718
property in the district, as provided for in section 5727.111 of 31719
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 31720
General Assembly, the Ohio ~~school~~ facilities construction 31721
commission shall calculate or recalculate the state and school 31722
district portions of the basic project cost of the school 31723
district's project by determining the percentile rank in which the 31724
district would be located if such ranking were made using the 31725
adjusted valuation per pupil calculated under division (C) of this 31726
section rather than the three-year average adjusted valuation per 31727
pupil, calculated under division (B) of section 3318.011 of the 31728
Revised Code. For such district, the required percentage of the 31729
basic project cost used to determine the state and school district 31730
shares of that cost under division (C) of section 3318.36 of the 31731
Revised Code shall be based on the percentile rank as calculated 31732
under this section rather than as otherwise provided in division 31733
(C)(1) of section 3318.36 of the Revised Code. If the commission 31734
has determined the state and school district portion of the basic 31735

project cost of such a district's project under section 3318.36 of 31736
the Revised Code prior to that decrease in tax valuation, the 31737
commission shall adjust the state and school district shares of 31738
the basic project cost of such project in accordance with this 31739
section. 31740

(C)(1) As used in divisions (C) and (D) of this section, 31741
"total taxable value" and "formula ADM" have the same meanings as 31742
in section 3317.02 of the Revised Code, and "income factor" has 31743
the same meaning as in section 3318.011 of the Revised Code. 31744

(2) The adjusted valuation per pupil for a school district to 31745
which this section applies shall be calculated using the following 31746
formula: 31747

(The district's total taxable value for the tax year 31748
preceding the calendar year in which the current fiscal year 31749
begins / the district's formula ADM for the previous fiscal year) 31750
- [\$30,000 x (1 - the district's income factor)]. 31751

(D) At the request of the Ohio ~~school~~ facilities construction 31752
commission, the department of education shall report a district's 31753
total taxable value for the tax year preceding the calendar year 31754
in which the current fiscal year begins for any district to which 31755
this section applies as that information has been certified to the 31756
department by the tax commissioner pursuant to section 3317.021 of 31757
the Revised Code. 31758

Sec. 3318.364. In any fiscal year, the Ohio ~~school~~ facilities 31759
construction commission may, at its discretion, provide assistance 31760
under sections 3318.01 to 3318.20 of the Revised Code to a school 31761
district that has entered into an expedited local partnership 31762
agreement under section 3318.36 of the Revised Code before the 31763
district is otherwise eligible for that assistance based on its 31764
percentile rank, if the commission determines all of the 31765
following: 31766

(A) The district has made an expenditure of local resources 31767
under its expedited local partnership agreement on a discrete part 31768
of its district-wide project. 31769

(B) The district is ready to complete its district-wide 31770
project or a segment of the project, in accordance with section 31771
3318.034 of the Revised Code. 31772

(C) The district is in compliance with division (D)(2) of 31773
section 3318.36 of the Revised Code. 31774

(D) Sufficient state funds have been appropriated for 31775
classroom facilities projects for the fiscal year to pay the state 31776
share of the district's project or segment after paying the state 31777
share of projects for all of the following: 31778

(1) Districts that previously had their conditional approval 31779
lapse pursuant to section 3318.05 of the Revised Code; 31780

(2) Districts eligible for assistance under division (B)(2) 31781
of section 3318.04 of the Revised Code; 31782

(3) Districts participating in the exceptional needs school 31783
facilities assistance program under section 3318.37 or 3318.371 of 31784
the Revised Code; 31785

(4) Districts participating in the accelerated urban school 31786
building assistance program under section 3318.38 of the Revised 31787
Code. 31788

Assistance under this section shall be offered to eligible 31789
districts in the order of their percentile rankings at the time 31790
they entered into their expedited local partnership agreements, 31791
from lowest to highest percentile. In the event that more than one 31792
district has the same percentile ranking, those districts shall be 31793
offered assistance in the order of the date they entered into 31794
their expedited local partnership agreements, from earliest to 31795
latest date. 31796

As used in this section, "local resources" and "percentile" 31797
have the same meanings as in section 3318.36 of the Revised Code. 31798

Sec. 3318.37. (A)(1) As used in this section: 31799

(a) "Full maintenance amount" has the same meaning as in 31800
section 3318.034 of the Revised Code. 31801

(b) A "school district with an exceptional need for immediate 31802
classroom facilities assistance" means a school district with an 31803
exceptional need for new facilities in order to protect the health 31804
and safety of all or a portion of its students. 31805

(2) No school district that participates in the school 31806
building assistance expedited local partnership program under 31807
section 3318.36 of the Revised Code shall receive assistance under 31808
the program established under this section unless the following 31809
conditions are satisfied: 31810

(a) The district board adopted a resolution certifying its 31811
intent to participate in the school building assistance expedited 31812
local partnership program under section 3318.36 of the Revised 31813
Code prior to September 14, 2000. 31814

(b) The district was selected by the Ohio ~~school~~ facilities 31815
construction commission for participation in the school building 31816
assistance expedited local partnership program under section 31817
3318.36 of the Revised Code in the manner prescribed by the 31818
commission under that section as it existed prior to September 14, 31819
2000. 31820

(B)(1) There is hereby established the exceptional needs 31821
school facilities assistance program. Under the program, the Ohio 31822
~~school~~ facilities construction commission may set aside from the 31823
moneys annually appropriated to it for classroom facilities 31824
assistance projects up to twenty-five per cent for assistance to 31825
school districts with exceptional needs for immediate classroom 31826

facilities assistance. 31827

(2)(a) After consulting with education and construction 31828
experts, the commission shall adopt guidelines for identifying 31829
school districts with an exceptional need for immediate classroom 31830
facilities assistance. 31831

(b) The guidelines shall include application forms and 31832
instructions for school districts to use in applying for 31833
assistance under this section. 31834

(3) The commission shall evaluate the classroom facilities, 31835
and the need for replacement classroom facilities from the 31836
applications received under this section. The commission, 31837
utilizing the guidelines adopted under division (B)(2)(a) of this 31838
section, shall prioritize the school districts to be assessed. 31839

Notwithstanding section 3318.02 of the Revised Code, the 31840
commission may conduct on-site evaluation of the school districts 31841
prioritized under this section and approve and award funds until 31842
such time as all funds set aside under division (B)(1) of this 31843
section have been encumbered. However, the commission need not 31844
conduct the evaluation of facilities if the commission determines 31845
that a district's assessment conducted under section 3318.36 of 31846
the Revised Code is sufficient for purposes of this section. 31847

(4) Notwithstanding division (A) of section 3318.05 of the 31848
Revised Code, the school district's portion of the basic project 31849
cost under this section shall be the "required percentage of the 31850
basic project costs," as defined in division (K) of section 31851
3318.01 of the Revised Code. 31852

(5) Except as otherwise specified in this section, any 31853
project undertaken with assistance under this section shall comply 31854
with all provisions of sections 3318.01 to 3318.20 of the Revised 31855
Code. A school district may receive assistance under sections 31856
3318.01 to 3318.20 of the Revised Code for the remainder of the 31857

district's classroom facilities needs as assessed under this 31858
section when the district is eligible for such assistance pursuant 31859
to section 3318.02 of the Revised Code, but any classroom facility 31860
constructed with assistance under this section shall not be 31861
included in a district's project at that time unless the 31862
commission determines the district has experienced the increased 31863
enrollment specified in division (B)(1) of section 3318.04 of the 31864
Revised Code. 31865

(C) No school district shall receive assistance under this 31866
section for a classroom facility that has been included in the 31867
discrete part of the district's classroom facilities needs 31868
identified and addressed in the district's project pursuant to an 31869
agreement entered into under section 3318.36 of the Revised Code, 31870
unless the district's entire classroom facilities plan consists of 31871
only a single building designed to house grades kindergarten 31872
through twelve. 31873

(D)(1) When undertaking a project under this section, a 31874
school district may elect to prorate its full maintenance amount 31875
by setting aside for maintenance the amount calculated under 31876
division (D)(2) of this section to maintain the classroom 31877
facilities acquired under the project, if the district will use 31878
one or more of the alternative methods authorized in sections 31879
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 31880
the entire amount calculated under that division. If the district 31881
so elects, the commission and the district shall include in the 31882
agreement entered into under section 3318.08 of the Revised Code a 31883
statement specifying that the district will use the amount 31884
calculated under that division only to maintain the classroom 31885
facilities acquired under the project under this section. 31886

(2) The commission shall calculate the amount for a school 31887
district to maintain the classroom facilities acquired under a 31888
project under this section as follows: 31889

The full maintenance amount X (the school district's portion of the basic project cost under this section / the school district's portion of the basic project cost for the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district)

(3) A school district may elect to prorate its full maintenance amount for any number of projects under this section, provided the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under each project for which it so elects. If the district cannot use one or more of those alternative methods to generate the entire amount calculated under that division, the district shall levy the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code in an amount necessary to generate the remainder of its full maintenance amount. The commission shall calculate the remainder of the district's full maintenance amount as follows:

The full maintenance amount - the sum of the amounts calculated for the district under division (D)(2) of this section for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.

(5) If a school district commenced a project under this section prior to ~~the effective date of this amendment~~ September

10, 2012, but has not completed that project, and has not levied 31922
the tax described in division (B) of section 3318.05 of the 31923
Revised Code or an extension of that tax under section 3318.061 of 31924
the Revised Code, the district may request approval from the 31925
commission to prorate its full maintenance amount in accordance 31926
with divisions (D)(1) to (4) of this section. If the commission 31927
approves the request, the commission and the district shall amend 31928
the agreement entered into under section 3318.08 of the Revised 31929
Code to reflect the change. 31930

Sec. 3318.371. The Ohio ~~school~~ facilities construction 31931
commission may provide assistance under the exceptional needs 31932
school facilities program established by section 3318.37 of the 31933
Revised Code to any school district for the purpose of the 31934
relocation or replacement of classroom facilities required as a 31935
result of any contamination of air, soil, or water that impacts 31936
the occupants of the facility. 31937

The commission shall make a determination in accordance with 31938
guidelines adopted by the commission regarding eligibility and 31939
funding for projects under this section. The commission may 31940
contract with an independent environmental consultant to conduct a 31941
study to assist the commission in making the determination. 31942

If the federal government or other public or private entity 31943
provides funds for restitution of costs incurred by the state or 31944
school district in the relocation or replacement of the classroom 31945
facilities, the school district shall use such funds in excess of 31946
the school district's share to refund the state for the state's 31947
contribution to the environmental contamination portion of the 31948
project. The school district may apply an amount of such 31949
restitution funds up to an amount equal to the school district's 31950
portion of the project, as defined by the commission, toward 31951
paying its portion of that project to reduce the amount of bonds 31952

the school district otherwise must issue to receive state 31953
assistance under sections 3318.01 to 3318.20 of the Revised Code. 31954

Sec. 3318.38. (A) As used in this section, "big-eight school 31955
district" has the same meaning as in section 3314.02 of the 31956
Revised Code. 31957

(B) There is hereby established the accelerated urban school 31958
building assistance program. Under the program, notwithstanding 31959
section 3318.02 of the Revised Code, any big-eight school district 31960
that has not been approved to receive assistance under sections 31961
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 31962
beginning on that date apply for approval of and be approved for 31963
such assistance. Except as otherwise provided in this section, any 31964
project approved and undertaken pursuant to this section shall 31965
comply with all provisions of sections 3318.01 to 3318.20 of the 31966
Revised Code. 31967

The Ohio ~~school~~ facilities construction commission shall 31968
provide assistance to any big-eight school district eligible for 31969
assistance under this section in the following manner: 31970

(1) Notwithstanding section 3318.02 of the Revised Code: 31971

(a) Not later than June 30, 2002, the commission shall 31972
conduct an on-site visit and shall assess the classroom facilities 31973
needs of each big-eight school district eligible for assistance 31974
under this section; 31975

(b) Beginning July 1, 2002, any big-eight school district 31976
eligible for assistance under this section may apply to the 31977
commission for conditional approval of its project as determined 31978
by the assessment conducted under division (B)(1)(a) of this 31979
section. The commission may conditionally approve that project and 31980
submit it to the controlling board for approval pursuant to 31981
section 3318.04 of the Revised Code. 31982

(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08 of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered in accordance with section 3318.11 of the Revised Code. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section 3318.084 of the Revised Code.

(c) The school district's maintenance levy requirement, as 32015
defined in section 3318.18 of the Revised Code, shall run for 32016
twenty-three years from the date the first segment is undertaken. 32017

(C) In accordance with division (R) of section 3318.08 of the 32018
Revised Code, the state funds reserved and encumbered and the 32019
funds provided by the school district to pay the basic project 32020
cost of any segment of the project under this section, or of the 32021
entire project if it is not divided into segments, shall be spent 32022
on the construction and acquisition of the project simultaneously 32023
in proportion to the state's and the school district's respective 32024
shares of that basic project cost as determined under section 32025
3318.032 of the Revised Code. 32026

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 32027
Revised Code apply only to joint vocational school districts. 32028

(2) As used in sections 3318.40 to 3318.45 of the Revised 32029
Code: 32030

(a) "Ohio ~~school~~ facilities construction commission," 32031
"classroom facilities," "project," and "basic project cost" have 32032
the same meanings as in section 3318.01 of the Revised Code. 32033

(b) "Acquisition of classroom facilities" means constructing, 32034
reconstructing, repairing, or making additions to classroom 32035
facilities. 32036

(B) There is hereby established the vocational school 32037
facilities assistance program. Under the program, the Ohio ~~school~~ 32038
facilities construction commission shall provide assistance to 32039
joint vocational school districts for the acquisition of classroom 32040
facilities suitable to the vocational education programs of the 32041
districts in accordance with sections 3318.40 to 3318.45 of the 32042
Revised Code. For purposes of the program, beginning July 1, 2003, 32043
the commission annually may set aside up to two per cent of the 32044

aggregate amount appropriated to it for classroom facilities 32045
assistance projects in the public school building fund, 32046
established under section 3318.15 of the Revised Code, and the 32047
school building program assistance fund, established under section 32048
3318.25 of the Revised Code. 32049

(C) The commission shall not provide assistance for any 32050
distinct part of a project under sections 3318.40 to 3318.45 of 32051
the Revised Code that when completed will be used exclusively for 32052
an adult education program or exclusively for operation of a 32053
driver training school for instruction leading to the issuance of 32054
a commercial driver's license under Chapter 4506. of the Revised 32055
Code, except for life safety items and basic building components 32056
necessary for complete and continuous construction or renovation 32057
of a classroom facility as determined by the commission. 32058

(D) The commission shall not provide assistance under 32059
sections 3318.40 to 3318.45 of the Revised Code to acquire 32060
classroom facilities for vocational educational instruction at a 32061
location under the control of a school district that is a member 32062
of a joint vocational school district. Any assistance to acquire 32063
classroom facilities for vocational educational instruction at 32064
such location shall be provided to the school district that is a 32065
member of the joint vocational school district through other 32066
provisions of this chapter when that member school district is 32067
eligible for assistance under those provisions. 32068

(E) By September 1, 2003, the commission shall assess the 32069
classroom facilities needs of at least five joint vocational 32070
school districts, according to the order of priority prescribed in 32071
division (B) of section 3318.42 of the Revised Code, and based on 32072
the results of those assessments shall determine the extent to 32073
which amendments to the specifications adopted under section 32074
3318.311 of the Revised Code are warranted. The commission, 32075
thereafter, may amend the specifications as provided in that 32076

section. 32077

(F) After the commission has conducted the assessments 32078
prescribed in division (E) of this section, the commission shall 32079
establish, by rule adopted in accordance with section 111.15 of 32080
the Revised Code, guidelines for the commission to use in deciding 32081
whether to waive compliance with the design specifications adopted 32082
under section 3318.311 of the Revised Code when determining the 32083
number of facilities and the basic project cost of projects as 32084
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 32085
Code. The guidelines shall address the following situations: 32086

(1) Under what circumstances, if any, particular classroom 32087
facilities are adequate to meet the needs of the school district 32088
even though the facilities do not comply with the specifications 32089
adopted under section 3318.311 of the Revised Code; 32090

(2) Under what circumstances, if any, particular classroom 32091
facilities will be renovated or repaired rather than replaced by 32092
construction of new facilities. 32093

Sec. 3318.41. (A)(1) The Ohio ~~school~~ facilities construction 32094
commission annually shall assess the classroom facilities needs of 32095
the number of joint vocational school districts that the 32096
commission reasonably expects to be able to provide assistance to 32097
in a fiscal year, based on the amount set aside for that fiscal 32098
year under division (B) of section 3318.40 of the Revised Code and 32099
the order of priority prescribed in division (B) of section 32100
3318.42 of the Revised Code, except that in fiscal year 2004 the 32101
commission shall conduct at least the five assessments prescribed 32102
in division (E) of section 3318.40 of the Revised Code. 32103

Upon conducting an assessment of the classroom facilities 32104
needs of a school district, the commission shall make a 32105
determination of all of the following: 32106

(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code.

(b) The school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code;

(c) The remaining portion of the basic project cost that shall be supplied by the state;

(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code.

(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code.

(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by

the controlling board, the commission shall certify the 32138
conditional approval to the joint vocational school district board 32139
of education and shall encumber the approved funds for the current 32140
fiscal year. 32141

(2) No school district that receives assistance under 32142
sections 3318.40 to 3318.45 of the Revised Code shall have another 32143
such project conditionally approved until the expiration of twenty 32144
years after the school district's prior project was conditionally 32145
approved, unless the school district board demonstrates to the 32146
satisfaction of the commission that the school district has 32147
experienced since conditional approval of its prior project an 32148
exceptional increase in enrollment or program requirements 32149
significantly above the school district's design capacity under 32150
that prior project as determined by rule of the commission. Any 32151
rule adopted by the commission to implement this division shall be 32152
tailored to address the classroom facilities needs of joint 32153
vocational school districts. 32154

(C) In addition to generating the amount of the school 32155
district's portion of the basic project cost as determined under 32156
division (C) of section 3318.42 of the Revised Code, in order for 32157
a school district to receive assistance under sections 3318.40 to 32158
3318.45 of the Revised Code, the school district board shall set 32159
aside school district moneys for the maintenance of the classroom 32160
facilities included in the school district's project in the amount 32161
and manner prescribed in section 3318.43 of the Revised Code. 32162

(D)(1) The conditional approval for a project certified under 32163
division (B)(1) of this section shall lapse and the amount 32164
reserved and encumbered for such project shall be released unless 32165
both of the following conditions are satisfied: 32166

(a) Within one hundred twenty days following the date of 32167
certification of the conditional approval to the joint vocational 32168
school district board, the school district board accepts the 32169

conditional approval and certifies to the commission the school 32170
district board's plan to generate the school district's portion of 32171
the basic project cost, as determined under division (C) of 32172
section 3318.42 of the Revised Code, and to set aside moneys for 32173
maintenance of the classroom facilities acquired under the 32174
project, as prescribed in section 3318.43 of the Revised Code. 32175

(b) Within thirteen months following the date of 32176
certification of the conditional approval to the school district 32177
board, the electors of the school district vote favorably on any 32178
ballot measures proposed by the school district board to generate 32179
the school district's portion of the basic project cost. 32180

(2) If the school district board or electors fail to satisfy 32181
the conditions prescribed in division (D)(1) of this section and 32182
the amount reserved and encumbered for the school district's 32183
project is released, the school district shall be given first 32184
priority over other joint vocational school districts for project 32185
funding under sections 3318.40 to 3318.45 of the Revised Code as 32186
such funds become available, subject to section 3318.054 of the 32187
Revised Code. 32188

(E) If the conditions prescribed in division (D)(1) of this 32189
section are satisfied, the commission and the school district 32190
board shall enter into an agreement as prescribed in section 32191
3318.08 of the Revised Code and shall proceed with the development 32192
of plans, cost estimates, designs, drawings, and specifications as 32193
prescribed in section 3318.091 of the Revised Code. 32194

(F) Costs in excess of those approved by the commission under 32195
section 3318.091 of the Revised Code shall be payable only as 32196
provided in sections 3318.042 and 3318.083 of the Revised Code. 32197

(G) Advertisement for bids and the award of contracts for 32198
construction of any project under sections 3318.40 to 3318.45 of 32199
the Revised Code shall be conducted in accordance with section 32200

3318.10 of the Revised Code. 32201

(H) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised Code shall be spent simultaneously in proportion to the state's and the school district's respective portions of that basic project cost. 32202
32203
32204
32205
32206
32207
32208

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code. 32209
32210
32211

Sec. 3318.42. (A) Not later than the sixty-first day after March 14, 2003, and subsequently not later than the sixty-first day after the first day of each ensuing fiscal year, the department of education shall do all of the following: 32212
32213
32214
32215

(1) Calculate the valuation per pupil of each joint vocational school district according to the following formula: 32216
32217

The school district's average taxable value divided by the school district's formula ADM calculated under section 3317.03 of the Revised Code for the previous fiscal year. 32218
32219
32220

For purposes of this calculation: 32221

(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 32222
32223
32224
32225

(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code. 32226
32227

(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years; 32228
32229
32230

(3) Rank all joint vocational school districts in order from 32231
the school district with the lowest three-year average valuation 32232
per pupil to the school district with the highest three-year 32233
average valuation per pupil; 32234

(4) Divide the ranking under division (A)(3) of this section 32235
into percentiles with the first percentile containing the one per 32236
cent of school districts having the lowest three-year average 32237
valuations per pupil and the one-hundredth percentile containing 32238
the one per cent of school districts having the highest three-year 32239
average valuations per pupil; 32240

(5) Certify the information described in divisions (A)(1) to 32241
(4) of this section to the Ohio ~~school~~ facilities construction 32242
commission. 32243

(B) The commission annually shall select school districts for 32244
assistance under sections 3318.40 to 3318.45 of the Revised Code 32245
in the order of the school districts' three-year average 32246
valuations per pupil such that the school district with the lowest 32247
three-year average valuation per pupil shall be given the highest 32248
priority for assistance. 32249

(C) Each joint vocational school district's portion of the 32250
basic project cost of the school district's project under sections 32251
3318.40 to 3318.45 of the Revised Code shall be one per cent times 32252
the percentile in which the district ranks, except that no school 32253
district's portion shall be less than twenty-five per cent or 32254
greater than ninety-five per cent of the basic project cost. 32255

Sec. 3318.43. Each year for twenty-three successive years 32256
after the commencement of a joint vocational school district's 32257
project under sections 3318.40 to 3318.45 of the Revised Code, the 32258
board of education of that school district shall deposit into a 32259
separate maintenance account or into the school district's capital 32260
and maintenance fund established under section 3315.18 of the 32261

Revised Code, school district moneys dedicated to maintenance of 32262
the classroom facilities acquired under sections 3318.40 to 32263
3318.45 of the Revised Code in an amount equal to one and one-half 32264
of one per cent of the current insurance value of the classroom 32265
facilities acquired under the project, which value shall be 32266
subject to the approval of the Ohio ~~school~~ facilities construction 32267
commission. 32268

Sec. 3318.46. By rule adopted in accordance with section 32269
111.15 of the Revised Code, the Ohio ~~school~~ facilities 32270
construction commission shall establish a program whereby the 32271
board of education of any joint vocational school district may 32272
enter into an agreement with the commission under which the board 32273
may proceed with the new construction or major repairs of a part 32274
of the school district's classroom facilities needs, as determined 32275
under sections 3318.40 to 3318.45 of the Revised Code, through the 32276
expenditure of local resources prior to the school district's 32277
eligibility for state assistance under sections 3318.40 to 3318.45 32278
of the Revised Code. The program shall be structured in a manner 32279
similar to the program established under section 3318.36 of the 32280
Revised Code. The program shall be operational on July 1, 2004. 32281

Sec. 3318.48. (A) When all of the following have occurred, a 32282
project undertaken by a school district pursuant to this chapter 32283
shall be considered complete and the Ohio ~~school~~ facilities 32284
construction commission shall issue a certificate of completion to 32285
the district board of education: 32286

(1) All facilities to be constructed under the project, as 32287
specified in the project agreement entered into under section 32288
3318.08 of the Revised Code, have been completed and the board has 32289
received a permanent certificate of occupancy for each of those 32290
facilities. 32291

(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.	32292 32293 32294
(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.	32295 32296 32297 32298
(4) Any litigation concerning the project has been finally resolved with no chance of appeal.	32299 32300
(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.	32301 32302 32303 32304
(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:	32305 32306 32307 32308 32309 32310 32311 32312
(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;	32313 32314 32315 32316
(2) Terms and conditions for the resolution of any pending litigation;	32317 32318
(3) Any remaining responsibilities of the construction manager regarding the project.	32319 32320
(C) The commission may issue a certificate of completion to a	32321

district board that does not voluntarily participate in the 32322
process of closing out the district's project, if the construction 32323
manager for the project verifies that all facilities to be 32324
constructed under the project, as specified in the project 32325
agreement entered into under section 3318.08 of the Revised Code, 32326
have been completed and the commission determines that those 32327
facilities have been occupied for at least one year. In that case, 32328
all funds due to the commission under division (C) of section 32329
3318.12 of the Revised Code shall be returned to the commission 32330
not later than thirty days after receipt of the certificate of 32331
completion. If the funds due to the commission have not been 32332
returned within sixty days after receipt of the certificate of 32333
completion, the auditor of state shall issue a finding for 32334
recovery against the school district and shall request legal 32335
action under section 117.42 of the Revised Code. 32336

(D) Upon issuance of a certificate of completion under this 32337
section, the commission's ownership of and interest in the 32338
project, as specified in division (F) of section 3318.08 of the 32339
Revised Code, shall cease. This cessation shall not alter or 32340
otherwise affect the state's or commission's interest in the 32341
project or any limitations on the use of the project as specified 32342
in the project agreement pursuant to divisions (G), (M), and (N) 32343
of that section or as specified in section 3318.16 of the Revised 32344
Code. 32345

Sec. 3318.49. (A) The corrective action program is hereby 32346
established to provide funding for the correction of work, in 32347
connection with a project funded under sections 3318.01 to 3318.20 32348
or sections 3318.40 to 3318.45 of the Revised Code, that is found 32349
after occupancy of the facility to be defective or to have been 32350
omitted. 32351

(B) The Ohio ~~school~~ facilities construction commission may 32352

provide funding under this section only if the school district 32353
notifies the executive director of the commission of the defective 32354
or omitted work within five years after occupancy of the facility 32355
for which the district seeks the funding. 32356

(C) The commission shall establish procedures and deadlines 32357
for school districts to follow in applying for assistance under 32358
this section. The procedures shall include definitions of 32359
"defective" and "omitted," and shall require that remediation 32360
efforts focus first on engaging the respective contractors that 32361
designed and constructed the areas that have design or 32362
construction-related issues. The commission shall consider 32363
applications on a case-by-case basis, taking into account the 32364
amount of money appropriated and available for purposes of this 32365
section. 32366

(D) The commission may provide funding assistance necessary 32367
to take corrective measures after evaluating the defective or 32368
omitted work. 32369

(1) If the work to be corrected or remediated is part of a 32370
project not yet completed, the commission may amend the project 32371
agreement to increase the project budget and use corrective action 32372
funding to provide the state portion of the amendment. If the work 32373
to be corrected or remediated is part of a completed project and 32374
funds were retained or transferred pursuant to division (C) of 32375
section 3318.12 of the Revised Code, the commission may enter into 32376
a new agreement to address the corrective action. 32377

(2) Whether or not the project is completed, the district 32378
shall contribute a portion of the cost of the corrective action, 32379
to be determined in accordance with section 3318.032 of the 32380
Revised Code or, if the district is a joint vocational school 32381
district, section 3318.42 of the Revised Code. A district that is 32382
unable to provide its portion so that remediation can proceed may 32383
apply to the commission for additional assistance under section 32384

3318.042 of the Revised Code. 32385

(E) The commission shall assess responsibility for the 32386
defective or omitted work and seek cost recovery from responsible 32387
parties, if applicable. Any recovery of the expense of remediation 32388
shall be applied first to the district portion of the cost of the 32389
corrective action. Any remaining funds shall be applied to the 32390
state portion and deposited into the school building program 32391
assistance fund established under section 3318.25 of the Revised 32392
Code. 32393

Sec. 3318.50. (A) As used in this section and in section 32394
3318.52 of the Revised Code, "classroom facilities" means 32395
buildings, land, grounds, equipment, and furnishings used by a 32396
community school in furtherance of its mission and contract 32397
entered into by the school's governing authority under Chapter 32398
3314. of the Revised Code. 32399

(B) There is hereby established the community school 32400
classroom facilities loan guarantee program. Under the program, 32401
the Ohio ~~school~~ facilities construction commission may guarantee 32402
for up to fifteen years up to eighty-five per cent of the sum of 32403
the principal and interest on a loan made to the governing 32404
authority of a community school established under Chapter 3314. of 32405
the Revised Code for the sole purpose of assisting the governing 32406
authority in acquiring, improving, or replacing classroom 32407
facilities for the community school by lease, purchase, remodeling 32408
of existing facilities, or any other means including new 32409
construction. 32410

The commission shall not make any loan guarantee under this 32411
section unless the commission has determined both that the 32412
applicant is creditworthy and that the classroom facilities that 32413
have been acquired, improved, or replaced under the loan meet 32414
applicable health and safety standards established by law for 32415

school buildings or those facilities that will be acquired, 32416
improved, or replaced under the loan will meet such standards. 32417

The commission shall not guarantee any loan under this 32418
section unless the loan is obtained from a financial institution 32419
regulated by the United States or this state. 32420

(C) At no time shall the commission exceed an aggregate 32421
liability of ten million dollars to repay loans guaranteed under 32422
this section. 32423

(D) Any payment made to a lending institution as a result of 32424
default on a loan guaranteed under this section shall be made from 32425
moneys in the community school classroom facilities loan guarantee 32426
fund established under section 3318.52 of the Revised Code. 32427

(E) The commission may assess a fee of up to five hundred 32428
dollars for each loan guaranteed under this section. 32429

(F) Not later than ninety days after September 5, 2001, the 32430
commission shall adopt rules that prescribe loan standards and 32431
procedures consistent with this section that are designed to 32432
protect the state's interest in any loan guaranteed by this 32433
section and to ensure that the state has a reasonable chance of 32434
recovering any payments made by the state in the event of a 32435
default on any such loan. 32436

Sec. 3318.60. (A) As used in this section and section 3318.61 32437
of the Revised Code: 32438

(1) "Acquisition of classroom facilities" means constructing, 32439
reconstructing, repairing, or making additions to classroom 32440
facilities. 32441

(2) "Ohio ~~school~~ facilities construction commission" and 32442
"classroom facilities" have the same meanings as in section 32443
3318.01 of the Revised Code. 32444

(B) There is hereby established the college-preparatory 32445

boarding school facilities program. Under the program, the Ohio 32446
~~school~~ facilities construction commission shall provide assistance 32447
to the boards of trustees of college-preparatory boarding schools 32448
established under Chapter 3328. of the Revised Code for the 32449
acquisition of classroom facilities. 32450

(C) The program shall comply with sections 3318.01 to 3318.20 32451
of the Revised Code, except as follows: 32452

(1) The commission, in consultation with the board of 32453
trustees of a college-preparatory boarding school, shall determine 32454
the basic project cost based on all campus facilities needed for 32455
the school's programs and operations and shall take into account 32456
any unique spaces or square footages needed for such facilities 32457
when calculating the basic project cost. Regardless of the 32458
inclusion of nonclassroom facilities in the calculation of the 32459
basic project cost, state funds provided under the program shall 32460
be used only to pay for the acquisition of classroom facilities 32461
that do not exceed the construction and design standards 32462
established by the commission. 32463

(2) To be eligible for assistance under the program, the 32464
board of trustees of a college-preparatory boarding school shall 32465
secure at least twenty million dollars of private money to satisfy 32466
its share of the basic project cost. Funds provided by the board 32467
may be used for any type of facility. 32468

(3) A college-preparatory boarding school shall not be 32469
included in the ranking required by section 3318.011 of the 32470
Revised Code. The commission shall initiate procedures for the 32471
school's project when the contract required by section 3328.12 of 32472
the Revised Code has been executed. 32473

(4) No requirement related to the issuance of bonds or 32474
securities or the levying of taxes by a school district shall 32475
apply to a college-preparatory boarding school or its board of 32476

trustees. 32477

(5) The agreement entered into by the commission with the 32478
board of trustees of a college-preparatory boarding school under 32479
section 3318.08 of the Revised Code shall provide for termination 32480
of the contract and release of the funds encumbered at the time of 32481
the project's conditional approval, if the board fails to secure 32482
the amount specified in division (C)(2) of this section within 32483
such period after the execution of the agreement as may be fixed 32484
by the commission. 32485

(D) Within the ninety-day period immediately following ~~the~~ 32486
~~effective date of this section~~ September 29, 2011, the commission 32487
shall adopt rules necessary for the implementation and 32488
administration of the program. 32489

Sec. 3318.61. (A) In lieu of participating in the 32490
college-preparatory boarding school facilities program under 32491
section 3318.60 of the Revised Code, if the board of trustees of a 32492
college-preparatory boarding school established under Chapter 32493
3328. of the Revised Code has leased, purchased, or otherwise 32494
acquired a site for the school, the board of trustees may request 32495
approval from the Ohio ~~school~~ facilities construction commission 32496
for the board of trustees and the commission to enter into an 32497
agreement with a person or entity for the development of the site, 32498
under which agreement all of the following shall occur: 32499

(1) The board of trustees will lease the site and any 32500
facilities located on that site to the person or entity for the 32501
purpose of enabling the person or entity to provide the campus 32502
facilities needed for the school's programs and operations by 32503
constructing new facilities on the site; reconstructing, 32504
repairing, or making additions to the existing facilities on the 32505
site; or both. 32506

(2) The person or entity will lease the site and any new or 32507

existing facilities located on that site back to the board of 32508
trustees for use by the school. 32509

(3) The commission will pay the board of trustees state funds 32510
for the cost of acquisition of classroom facilities on the site 32511
and the board of trustees will use those funds to make rent 32512
payments on the lease provided by the person or entity. As agreed 32513
to by the commission and the board of trustees, the commission may 32514
pay the state funds to the board of trustees in periodic 32515
installments or as one lump sum in an amount equal to the 32516
outstanding balance on the lease for classroom facilities. 32517

(B) The commission shall approve the request of the board of 32518
trustees under division (A) of this section only if the following 32519
conditions are satisfied: 32520

(1) The person or entity that would be party to the agreement 32521
submits to the board of trustees and the commission a plan for 32522
developing the site that includes the following: 32523

(a) Provision for installation of site utilities that meet 32524
the requirements of all applicable laws; 32525

(b) A description of the facilities that will be constructed, 32526
reconstructed, repaired, or added to and their total square 32527
footage; 32528

(c) A description of how the facilities will enable the board 32529
of trustees to provide the educational program described in 32530
section 3328.22 of the Revised Code; 32531

(d) Provision for securing property and liability insurance 32532
for the facilities; 32533

(e) A description of how the development of the site will be 32534
financed by the person or entity; 32535

(f) The length of the lease that the person or entity will 32536
offer the board of trustees, which shall not exceed forty years, 32537

and the monthly rent that will be owed to the person or entity for 32538
that lease. 32539

(2) The commission determines that the plan submitted under 32540
division (B)(1) of this section is satisfactory and will meet the 32541
needs of the students enrolled in the school and that the 32542
classroom facilities described in the plan do not exceed the 32543
construction and design standards established by the commission. 32544

(3) The person or entity that would be party to the agreement 32545
has demonstrated financial responsibility to the satisfaction of 32546
the commission. 32547

(4) The commission, in consultation with the board of 32548
trustees, determines that it is in the best interest of the school 32549
for the board of trustees and the commission to enter into the 32550
agreement. 32551

(C) Upon approval of the commission, the board of trustees 32552
and the commission may enter into an agreement with the person or 32553
entity for development of the site in accordance with this 32554
section. The agreement shall include the following: 32555

(1) A requirement that development of the site begin not 32556
later than eighteen months after the agreement is executed and 32557
proceed according to a schedule specified in the agreement; 32558

(2) A stipulation that failure of the person or entity 32559
developing the site to comply with the schedule shall be grounds 32560
for termination of the agreement; 32561

(3) A provision specifying which party to the agreement owns 32562
the facilities located on the site if the school closes prior to 32563
the expiration of the agreement and a provision indicating the 32564
period of time after the school's closure, if any, during which 32565
rent payments will continue to be paid to the person or entity 32566
developing the site. 32567

Sec. 3318.62. Any agreement between the Ohio school 32568
facilities construction commission and the board of trustees of a 32569
college-preparatory boarding school to provide facilities 32570
assistance under section 3318.60 or 3318.61 of the Revised Code 32571
shall include the following stipulations: 32572

(A) If the school ceases its operations, the school's board 32573
of trustees may permit the classroom facilities to be used for 32574
only an alternative public purpose, including, but not limited to, 32575
primary, secondary, vocational, or higher education services. 32576

(B) If the school ceases its operations due to either the 32577
failure of the school's operator to comply with any of the 32578
requirements of the contract prescribed under section 3328.12 of 32579
the Revised Code or the default by the school's board of trustees 32580
on an underlying leasehold or mortgage agreement, the school's 32581
board of trustees shall return to the commission the unamortized 32582
portion of the state funds provided to the board of trustees under 32583
this chapter, based on a straight-line depreciation over the first 32584
eighteen years of occupancy. However, if, within twenty-four 32585
months after the school's cessation from operation, the classroom 32586
facilities of a college-preparatory boarding school are used for 32587
an alternative public purpose as prescribed by division (A) of 32588
this section, no return of funds by the board of trustees under 32589
this division shall be required. 32590

Sec. 3318.70. (A) As used in this section: 32591

(1) "Acquisition of classroom facilities" has the same 32592
meaning as in section 3318.40 of the Revised Code. 32593

(2) "Classroom facilities" has the same meaning as in section 32594
3318.01 of the Revised Code. 32595

(3) "STEM school" means a science, technology, engineering, 32596
and mathematics school established under Chapter 3326. of the 32597

Revised Code that is not governed by a single school district 32598
board of education, as prescribed by section 3326.51 of the 32599
Revised Code. 32600

(B) The Ohio ~~school~~ facilities construction commission shall 32601
establish guidelines for assisting STEM schools in the acquisition 32602
of classroom facilities. 32603

(C) Upon receipt of a written proposal by the governing body 32604
of a STEM school, the commission, subject to approval of the 32605
controlling board, shall provide funding to assist that STEM 32606
school in the acquisition of classroom facilities. The proposal of 32607
the governing body shall be submitted in a form and in the manner 32608
prescribed by the commission. The proposal shall indicate both the 32609
total amount of funding requested from the commission and the 32610
amount of other funding pledged for the acquisition of the 32611
classroom facilities, the latter of which shall not be less than 32612
the total amount of funding requested from the commission. Once 32613
the commission determines a proposal meets its established 32614
guidelines and if the controlling board approves that funding, the 32615
commission shall enter into an agreement with the governing body 32616
for the acquisition of the classroom facilities and shall 32617
encumber, in accordance with section 3318.11 of the Revised Code, 32618
the approved funding from the amounts appropriated to the 32619
commission for classroom facilities assistance projects. The 32620
agreement shall include a stipulation of the ownership of the 32621
classroom facilities in the event the STEM school permanently 32622
closes at any time. 32623

(D) In the case of the governing body of a group of STEM 32624
schools, as prescribed by section 3326.031 of the Revised Code, 32625
the governing body shall submit a proposal for each school under 32626
its direction separately, and the commission shall consider each 32627
proposal separately. 32628

Sec. 3318.71. (A) As used in this section:	32629
(1) "Acquisition of classroom facilities" has the same	32630
meaning as in section 3318.40 of the Revised Code.	32631
(2) "Classroom facilities" has the same meaning as in section	32632
3318.01 of the Revised Code.	32633
(3) "Qualifying partnership" means a group of city, exempted	32634
village, or local school districts that are part of a	32635
career-technical education compact and have entered into an	32636
agreement for joint or cooperative establishment and operation of	32637
a science, technology, engineering, and mathematics education	32638
program under section 3313.842 of the Revised Code. The aggregate	32639
territory of the school districts composing a qualifying	32640
partnership shall be located in two adjacent counties, each having	32641
a population greater than forty thousand, but less than fifty	32642
thousand, and at least one of which borders another state.	32643
(B) The Ohio ~~school~~ facilities <u>construction</u> commission shall	32644
establish guidelines for assisting a qualifying partnership in the	32645
acquisition of classroom facilities to be used for a joint	32646
science, technology, engineering, and mathematics education	32647
program.	32648
(C) Upon receipt of a written proposal from a qualifying	32649
partnership, the commission, subject to approval of the	32650
controlling board, shall provide funding to assist that qualifying	32651
partnership in the acquisition of classroom facilities described	32652
in division (B) of this section. The proposal of the qualifying	32653
partnership shall be submitted in a form and in the manner	32654
prescribed by the commission. The proposal shall indicate both the	32655
total amount of funding requested from the commission and the	32656
amount of other funding pledged for the acquisition of the	32657
classroom facilities, the latter of which shall not be less than	32658
the total amount of funding requested from the commission. Once	32659

the commission determines a proposal meets its established 32660
guidelines, and if the controlling board approves that funding, 32661
the commission shall enter into an agreement with the qualifying 32662
partnership for the acquisition of the classroom facilities and 32663
shall encumber, in accordance with section 3318.11 of the Revised 32664
Code, the approved funding from the amounts appropriated to the 32665
commission for classroom facilities assistance projects. The 32666
agreement shall include a stipulation of the ownership of the 32667
classroom facilities in the event the qualifying partnership 32668
ceases to exist. 32669

(D) A qualifying partnership may levy taxes and issue bonds 32670
under section 5705.2112 or 5705.2113 of the Revised Code to use 32671
for all or part of the funding pledged for the acquisition of 32672
classroom facilities under division (C) of this section. If a 32673
qualifying partnership chooses to levy taxes or issue bonds for 32674
this purpose, it shall select one of the districts that is a 32675
member of the qualifying partnership to be the fiscal agent of the 32676
qualifying partnership for purposes of those sections. 32677

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 32678
section 3319.229 of the Revised Code by this act, the state board 32679
of education shall accept applications for new, and for renewal 32680
of, professional career-technical teaching licenses through June 32681
30, 2018, and issue them on the basis of the applications received 32682
by that date in accordance with the rules described in that former 32683
section. Except as otherwise provided in divisions (A)(2) and (3) 32684
of this section, beginning July 1, 2018, the state board shall 32685
issue career-technical educator licenses only under this section. 32686

(2) An individual who, on July 1, 2018, holds a professional 32687
career-technical teaching license issued under the rules described 32688
in former section 3319.229 of the Revised Code, may continue to 32689
renew that license in accordance with those rules for the 32690

remainder of the individual's teaching career. However, nothing in 32691
this division shall be construed to prohibit the individual from 32692
applying to the state board for a career-technical educator 32693
license under this section. 32694

(3) An individual who, on July 1, 2018, holds an alternative 32695
resident educator license for teaching career-technical education 32696
issued under section 3319.26 of the Revised Code may, upon the 32697
expiration of the license, apply for a professional 32698
career-technical teaching license issued under the rules described 32699
in former section 3319.229 of the Revised Code. Such an individual 32700
may continue to renew the professional license in accordance with 32701
those rules for the remainder of the individual's teaching career. 32702
However, nothing in this division shall be construed to prohibit 32703
the individual from applying to the state board for a 32704
career-technical educator license under this section. 32705

(B) The state board, in collaboration with the chancellor of 32706
higher education, shall adopt rules establishing standards and 32707
requirements for obtaining a two-year career-technical educator 32708
level I license and a five-year career-technical educator level II 32709
license. Each license shall be valid for teaching career-technical 32710
education or workforce development programs in grades seven 32711
through twelve. The rules shall require applicants for either 32712
license to have a high school diploma. 32713

(C)(1) The state board shall issue a career-technical 32714
educator level I license to an applicant upon request from the 32715
superintendent of a school district that has agreed to employ the 32716
applicant. In making the request, the superintendent shall provide 32717
documentation showing that the applicant has at least five years 32718
of work experience in the subject area in which the applicant will 32719
teach. If the applicant will teach any course that is part of a 32720
program resulting in an industry-recognized credential for 32721
students completing the program, the superintendent also shall 32722

<u>provide verification that the applicant holds the applicable</u>	32723
<u>credential. The license shall be valid for teaching only in the</u>	32724
<u>requesting district.</u>	32725
<u>(2) The holder of a career-technical educator level I</u>	32726
<u>license, as a condition of continuing to hold the license, shall</u>	32727
<u>participate in a program offered by an institution of higher</u>	32728
<u>education that meets all of the following criteria:</u>	32729
<u>(a) Is approved by the chancellor and the department of</u>	32730
<u>education to provide instruction in teaching methods and</u>	32731
<u>principles;</u>	32732
<u>(b) Provides classroom support to the license holder;</u>	32733
<u>(c) Includes at least three semester hours of coursework in</u>	32734
<u>the teaching of reading in the subject area;</u>	32735
<u>(d) Is aligned with career-technical education and workforce</u>	32736
<u>development competencies developed by the department;</u>	32737
<u>(e) Uses a summative performance-based assessment developed</u>	32738
<u>by the program and aligned to the competencies described in</u>	32739
<u>division (C)(2)(d) of this section to evaluate the license</u>	32740
<u>holder's knowledge and skills.</u>	32741
<u>(3) The state board shall renew a career-technical educator</u>	32742
<u>level I license if the supervisor of the program described in</u>	32743
<u>division (C)(2) of this section and the superintendent of the</u>	32744
<u>employing school district indicate that the applicant is making</u>	32745
<u>sufficient progress in both the program and the teaching position.</u>	32746
<u>(D) The state board shall issue a career-technical educator</u>	32747
<u>level II license to an applicant who has successfully completed</u>	32748
<u>the program described in division (C)(2) of this section, as</u>	32749
<u>indicated by the supervisor of the program, and who demonstrates</u>	32750
<u>mastery of the career-technical education and workforce</u>	32751
<u>development competencies described in division (C)(2)(d) of this</u>	32752

section in the teaching position, as indicated by the 32753
superintendent of the employing school district. 32754

(E) The holder of a career-technical educator level II 32755
license shall work with a local professional development committee 32756
established under section 3319.22 of the Revised Code in meeting 32757
requirements for renewal of the license. 32758

Sec. 3319.236. Beginning September 1, 2018, the state board 32759
of education's rules for the renewal of educator licenses shall 32760
require each applicant for renewal of a license to complete an 32761
on-site work experience with a local business or chamber of 32762
commerce as a condition of renewal. Work experience obtained 32763
pursuant to this section shall count toward any required 32764
continuing education. Each local professional development 32765
committee established under section 3319.22 of the Revised Code 32766
shall work with its teachers to identify local work experience 32767
opportunities that meet the requirements of this section. 32768

Sec. 3319.271. (A) The superintendent of public instruction 32769
shall appoint three incorporators who are knowledgeable about the 32770
administration of public schools and about the operation of 32771
nonprofit corporations in Ohio. 32772

(B) The incorporators shall do whatever is necessary and 32773
proper to set up a nonprofit corporation under Chapter 1702. of 32774
the Revised Code. The articles of incorporation, in addition to 32775
meeting the requirements of section 1702.04 of the Revised Code, 32776
shall set forth the following provisions: 32777

(1) That the nonprofit corporation is to create and implement 32778
a pilot program that provides an alternative path for individuals 32779
to receive training and development in the administration of 32780
primary and secondary education and leadership, that will enable 32781
these individuals to earn a degree in public school 32782

administration, that will enable these individuals to obtain 32783
licenses in public school administration, and that promotes the 32784
placement of these individuals in public schools that have a 32785
poverty percentage greater than fifty per cent; 32786

(2) That the board of directors are to establish criteria for 32787
program costs, participant selection, and continued participation, 32788
and metrics to document and measure pilot program activities; 32789

(3) That the name of the nonprofit corporation is "bright new 32790
leaders for Ohio schools;" 32791

(4) That the board of directors is to consist of the 32792
following ~~eleven~~ eight directors: 32793

~~(a) The governor or the governor's designee;~~ 32794

~~(b) The superintendent of public instruction, or the 32795
superintendent's designee;~~ 32796

~~(c) The chancellor of higher education, or the chancellor's 32797
designee;~~ 32798

~~(d)~~ Four individuals to represent major business enterprises 32799
in Ohio; 32800

~~(e)~~(b) Two individuals appointed by the speaker of the house 32801
of representatives, one of whom shall be an active duty or retired 32802
military officer; 32803

~~(f)~~(c) Two individuals appointed by the president of the 32804
senate, one of whom shall be a current or retired teacher or 32805
principal. 32806

The dean of the Ohio state university fisher college of 32807
business and the dean of the Ohio state university college of 32808
education and human ecology are to serve as ex-officio nonvoting 32809
members of the board. 32810

The individuals on the board who represent major business 32811
enterprises in Ohio are to be appointed by a statewide 32812

organization selected by the governor. The organization is to be 32813
nonpartisan and consist of chief executive officers of major 32814
corporations organized in Ohio. 32815

(5) That the board is to elect a chairperson from among its 32816
members, and is to appoint a president of the corporation; 32817

(6) That the president of the corporation, subject to the 32818
approval of the board, is to enter into a contract with the Ohio 32819
state university fisher college of business. Under the contract, 32820
the college is to provide oversight to the corporation and is to 32821
provide the corporation with office space, and with office 32822
furniture and equipment, as is necessary for the corporation 32823
successfully to fulfill its duties. 32824

(7) That the overhead expenses of the corporation are not to 32825
exceed fifteen per cent of the annual budget of the corporation; 32826

(8) That the president is to apply for, and is to receive and 32827
accept, grants, gifts, bequests, and contributions from private 32828
sources; 32829

(9) That the corporation is to submit an annual report to the 32830
general assembly and governor beginning December 31, 2013; 32831

(10) That state financial support for the corporation shall 32832
cease on June 30, 2018. 32833

Sec. 3326.01. (A) As used in this chapter, 32834

(1) "STEM" is an abbreviation of "science, technology, 32835
engineering, and mathematics." 32836

(2) "STEAM" is an abbreviation of "science, technology, 32837
engineering, arts, and mathematics." 32838

(B)(1) A science, technology, engineering, arts, and 32839
mathematics school shall be considered a type of science, 32840
technology, engineering, and mathematics school. 32841

(2) A STEAM school equivalent shall be considered to be a 32842
type of STEM school equivalent. 32843

(3) A STEAM program of excellence shall be considered to be a 32844
type of STEM program of excellence. 32845

(C)(1) Any reference to a STEM school or science, technology, 32846
engineering, and mathematics school in the Revised Code shall be 32847
considered to include a STEAM school, unless the context 32848
specifically indicates a different meaning or intent. All 32849
provisions of the Revised Code applicable to a STEM school shall 32850
apply to a STEAM school in the same manner, except as otherwise 32851
provided in this chapter. 32852

(2) Any reference to a STEM school equivalent in the Revised 32853
Code shall be considered to include a STEAM school equivalent, 32854
unless the context specifically indicates a different meaning or 32855
intent. All provisions of the Revised Code applicable to a STEM 32856
school equivalent shall apply to a STEAM school equivalent in the 32857
same manner, except as otherwise provided in this chapter. 32858

(3) Any reference to a STEM program of excellence in the 32859
Revised Code shall be considered to include a STEAM program of 32860
excellence, unless the context specifically indicates a different 32861
meaning or intent. All provisions of the Revised Code applicable 32862
to a STEM program of excellence shall apply to a STEAM program of 32863
excellence in the same manner, except as otherwise provided in 32864
this chapter. 32865

Sec. 3326.03. (A) The STEM committee shall authorize the 32866
establishment of and award grants to science, technology, 32867
engineering, and mathematics schools based on proposals submitted 32868
to the committee. 32869

The committee shall determine the criteria for proposals, 32870
establish procedures for the submission of proposals, accept and 32871

evaluate proposals, and choose which proposals to approve to 32872
become a STEM school. In approving proposals for STEM schools, the 32873
committee shall consider locating the schools in diverse 32874
geographic regions of the state so that all students have access 32875
to a STEM school. 32876

The committee shall seek technical assistance from the Ohio 32877
STEM learning network, or its successor, throughout the process of 32878
accepting and evaluating proposals and choosing which proposals to 32879
approve. In approving proposals for STEM schools, the committee 32880
shall consider the recommendations of the Ohio STEM learning 32881
network, or its successor. 32882

The committee may authorize the establishment of a group of 32883
multiple STEM schools to operate from multiple facilities located 32884
in one or more school districts under the direction of a single 32885
governing body in the manner prescribed by section 3326.031 of the 32886
Revised Code. The committee shall consider the merits of each of 32887
the proposed STEM schools within a group and shall authorize each 32888
school separately. Anytime after authorizing a group of STEM 32889
schools to be under the direction of a single governing body, upon 32890
a proposal from the governing body, the committee may authorize 32891
one or more additional schools to operate as part of that group. 32892

The STEM committee may approve one or more STEM schools to 32893
serve only students identified as gifted under Chapter 3324. of 32894
the Revised Code. 32895

(B) Proposals may be submitted only by a partnership of 32896
public and private entities consisting of at least all of the 32897
following: 32898

(1) A city, exempted village, local, or joint vocational 32899
school district or an educational service center; 32900

(2) Higher education entities; 32901

(3) Business organizations. 32902

A community school established under Chapter 3314. of the 32903
Revised Code, a chartered nonpublic school, or both may be part of 32904
the partnership. 32905

(C) Each proposal shall include at least the following: 32906

(1) Assurances that the STEM school or group of STEM schools 32907
will be under the oversight of a governing body and a description 32908
of the members of that governing body and how they will be 32909
selected; 32910

(2) Assurances that each STEM school will operate in 32911
compliance with this chapter and the provisions of the proposal as 32912
accepted by the committee; 32913

(3) Evidence that each school will offer a rigorous, diverse, 32914
integrated, and project-based curriculum to students in any of 32915
grades kindergarten through twelve, with the goal to prepare those 32916
students for college, the workforce, and citizenship, and that 32917
does all of the following: 32918

(a) Emphasizes the role of science, technology, engineering, 32919
and mathematics in promoting innovation and economic progress; 32920

(b) Incorporates scientific inquiry and technological design; 32921

(c) Includes the arts and humanities⁷. If the proposal is for 32922
a STEAM school, it also shall include evidence that the curriculum 32923
will integrate arts and design into the study of science, 32924
technology, engineering, and mathematics to foster creative 32925
thinking, problem-solving, and new approaches to scientific 32926
invention. 32927

(d) Emphasizes personalized learning and teamwork skills. 32928

(4) Evidence that each school will attract school leaders who 32929
support the curriculum principles of division (C)(3) of this 32930
section; 32931

(5) A description of how each school's curriculum will be 32932

developed and approved in accordance with section 3326.09 of the Revised Code; 32933
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(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor; 32935
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(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses; If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations. 32939
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(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities; If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 32944
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(9) A description of how each school's assets will be distributed if the school closes for any reason. 32950
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(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval. 32952
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Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section. 32956
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The committee shall determine the criteria for proposals, 32963
establish procedures for the submission of proposals, accept and 32964
evaluate proposals, and choose which proposals warrant a community 32965
school or chartered nonpublic school to be designated as a STEM 32966
school equivalent. 32967

(B) A proposal for designation as a STEM school equivalent 32968
shall include at least the following: 32969

(1) Assurances that the community school or chartered 32970
nonpublic school submitting the proposal has a working partnership 32971
with both public and private entities, including higher education 32972
entities and business organizations; If the proposal is for a 32973
STEAM school equivalent, it also shall include evidence that this 32974
partnership includes arts organizations. 32975

(2) Assurances that the school submitting the proposal will 32976
operate in compliance with this section and the provisions of the 32977
proposal as accepted by the committee; 32978

(3) Evidence that the school submitting the proposal will 32979
offer a rigorous, diverse, integrated, and project-based 32980
curriculum to students in any of grades kindergarten through 32981
twelve, with the goal to prepare those students for college, the 32982
workforce, and citizenship, and that does all of the following: 32983

(a) Emphasizes the role of science, technology, engineering, 32984
and mathematics in promoting innovation and economic progress; 32985

(b) Incorporates scientific inquiry and technological design; 32986

(c) Includes the arts and humanities; If the proposal is for 32987
a STEAM school equivalent, it also shall include evidence that the 32988
curriculum will integrate arts and design into the study of 32989
science, technology, engineering, and mathematics to foster 32990
creative thinking, problem-solving, and new approaches to 32991
scientific invention. 32992

(d) Emphasizes personalized learning and teamwork skills.	32993
(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;	32994 32995 32996
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	32997 32998 32999
(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	33000 33001 33002
(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. <u>If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.</u>	33003 33004 33005 33006 33007 33008 33009
(C)(1) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.	33010 33011 33012 33013 33014 33015
Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to chartered nonpublic schools.	33016 33017 33018 33019 33020
(2) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be eligible for operating funding under sections 3326.31 to	33021 33022 33023

3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 33024

(3) A community school or chartered nonpublic school that is 33025
designated as a STEM school equivalent under this section may 33026
apply for any of the grants and additional funds described in 33027
section 3326.38 of the Revised Code for which the school is 33028
eligible. 33029

(D) If a community school or chartered nonpublic school that 33030
is designated as a STEM school equivalent under this section 33031
intends to close or intends to no longer be designated as a STEM 33032
school equivalent, it shall notify the STEM committee of that 33033
fact. 33034

(E) If a community school or chartered nonpublic school that 33035
is designated as a STEM school equivalent wishes to be designated 33036
as a STEAM school equivalent, it may change its existing proposal 33037
to include the items required under divisions (B)(1), (B)(3)(c), 33038
and (B)(7) of this section and submit the revised proposal to the 33039
STEM committee for approval. 33040

Sec. 3326.04. (A) The STEM committee shall award grants to 33041
support the operation of STEM programs of excellence to serve 33042
students in any of grades kindergarten through ~~eight~~ twelve 33043
through a request for proposals. 33044

(B) Proposals may be submitted by any of the following: 33045

(1) The board of education of a city, exempted village, or 33046
local school district; 33047

(2) The governing authority of a community school established 33048
under Chapter 3314. of the Revised Code; 33049

(3) The governing authority of a chartered nonpublic school. 33050

(C) Each proposal shall demonstrate to the satisfaction of 33051
the STEM committee that the program meets at least the following 33052
standards: 33053

(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem-solving, and new approaches to scientific invention.

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to

include the items required under divisions (C)(2) and (C)(5) of 33085
this section and submit the revised proposal to the STEM committee 33086
for approval. 33087

Sec. 3326.09. Subject to approval by its governing body or 33088
governing authority, the curriculum of each science, technology, 33089
engineering, and mathematics school and of each community school 33090
or chartered nonpublic school that is designated as a STEM school 33091
equivalent under section 3326.032 of the Revised Code shall be 33092
developed by a team that consists of at least the school's chief 33093
administrative officer, a teacher, a representative of the higher 33094
education institution that is a collaborating partner in the STEM 33095
school or school designated as a STEM school equivalent, and a 33096
member of the public with expertise in the application of science, 33097
technology, engineering, or mathematics. In the case of a STEAM 33098
school or a STEAM school equivalent, the team also shall include 33099
an expert in the integration of arts and design into the STEM 33100
fields. 33101

Sec. 3326.11. Each science, technology, engineering, and 33102
mathematics school established under this chapter and its 33103
governing body shall comply with sections 9.90, 9.91, 109.65, 33104
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 33105
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 33106
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 33107
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 33108
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 33109
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 33110
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 33111
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 33112
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 33113
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 33114
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 33115

3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 33116
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 33117
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 33118
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 33119
Revised Code as if it were a school district. 33120

Sec. 3326.33. For each student enrolled in a science, 33121
technology, engineering, and mathematics school established under 33122
this chapter, on a full-time equivalency basis, the department of 33123
education annually shall deduct from the state education aid of a 33124
student's resident school district and, if necessary, from the 33125
payment made to the district under sections 321.24 and 323.156 of 33126
the Revised Code and pay to the school the sum of the following: 33127

(A) An opportunity grant in an amount equal to the formula 33128
amount; 33129

(B) The per pupil amount of targeted assistance funds 33130
calculated under division (A) of section 3317.0217 of the Revised 33131
Code for the student's resident district, as determined by the 33132
department, X 0.25; 33133

(C) Additional state aid for special education and related 33134
services provided under Chapter 3323. of the Revised Code as 33135
follows: 33136

(1) If the student is a category one special education 33137
student, the amount specified in division (A) of section 3317.013 33138
of the Revised Code; 33139

(2) If the student is a category two special education 33140
student, the amount specified in division (B) of section 3317.013 33141
of the Revised Code; 33142

(3) If the student is a category three special education 33143
student, the amount specified in division (C) of section 3317.013 33144
of the Revised Code; 33145

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	33146 33147 33148
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	33149 33150 33151
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	33152 33153 33154
(D) If the student is in kindergarten through third grade, ~~\$305, in fiscal year 2016, or \$320, in fiscal year 2017;~~	33155 33156
(E) If the student is economically disadvantaged, an amount equal to the following:	33157 33158
\$272 X the resident district's economically disadvantaged index	33159
(F) Limited English proficiency funds, as follows:	33160
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	33161 33162 33163
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	33164 33165 33166
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	33167 33168 33169
(G) Career-technical education funds as follows:	33170
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	33171 33172 33173
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	33174 33175

3317.014 of the Revised Code;	33176
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	33177 33178 33179
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	33180 33181 33182
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	33183 33184 33185
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	33186 33187 33188
Sec. 3326.41. (A) For purposes of this section:	33189
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	33190 33191
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	33192 33193
(3) <u>A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.</u>	33194 33195 33196 33197 33198 33199 33200 33201
(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school <u>a both of the following:</u>	33202 33203 33204 33205

<u>(1) A graduation bonus calculated according to the following</u>	33206
<u>formula:</u>	33207
The school's four-year adjusted cohort graduation rate on its most	33208
recent report card issued by the department under section 3302.03	33209
of the Revised Code X 0.075 X the formula amount X the number of	33210
the school's graduates reported to the department, in accordance	33211
with the guidelines adopted under section 3301.0714 of the Revised	33212
Code, for the same school year for which the most recent report	33213
card was issued	33214
<u>(2) A third-grade reading bonus calculated according to the</u>	33215
<u>following formula:</u>	33216
<u>The school's third-grade reading proficiency percentage X 0.075 X</u>	33217
<u>the formula amount X the number of the school's students scoring</u>	33218
<u>at a proficient level or higher on the third-grade English</u>	33219
<u>language arts assessment prescribed under division (A)(1)(a) of</u>	33220
<u>section 3301.0710 of the Revised Code for the immediately</u>	33221
<u>preceding school year</u>	33222
<u>Sec. 3333.0414. (A) In accordance with Chapter 119. of the</u>	33223
<u>Revised Code, the chancellor of higher education shall adopt rules</u>	33224
<u>that require education preparation programs approved under section</u>	33225
<u>3333.048 of the Revised Code to include instruction in opioid and</u>	33226
<u>other substance abuse prevention. The instruction shall be for all</u>	33227
<u>educator and other school personnel preparation programs for all</u>	33228
<u>content areas and grade levels.</u>	33229
<u>(B) Instruction shall include all of the following:</u>	33230
<u>(1) Information on the magnitude of opioid and other</u>	33231
<u>substance abuse;</u>	33232
<u>(2) The role educators and other school personnel can play in</u>	33233
<u>educating students about the adverse effects of opioid and other</u>	33234
<u>substance abuse;</u>	33235

(3) Resources available to teach students about the 33236
consequences of opioid and substance abuse; 33237

(4) Resources available to help fight and treat opioid abuse. 33238

Sec. 3333.0415. Beginning in 2018, the chancellor of higher 33239
education, in collaboration with the department of education, 33240
shall prepare an annual report regarding the progress the state is 33241
making in increasing the percentage of adults in the state with a 33242
college degree, industry certificate, or other postsecondary 33243
credential to sixty-five per cent by the year 2025. The chancellor 33244
shall submit an electronic copy of the report to the governor, the 33245
president and minority leader of the senate, and speaker and 33246
minority leader of the house of representatives. 33247

Sec. 3333.051. (A) The chancellor of higher education shall 33248
establish a program under which a community college established 33249
under Chapter 3354., technical college established under Chapter 33250
3357., or state community college established under Chapter 3358. 33251
of the Revised Code may apply to the chancellor for authorization 33252
to offer applied bachelor's degree programs. 33253

The chancellor may approve programs under this section that 33254
demonstrate all of the following: 33255

(1) Evidence of an agreement between the college and a 33256
regional business or industry to train students in an in-demand 33257
field and to employ students upon their successful completion of 33258
the program; 33259

(2) That the workforce need of the regional business or 33260
industry is in an in-demand field with long-term sustainability 33261
based upon data provided by the governor's office of workforce 33262
transformation; 33263

(3) Supporting data that identifies the specific workforce 33264
need the program will address; 33265

(4) The absence of a bachelor's degree program that meets the 33266
workforce need addressed by the proposed program that is offered 33267
by a state university or private college or university located 33268
within a thirty-mile radius of the proposed program as determined 33269
by the chancellor; 33270

(5) Willingness of an industry partner to offer 33271
workplace-based learning and employment opportunities to students 33272
enrolled in the proposed program. 33273

(B) Before approving a program under this section, the 33274
chancellor shall consult with the governor's office of workforce 33275
transformation, the inter-university council of Ohio, the Ohio 33276
association of community colleges, and the association of 33277
independent colleges and universities of Ohio, or any successor to 33278
those organizations. 33279

(C) As used in this section: 33280

(1) "Applied bachelor's degree" shall be defined by the 33281
chancellor. 33282

(2) "Private college or university" means a nonprofit 33283
institution that holds a certificate of authorization pursuant to 33284
Chapter 1713. of the Revised Code. 33285

(3) "State university" has the same meaning as in section 33286
3345.011 of the Revised Code. 33287

Sec. 3333.121. There is hereby established in the state 33288
treasury the state ~~need-based~~ financial aid reconciliation fund, 33289
which shall consist of refunds of ~~instructional grant payments~~ 33290
~~made pursuant to section 3333.12 of the Revised Code and refunds~~ 33291
~~of state need-based financial aid payments made pursuant to~~ 33292
~~section 3333.122 of the Revised Code~~ state financial aid payments 33293
originally disbursed by the department of higher education for 33294
programs that the department is responsible for administering. 33295

Revenues credited to the fund shall be used by the chancellor of 33296
higher education to pay to higher education institutions any 33297
outstanding obligations ~~from the prior year owed for the Ohio~~ 33298
~~instructional grant program and the Ohio college opportunity grant~~ 33299
~~program~~ state financial aid programs that are identified through 33300
the annual reconciliation and financial audit or through other 33301
means. Any amount in the fund that is in excess of the amount 33302
certified to the director of budget and management by the 33303
chancellor of higher education as necessary to reconcile ~~prior~~ 33304
~~year~~ payments under the program shall be transferred to the 33305
general revenue fund. 33306

Sec. 3333.122. (A) The chancellor of higher education shall 33307
adopt rules to carry out this section and as authorized under 33308
section 3333.123 of the Revised Code. The rules shall include 33309
definitions of the terms "resident," "expected family 33310
contribution," "full-time student," "three-quarters-time student," 33311
"half-time student," "one-quarter-time student," "state cost of 33312
attendance," and "accredited" for the purpose of those sections. 33313

(B) Only an Ohio resident who meets both of the following is 33314
eligible for a grant awarded under this section: 33315

(1) The resident has an expected family contribution of two 33316
thousand one hundred ninety or less; 33317

(2) The resident enrolls in one of the following: 33318

(a) An undergraduate program, or a nursing diploma program 33319
approved by the board of nursing under division (A)(5) of section 33320
4723.06 of the Revised Code, at a state-assisted state institution 33321
of higher education, as defined in section 3345.12 of the Revised 33322
Code, that meets the requirements of Title VI of the Civil Rights 33323
Act of 1964; 33324

(b) An undergraduate program, or a nursing diploma program 33325

approved by the board of nursing under division (A)(5) of section 33326
4723.06 of the Revised Code, at a private, nonprofit institution 33327
in this state holding a certificate of authorization pursuant to 33328
Chapter 1713. of the Revised Code; 33329

(c) An undergraduate program, or a nursing diploma program 33330
approved by the board of nursing under division (A)(5) of section 33331
4723.06 of the Revised Code, at a career college in this state 33332
that holds a certificate of registration from the state board of 33333
career colleges and schools under Chapter 3332. of the Revised 33334
Code or at a private institution exempt from regulation under 33335
Chapter 3332. of the Revised Code as prescribed in section 33336
3333.046 of the Revised Code, if the program has a certificate of 33337
authorization pursuant to Chapter 1713. of the Revised Code. 33338

(C)(1) The chancellor shall establish and administer a 33339
needs-based financial aid grants program based on the United 33340
States department of education's method of determining financial 33341
need. The program shall be known as the Ohio college opportunity 33342
grant program. The general assembly shall support the needs-based 33343
financial aid program by such sums and in such manner as it may 33344
provide, but the chancellor also may receive funds from other 33345
sources to support the program. If, for any academic year, the 33346
amounts available for support of the program are inadequate to 33347
provide grants to all eligible students, the chancellor shall do 33348
one of the following: 33349

(a) Give preference in the payment of grants based upon 33350
expected family contribution, beginning with the lowest expected 33351
family contribution category and proceeding upward by category to 33352
the highest expected family contribution category; 33353

(b) Proportionately reduce the amount of each grant to be 33354
awarded for the academic year under this section; 33355

(c) Use an alternate formula for such grants that addresses 33356

the shortage of available funds and has been submitted to and 33357
approved by the controlling board. 33358

(2) The needs-based financial aid grant shall be paid to the 33359
eligible student through the institution in which the student is 33360
enrolled, except that no needs-based financial aid grant shall be 33361
paid to any person serving a term of imprisonment. Applications 33362
for the grants shall be made as prescribed by the chancellor, and 33363
such applications may be made in conjunction with and upon the 33364
basis of information provided in conjunction with student 33365
assistance programs funded by agencies of the United States 33366
government or from financial resources of the institution of 33367
higher education. The institution shall certify that the student 33368
applicant meets the requirements set forth in division (B) of this 33369
section. Needs-based financial aid grants shall be provided to an 33370
eligible student only as long as the student is making appropriate 33371
progress toward a nursing diploma or an associate or bachelor's 33372
degree. No student shall be eligible to receive a grant for more 33373
than ten semesters, fifteen quarters, or the equivalent of five 33374
academic years. A grant made to an eligible student on the basis 33375
of less than full-time enrollment shall be based on the number of 33376
credit hours for which the student is enrolled and shall be 33377
computed in accordance with a formula adopted by rule issued by 33378
the chancellor. No student shall receive more than one grant on 33379
the basis of less than full-time enrollment. 33380

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 33381
(5) of this section, no grant awarded under this section shall 33382
exceed the total state cost of attendance. 33383

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 33384
this section, the amount of a grant awarded to a student under 33385
this section shall equal the student's remaining state cost of 33386
attendance after the student's Pell grant and expected family 33387
contribution are applied to the instructional and general charges 33388

for the undergraduate program. However, for students enrolled in a 33389
state university or college as defined in section 3345.12 of the 33390
Revised Code or a university branch, the chancellor may provide 33391
that the grant amount shall equal the student's remaining 33392
instructional and general charges for the undergraduate program 33393
after the student's Pell grant and expected family contribution 33394
have been applied to those charges, but, in no case, shall the 33395
grant amount for such a student exceed any maximum that the 33396
chancellor may set by rule. 33397

(3) For a student enrolled for a semester or quarter in 33398
addition to the portion of the academic year covered by a grant 33399
under this section, the maximum grant amount shall be a percentage 33400
of the maximum specified in any table established in rules adopted 33401
by the chancellor as provided in division (A) of this section. The 33402
maximum grant for a fourth quarter shall be one-third of the 33403
maximum amount so prescribed. The maximum grant for a third 33404
semester shall be one-half of the maximum amount so prescribed. 33405

(4) If a student is enrolled in a two-year institution of 33406
higher education and is eligible for an education and training 33407
voucher through the Ohio education and training voucher program 33408
that receives federal funding under the John H. Chafee foster care 33409
independence program, 42 U.S.C. 677, the amount of a grant awarded 33410
under this section may exceed the total state cost of attendance 33411
to additionally cover housing costs. 33412

(5) For a student who is receiving federal veterans' benefits 33413
under the "All-Volunteer Force Educational Assistance Program," 38 33414
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 33415
Program," 38 U.S.C. 3301 et seq., or any successor program, the 33416
amount of a grant awarded under this section shall be applied 33417
toward the total state cost of attendance and the student's 33418
housing costs and living expenses. Living expenses shall include 33419
reasonable costs for room and board. 33420

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the case of either of the following:

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring any such appellant to provide information to the chancellor regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate

in the grant program pursuant to division (F)(1) of this section. 33452

(4) A student's attendance at any institution whose students 33453
are ineligible for grants due to division (F)(1) of this section 33454
shall not affect that student's eligibility to receive a grant 33455
when enrolled in another institution. 33456

(G) Institutions of higher education that enroll students 33457
receiving needs-based financial aid grants under this section 33458
shall report to the chancellor all students who have received such 33459
needs-based financial aid grants but are no longer eligible for 33460
all or part of those grants and shall refund any moneys due the 33461
state within thirty days after the beginning of the quarter or 33462
term immediately following the quarter or term in which the 33463
student was no longer eligible to receive all or part of the 33464
student's grant. There shall be an interest charge of one per cent 33465
per month on all moneys due and payable after such thirty-day 33466
period. The chancellor shall immediately notify the office of 33467
budget and management and the legislative service commission of 33468
all refunds so received. 33469

Sec. 3333.45. (A) For purposes of this section, "eligible 33470
institution of higher education" means an institution of higher 33471
education that is created by the governors of several states. At 33472
least one of the governors of these states shall also be a member 33473
of the institution's board of trustees. 33474

(B) The chancellor of higher education may enter into a 33475
partnership with an eligible institution of higher education for 33476
the purpose of providing competency-based education programs. The 33477
terms of the partnership may specify all of the following: 33478

(1) The approval process for programs offered by the 33479
institution; 33480

(2) The eligibility of students enrolled in the institution 33481

for state student financial aid programs; 33482

(3) Any articulation and transfer policies of the chancellor 33483
that apply to the institution; 33484

(4) The reporting requirements for the institution; 33485

(5) Any other requirements that the chancellor determines to 33486
be in the best interests of the state. 33487

(C) Notwithstanding anything to the contrary in the Revised 33488
Code, an eligible institution of higher education that enters into 33489
a partnership with the chancellor under this section shall be 33490
designated as a state institution of higher education for the 33491
purpose of providing competency-based education programs. However, 33492
the institution shall not receive any state share of instruction 33493
funds appropriated to the department of higher education by the 33494
general assembly. 33495

Sec. 3333.91. ~~Not later than December 31, 2014, the~~ The 33496
governor's office of workforce transformation, in collaboration 33497
with the chancellor of higher education, the superintendent of 33498
public instruction, and the department of job and family services, 33499
shall develop and submit to the appropriate federal agency a 33500
single, state unified plan required under the "Workforce 33501
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 33502
shall include the information required for the adult basic and 33503
literacy education program administered by the United States 33504
secretary of education, and the "Carl D. Perkins Vocational and 33505
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 33506
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 33507
~~as amended.~~ Following the plan's initial submission to the 33508
appropriate federal agency, the governor's office of workforce 33509
transformation may update it as necessary. If the plan is updated, 33510
the governor's office of workforce transformation shall submit the 33511
updated plan to the appropriate federal agency. 33512

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an adult basic and literacy education funded training or education program shall create an account with the OhioMeansJobs web site at the twelfth week of the program.

(2) ~~Beginning January 1, 2016, each~~ Each participant in an Ohio technical center funded training or education program shall create an account with the OhioMeansJobs web site at the time of enrollment in the program.

(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

Sec. 3333.94. (A) As used in this section:

(1) "In-demand job" has the same meaning as in section 3333.93 of the Revised Code.

(2) "Ohio technical center" means a center that provides adult technical education services and is recognized by the chancellor of higher education.

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical centers that

align with in-demand jobs in the state. 33542

When awarding funds from the OhioMeansJobs workforce 33543
development revolving loan fund established under section 6301.14 33544
of the Revised Code, the chancellor shall give preference to 33545
non-credit certificate programs that support adult learners and 33546
are included in the inventory. 33547

Sec. 3333.951. (A) As used in this section, "state 33548
institution of higher education" has the same meaning as in 33549
section 3345.011 of the Revised Code. 33550

(B) Each state institution of higher education that is 33551
co-located with another state institution of higher education 33552
annually shall review best practices and shared services in order 33553
to improve academic and other services and reduce costs for 33554
students. Each state institution shall report its findings to the 33555
efficiency advisory committee established under section 3333.95 of 33556
the Revised Code. The committee shall include the information 33557
reported under this section in the committee's annual report. 33558

Sec. 3333.98. (A) The college-ready program is hereby created 33559
to provide high school students with college-ready transitional 33560
courses. The college-ready program shall approve public and 33561
chartered nonpublic schools to provide courses for students who do 33562
not meet the remediation-free thresholds developed in division 33563
(B)(1) of this section and who need additional coursework to 33564
qualify to take courses to earn college credit while enrolled in 33565
high school and/or to be prepared for college upon graduation. The 33566
chancellor of higher education, in consultation with the 33567
superintendent of public instruction, shall administer the 33568
program. 33569

(B) Not later than December 31, 2017, the chancellor and the 33570
superintendent of public instruction, or their designees, shall 33571

convene a workgroup of faculty and administrators from both 33572
secondary schools and higher education institutions to develop one 33573
or more models for a college-ready program in mathematics. 33574

The workgroup shall develop and make recommendations for the 33575
creation and implementation of the college-ready plan, including, 33576
but not limited to, the following: 33577

(1) Recommend upper and lower score thresholds for student 33578
eligibility to participate in the program, based on national 33579
standardized test scores and state assessments required under 33580
section 3301.0712 of the Revised Code. In creating the thresholds, 33581
the workgroup shall use the remediation-free standards established 33582
under section 3345.061 of the Revised Code as a guide. 33583

(2) Develop one or more additional instructional models for 33584
the program; 33585

(3) Establish criteria for approving participating schools 33586
and institutions to provide instruction under the program; 33587

(4) Recommend data collection and evaluation requirements; 33588

(5) Recommend a timeline to develop models for additional 33589
subject areas, so that the models will be completed in time to 33590
meet the deadline prescribed by division (C) of this section. 33591

(6) Develop an application and approval process for schools 33592
and institutions to offer college-ready courses using the models 33593
developed under this section. 33594

(C) Not later than February 1, 2018, the chancellor, in 33595
consultation with the state superintendent, shall develop and 33596
publish all program requirements, deadlines, guidance, forms, 33597
documents, and procedures necessary to establish and administer 33598
the program. 33599

(D) Public and chartered nonpublic schools with approved 33600
programs may offer college-ready courses beginning with the 33601

2018-2019 school year. 33602

(E) As used in this section: 33603

(1) "Chartered nonpublic school" has the same meaning as in 33604
section 3310.01 of the Revised Code; 33605

(2) "Public school" includes a school district or a school 33606
operated by a school district, a community school established 33607
under Chapter 3314., a STEM school established under Chapter 33608
3326., and a college-preparatory boarding school established under 33609
Chapter 3328. of the Revised Code. 33610

Sec. 3335.02. (A) The government of the Ohio state university 33611
shall be vested in a board of ~~fourteen trustees in 2005, and~~ 33612
seventeen trustees ~~beginning in 2006~~, who shall be appointed by 33613
the governor, with the advice and consent of the senate. Two of 33614
the seventeen trustees shall be students at the Ohio state 33615
university, and their selection and terms shall be in accordance 33616
with division (B) of this section. Except as provided in division 33617
(D) of this section and except for the terms of student members, 33618
terms of office shall be for ~~nine~~ six years, commencing on the 33619
fourteenth day of May and ending on the thirteenth day of May. 33620
Each trustee shall hold office from the date of appointment until 33621
the end of the term for which the trustee was appointed. Any 33622
trustee appointed to fill a vacancy occurring prior to the 33623
expiration of the term for which the trustee's predecessor was 33624
appointed shall hold office for the remainder of such term. Any 33625
trustee shall continue in office subsequent to the expiration date 33626
of the trustee's term until the trustee's successor takes office, 33627
or until a period of sixty days has elapsed, whichever occurs 33628
first. No person who has served a full ~~nine-year~~ term as a 33629
nonstudent member or more than ~~six years~~ two-thirds of such a term 33630
shall be eligible for reappointment until a period of four years 33631
has elapsed since the last day of the term for which the person 33632

previously served. The 33633

The trustees shall not receive compensation for their 33634
services, but shall be paid their reasonable necessary expenses 33635
while engaged in the discharge of their official duties. 33636

(B) The student members of the board of trustees of the Ohio 33637
state university shall be students at the Ohio state university. 33638
Unless student members have been granted voting power under 33639
division (C) of this section, they shall have no voting power on 33640
the board, shall not be considered as members of the board in 33641
determining whether a quorum is present, and shall not be entitled 33642
to attend executive sessions of the board. The student members of 33643
the board shall be appointed by the governor, with the advice and 33644
consent of the senate, from a group of five candidates selected 33645
pursuant to a procedure adopted by the university's student 33646
governments and approved by the university's board of trustees. 33647
~~The initial term of office of one of the student members shall~~ 33648
~~commence on May 14, 1988, and shall expire on May 13, 1989, and~~ 33649
~~the initial term of office of the other student member shall~~ 33650
~~commence on May 14, 1988, and expire on May 13, 1990. Thereafter,~~ 33651
~~terms~~ Terms of office of student members shall be for two years, 33652
~~each term ending on the same day of the same month of the year as~~ 33653
~~the term it succeeds~~ commencing on the fourteenth day of May and 33654
ending on the thirteenth day of May. In the event a student member 33655
cannot fulfill a two-year term, a replacement shall be selected to 33656
fill the unexpired term in the same manner used to make the 33657
original selection. 33658

(C) Not later than ~~ninety days after the effective date of~~ 33659
~~this amendment~~ December 28, 2015, the board of trustees shall 33660
adopt a resolution that does one of the following: 33661

(1) Grants the student members of the board voting power on 33662
the board. If so granted, in addition to having voting power, the 33663
student members shall be considered as members of the board in 33664

determining whether a quorum is present and shall be entitled to 33665
attend executive sessions of the board. 33666

(2) Declares that student members do not have voting power on 33667
the board. 33668

Thereafter, the board may change the voting status of student 33669
trustees by adopting a subsequent resolution. Each resolution 33670
adopted under this division shall take effect on the fourteenth 33671
day of May following the adoption of the resolution. All members 33672
with voting power at the time of the adoption of a resolution may 33673
vote on the resolution. 33674

If student members are granted voting power under this 33675
division, no student shall be disqualified from membership on the 33676
board of trustees because the student receives a scholarship, 33677
grant, loan, or any other financial assistance payable out of the 33678
state treasury or a university fund, or because the student is 33679
employed by the university in a position pursuant to a work-study 33680
program or other student employment, including as a graduate 33681
teaching assistant, graduate administrative assistant, or graduate 33682
research assistant, the compensation for which is payable out of 33683
the state treasury or a university fund. 33684

Acceptance of such financial assistance or employment by a 33685
student trustee shall not be considered a violation of Chapter 33686
102. or section 2921.42 or 2921.43 of the Revised Code. 33687

~~(D)(1) The initial terms of office for the three additional 33688~~
~~trustees appointed in 2005 shall commence on a date in 2005 that 33689~~
~~is selected by the governor with one term of office expiring on 33690~~
~~May 13, 2009, one term of office expiring on May 13, 2010, and one 33691~~
~~term of office expiring on May 13, 2011, as designated by the 33692~~
~~governor upon appointment. Thereafter terms of office shall be for 33693~~
~~nine years, as provided in division (A) of this section. 33694~~

~~(2) The initial terms of office for the three additional 33695~~

~~trustees appointed in 2006 shall commence on May 14, 2006, with~~ 33696
~~one term of office expiring on May 13, 2012, one term of office~~ 33697
~~expiring on May 13, 2013, and one term of office expiring on May~~ 33698
~~13, 2014, as designated by the governor upon appointment.~~ 33699
~~Thereafter terms of office shall be for nine years, as provided in~~ 33700
~~division (A) of this section. A nonstudent trustee who was~~ 33701
~~appointed under this section as it existed prior to the effective~~ 33702
~~date of this amendment shall serve for a nine-year term. A trustee~~ 33703
~~appointed to fill the vacancy of a nine-year term shall serve for~~ 33704
~~the remainder of that unexpired nine-year term. Except for a~~ 33705
~~nonstudent trustee appointed to fill a vacancy for an unexpired~~ 33706
~~nine-year term, terms of office for a nonstudent trustee appointed~~ 33707
~~on and after the effective date of this amendment shall be for six~~ 33708
~~years, as provided in division (A) of this section.~~ 33709

Sec. 3337.01. (A) The body politic and corporate by the name 33710
and style of "The President and Trustees of the Ohio University" 33711
now in the university instituted and established in Athens by the 33712
name and style of "The Ohio University" shall consist of a board 33713
of trustees composed of eleven members, who shall be appointed by 33714
the governor, with the advice and consent of the senate. At least 33715
five of the trustees who are not students shall be graduates of 33716
Ohio university. Two of the trustees shall be students at Ohio 33717
university, and their selection and terms shall be in accordance 33718
with division (B) of this section. A majority of the board 33719
constitutes a quorum. ~~Except~~ 33720

Except as provided in division (C) of this section and except 33721
for the terms of student members, terms of office shall be for 33722
~~nine~~ six years, commencing on the fourteenth day of May and ending 33723
on the thirteenth day of May, ~~except that upon expiration of the~~ 33724
~~term ending on May 14, 1978, the new term which succeeds it shall~~ 33725
~~commence on May 15, 1978 and end on May 13, 1987.~~ Each member 33726
shall hold office from the date of appointment until the end of 33727

the term for which the member was appointed. Any member appointed 33728
to fill a vacancy occurring prior to the expiration of the term 33729
for which the member's predecessor was appointed shall hold office 33730
for the remainder of such term. Any member shall continue in 33731
office subsequent to the expiration date of the member's term 33732
until the member's successor takes office, or until a period of 33733
sixty days has elapsed, whichever occurs first. No person who has 33734
served a full ~~nine-year~~ term as a nonstudent member or more than 33735
~~six years~~ two-thirds of such a term shall be eligible for 33736
reappointment until a period of four years has elapsed since the 33737
last day of the term for which the person previously served. Such 33738
trustees shall receive no compensation for their services, but 33739
shall be paid their actual and necessary expenses while engaged in 33740
the discharge of their official duties. 33741

(B) The student members of the board of trustees of the Ohio 33742
university have no voting power on the board. Student members 33743
shall not be considered as members of the board in determining 33744
whether a quorum is present. Student members shall not be entitled 33745
to attend executive sessions of the board. The student members of 33746
the board shall be appointed by the governor, with the advice and 33747
consent of the senate, from a group of five candidates selected 33748
pursuant to a procedure adopted by the university's student 33749
governments and approved by the university's board of trustees. 33750
~~The initial term of office of one of the student members shall~~ 33751
~~commence on May 14, 1988 and shall expire on May 13, 1989, and the~~ 33752
~~initial term of office of the other student member shall commence~~ 33753
~~on May 14, 1988 and expire on May 13, 1990. Thereafter, terms~~ 33754
Terms of office of student members shall be for two years, each 33755
~~term ending on the same day of the same month of the year as the~~ 33756
~~term it succeeds~~ commencing on the fourteenth day of May and 33757
ending on the thirteenth day of May. In the event that a student 33758
member cannot fulfill the student member's two-year term, a 33759
replacement shall be selected to fill the unexpired term in the 33760

same manner used to make the original selection. 33761

(C) A nonstudent trustee who was appointed under this section 33762
as it existed prior to the effective date of this amendment shall 33763
serve for a nine-year term. A trustee appointed to fill the 33764
vacancy of a nine-year term shall serve for the remainder of that 33765
unexpired nine-year term. Except for a nonstudent trustee 33766
appointed to fill a vacancy for an unexpired nine-year term, terms 33767
of office for a nonstudent trustee appointed on and after the 33768
effective date of this amendment shall be for six years, as 33769
provided in division (A) of this section. 33770

Sec. 3339.01. (A) The government of Miami university shall be 33771
vested in eleven trustees, who shall be appointed by the governor 33772
with the advice and consent of the senate. Two of the trustees 33773
shall be students at Miami university, and their selection and 33774
terms shall be in accordance with division (B) of this section. A 33775
majority of the board constitutes a quorum. ~~Except~~ 33776

Except as provided in division (C) of this section and except 33777
for the terms of student members, terms of office shall be for 33778
~~nine~~ six years, commencing on the first day of March and ending on 33779
the last day of February, ~~except that upon expiration of the~~ 33780
~~trustee term ending on March 1, 1974, the trustee term which~~ 33781
~~succeeds it shall commence on March 2, 1974 and end on February~~ 33782
~~28, 1983; upon expiration of the trustee term ending on March 1,~~ 33783
~~1977, the trustee term which succeeds it shall commence on March~~ 33784
~~2, 1977 and end on February 28, 1986; upon expiration of the~~ 33785
~~trustee term ending on March 1, 1978, the trustee term which~~ 33786
~~succeeds it shall commence on March 2, 1978 and end on February~~ 33787
~~28, 1987; and upon expiration of the trustee term ending on March~~ 33788
~~1, 1979, the trustee term which succeeds it shall commence on~~ 33789
~~March 2, 1979 and end on February 29, 1988.~~ Each trustee shall 33790
hold office from the date of appointment until the end of the term 33791

for which the trustee was appointed. Any trustee appointed to fill 33792
a vacancy occurring prior to the end of the term for which the 33793
trustee's predecessor was appointed shall hold office for the 33794
remainder of such term. Any trustee shall continue in office 33795
subsequent to the expiration date of the trustee's term until a 33796
successor takes office, or until a period of sixty days has 33797
elapsed, whichever occurs first. No person who has served a full 33798
~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33799
two-thirds of such a term shall be eligible for reappointment 33800
until a period of four years has elapsed since the last day of the 33801
term for which the person previously served. The trustees shall 33802
receive no compensation for their services but shall be paid their 33803
reasonable necessary expenses while engaged in the discharge of 33804
their official duties. 33805

(B) The student members of the board of trustees of Miami 33806
university have no voting power on the board. Student members 33807
shall not be considered as members of the board in determining 33808
whether a quorum is present. Student members shall not be entitled 33809
to attend executive sessions of the board. The student members of 33810
the board shall be appointed by the governor, with the advice and 33811
consent of the senate, from a group of five candidates selected 33812
pursuant to a procedure adopted by the university's student 33813
governments and approved by the university's board of trustees. 33814
~~The initial term of office of one of the student members shall~~ 33815
~~commence on March 1, 1988 and shall expire on February 28, 1989,~~ 33816
~~and the initial term of office of the other student member shall~~ 33817
~~commence on March 1, 1988 and expire on February 28, 1990.~~ 33818
Thereafter, terms Terms of office of student members shall be for 33819
two years, each term commencing on the first day of March and 33820
ending on the last day of February. In the event that a student 33821
member cannot fulfill the student member's two-year term, a 33822
replacement shall be selected to fill the unexpired term in the 33823
same manner used to make the original selection. 33824

(C) A nonstudent trustee who was appointed under this section 33825
as it existed prior to the effective date of this amendment shall 33826
serve for a nine-year term. A trustee appointed to fill the 33827
vacancy of a nine-year term shall serve for the remainder of that 33828
unexpired nine-year term. Except for a nonstudent trustee 33829
appointed to fill a vacancy for an unexpired nine-year term, terms 33830
of office for a nonstudent trustee appointed on and after the 33831
effective date of this amendment shall be for six years, as 33832
provided in division (A) of this section. 33833

Sec. 3341.02. (A) The government of Bowling Green state 33834
university is vested in a board of eleven trustees, who shall be 33835
appointed by the governor, with the advice and consent of the 33836
senate. Two of the trustees shall be students at Bowling Green 33837
state university, and their selection and terms shall be in 33838
accordance with division (B) of this section. A majority of the 33839
board constitutes a quorum. ~~Except~~ 33840

Except as provided in division (G) of this section and except 33841
for the terms of student members, terms of office shall be for 33842
~~nine~~ six years, commencing on the seventeenth day of May and 33843
ending on the sixteenth day of May. No person who has served a 33844
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33845
two-thirds of such a term shall be eligible for reappointment 33846
until a period of four years has elapsed since the last day of the 33847
term for which the person previously served. 33848

(B) The student members of the board of trustees of Bowling 33849
Green state university have no voting power on the board. Student 33850
members shall not be considered as members of the board in 33851
determining whether a quorum is present. Student members shall not 33852
be entitled to attend executive sessions of the board. The student 33853
members of the board shall be appointed by the governor, with the 33854
advice and consent of the senate, from a group of five candidates 33855

selected pursuant to a procedure adopted by the university's 33856
student governments and approved by the university's board of 33857
trustees. ~~The initial term of office of one of the student members~~ 33858
~~shall commence on March 17, 1988, and shall expire on March 16,~~ 33859
~~1989, and the initial term of office of the other student member~~ 33860
~~shall commence on March 17, 1988, and expire on March 16, 1990.~~ 33861
~~After September 22, 2000, terms~~ Terms of office shall commence on 33862
the seventeenth day of May and shall end on the sixteenth day of 33863
May. Terms of office of student members shall be for two years, 33864
each term ending on the same day of the same month of the year as 33865
the term it succeeds. In the event that a student member cannot 33866
fulfill the student member's two-year term, a replacement shall be 33867
selected in the manner used for the original selection to fill the 33868
unexpired term. 33869

(C) The government of Kent state university is vested in a 33870
board of eleven trustees, who shall be appointed by the governor, 33871
with the advice and consent of the senate. Two of the trustees 33872
shall be students at Kent state university, and their selection 33873
and terms shall be in accordance with division (D) of this 33874
section. A majority of the board constitutes a quorum. ~~Except~~ 33875

Except as provided in division (G) of this section and except 33876
for the terms of student members, terms of office shall be for 33877
~~nine~~ six years, commencing on the seventeenth day of May and 33878
ending on the sixteenth day of May. No person who has served a 33879
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 33880
two-thirds of such a term shall be eligible for reappointment 33881
until a period of four years has elapsed since the last day of the 33882
term for which the person previously served. 33883

(D) The student members of the board of trustees of Kent 33884
state university have no voting power on the board. Student 33885
members shall not be considered as members of the board in 33886
determining whether a quorum is present. Student members shall not 33887

be entitled to attend executive sessions of the board. The student 33888
members of the board shall be appointed by the governor, with the 33889
advice and consent of the senate, from a group of five candidates 33890
selected pursuant to a procedure adopted by the university's 33891
student governments and approved by the university's board of 33892
trustees. ~~The initial term of office of one of the student members~~ 33893
~~shall commence on May 17, 1988, and shall expire on May 16, 1989,~~ 33894
~~and the initial term of office of the other student member shall~~ 33895
~~commence on May 17, 1988, and expire on May 16, 1990. Thereafter,~~ 33896
terms Terms of office of student members shall be for two years, 33897
each term ending on the same day of the same month of the year as 33898
the term it succeeds commencing on the seventeenth day of May and 33899
ending on the sixteenth day of May. In the event that a student 33900
member cannot fulfill the student member's two-year term, a 33901
replacement shall be selected to fill the unexpired term in the 33902
same manner used to make the original selection. 33903

(E) The trustees shall receive no compensation for their 33904
services but shall be paid their reasonable necessary expenses 33905
while engaged in the discharge of their official duties. 33906

(F) Each trustee shall hold office from the date of 33907
appointment until the end of the term for which the trustee was 33908
appointed. Any trustee appointed to fill a vacancy occurring prior 33909
to the expiration of the term for which the trustee's predecessor 33910
was appointed shall hold office for the remainder of such term. 33911
Any trustee shall continue in office subsequent to the expiration 33912
date of the trustee's term until a successor takes office, or 33913
until a period of sixty days has elapsed, whichever occurs first. 33914

(G) A nonstudent trustee who was appointed to the board of 33915
trustees of either university under this section as it existed 33916
prior to the effective date of this amendment shall serve for a 33917
nine-year term. A trustee appointed to fill the vacancy of a 33918
nine-year term shall serve for the remainder of that unexpired 33919

nine-year term. Except for a nonstudent trustee appointed to fill 33920
a vacancy for an unexpired nine-year term, terms of office for a 33921
nonstudent trustee appointed on and after the effective date of 33922
this amendment shall be for six years, as provided in division (A) 33923
of this section. 33924

Sec. 3343.02. (A) The government of Central state university 33925
shall be vested in a board of trustees to be known as "the board 33926
of trustees of the Central state university." Such board shall 33927
consist of eleven members who shall be appointed by the governor, 33928
with the advice and consent of the senate. Two of the trustees 33929
shall be students at Central state university, and their selection 33930
and terms shall be in accordance with division (B) of this 33931
section. A majority of the board constitutes a quorum. ~~Except~~ 33932

Except as provided in division (C) of this section and except 33933
for the student members, terms of office shall be for ~~nine~~ six 33934
years, commencing on the first day of July and ending on the 33935
thirtieth day of June. Each member shall hold office from the date 33936
of appointment until the end of the term for which the member was 33937
appointed. Any member appointed to fill a vacancy occurring prior 33938
to the expiration of the term for which the member's predecessor 33939
was appointed shall hold office for the remainder of such term. 33940
Any member shall continue in office subsequent to the expiration 33941
date of the member's term until the member's successor takes 33942
office, or until a period of sixty days has elapsed, whichever 33943
occurs first. No person who has served a full ~~nine-year~~ term as a 33944
nonstudent member or more than ~~six years~~ two-thirds of such a term 33945
shall be eligible for reappointment until a period of four years 33946
has elapsed since the last day of the term for which the person 33947
previously served. 33948

(B) The student members of the board of trustees of Central 33949
state university have no voting power on the board. Student 33950

members shall not be considered as members of the board in 33951
determining whether a quorum is present. Student members shall not 33952
be entitled to attend executive sessions of the board. The student 33953
members of the board shall be appointed by the governor, with the 33954
advice and consent of the senate, from a group of five candidates 33955
selected pursuant to a procedure adopted by the university's 33956
student governments and approved by the university's board of 33957
trustees. ~~The initial term of office of one of the student members~~ 33958
~~shall commence on July 1, 1988 and shall expire on June 30, 1989,~~ 33959
~~and the initial term of office of the other student member shall~~ 33960
~~commence on July 1, 1988 and expire on June 30, 1990. Thereafter,~~ 33961
~~terms~~ Terms of office of student members shall be for two years, 33962
each term ending on the same day of the same month of the year as 33963
the term it succeeds commencing on the first day of July and 33964
ending on the thirtieth day of June. In the event that a student 33965
member cannot fulfill a two-year term, a replacement shall be 33966
selected to fill the unexpired term in the same manner used to 33967
make the original selection. 33968

(C) A nonstudent trustee who was appointed under this section 33969
as it existed prior to the effective date of this amendment shall 33970
serve for a nine-year term. A trustee appointed to fill the 33971
vacancy of a nine-year term shall serve for the remainder of that 33972
unexpired nine-year term. Except for a nonstudent trustee 33973
appointed to fill a vacancy for an unexpired nine-year term, terms 33974
of office for a nonstudent trustee appointed on and after the 33975
effective date of this amendment shall be for six years, as 33976
provided in division (A) of this section. 33977

Sec. 3344.01. (A) There is hereby created the Cleveland state 33978
university. The government of the Cleveland state university is 33979
vested in a board of eleven trustees, who shall be appointed by 33980
the governor, with the advice and consent of the senate. Two of 33981
the trustees shall be students at the Cleveland state university, 33982

and their selection and terms shall be in accordance with division 33983
(B) of this section. ~~Except~~ 33984

Except as provided in division (C) of this section and except 33985
for the student members, terms of office shall be for ~~nine~~ six 33986
years, commencing on the second day of May and ending on the first 33987
day of May. Each trustee shall hold office from the date of 33988
appointment until the end of the term for which the trustee was 33989
appointed. Any trustee appointed to fill a vacancy occurring prior 33990
to the expiration of the term for which the trustee's predecessor 33991
was appointed shall hold office for the remainder of such term. 33992
Any trustee shall continue in office subsequent to the expiration 33993
date of the trustee's term until the trustee's successor takes 33994
office, or until a period of sixty days has elapsed, whichever 33995
occurs first. No person who has served a full ~~nine-year~~ term as a 33996
nonstudent member or more than ~~six years~~ two-thirds of such a term 33997
shall be eligible for reappointment until a period of four years 33998
has elapsed since the last day of the term for which the person 33999
previously served. The trustees shall receive no compensation for 34000
their services but shall be paid their reasonable necessary 34001
expenses while engaged in the discharge of their official duties. 34002
A majority of the board constitutes a quorum. 34003

(B) The student members of the board of trustees of the 34004
Cleveland state university have no voting power on the board. 34005
Student members shall not be considered as members of the board in 34006
determining whether a quorum is present. Student members shall not 34007
be entitled to attend executive sessions of the board. The student 34008
members of the board shall be appointed by the governor, with the 34009
advice and consent of the senate, from a group of five candidates 34010
selected pursuant to a procedure adopted by the university's 34011
student governments and approved by the university's board of 34012
trustees. ~~The initial term of office of one of the student members~~ 34013
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 34014

~~the initial term of office of the other student member shall~~ 34015
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 34016
~~terms~~ Terms of office of student members shall be for two years, 34017
~~each term ending on the same day of the same month of the year as~~ 34018
~~the term it succeeds~~ commencing on the second day of May and 34019
ending on the first day of May. In the event that a student member 34020
cannot fulfill a two-year term, a replacement shall be selected to 34021
fill the unexpired term in the same manner used to make the 34022
original selection. 34023

(C) A nonstudent trustee who was appointed under this section 34024
as it existed prior to the effective date of this amendment shall 34025
serve for a nine-year term. A trustee appointed to fill the 34026
vacancy of a nine-year term shall serve for the remainder of that 34027
unexpired nine-year term. Except for a nonstudent trustee 34028
appointed to fill a vacancy for an unexpired nine-year term, terms 34029
of office for a nonstudent trustee appointed on and after the 34030
effective date of this amendment shall be for six years, as 34031
provided in division (A) of this section. 34032

Sec. 3345.061. (A) Ohio's two-year institutions of higher 34033
education are respected points of entry for students embarking on 34034
post-secondary careers and courses completed at those institutions 34035
are transferable to state universities in accordance with 34036
articulation and transfer agreements developed under sections 34037
3333.16, 3333.161, and 3333.162 of the Revised Code. 34038

(B) Beginning with undergraduate students who commence 34039
undergraduate studies in the 2014-2015 academic year, no state 34040
university listed in section 3345.011 of the Revised Code, except 34041
Central state university, Shawnee state university, and Youngstown 34042
state university, shall receive any state operating subsidies for 34043
any academic remedial or developmental courses for undergraduate 34044
students, including courses prescribed in division (C) of section 34045

3313.603 of the Revised Code, offered at its main campus, except 34046
as provided in divisions (B)(1) to (4) of this section. 34047

(1) In the 2014-2015 and 2015-2016 academic years, a state 34048
university may receive state operating subsidies for academic 34049
remedial or developmental courses completed at the main campus for 34050
not more than three per cent of the total undergraduate credit 34051
hours provided by the university at its main campus. 34052

(2) In the 2016-2017 academic year, a state university may 34053
receive state operating subsidies for academic remedial or 34054
developmental courses completed at the main campus for not more 34055
than fifteen per cent of the first-year students who have 34056
graduated from high school within the previous twelve months and 34057
who are enrolled in the university at its main campus, as 34058
calculated on a full-time-equivalent basis. 34059

(3) In the 2017-2018 academic year, a state university may 34060
receive state operating subsidies for academic remedial or 34061
developmental courses completed at the main campus for not more 34062
than ten per cent of the first-year students who have graduated 34063
from high school within the previous twelve months and who are 34064
enrolled in the university at its main campus, as calculated on a 34065
full-time-equivalent basis. 34066

(4) In the 2018-2019 academic year, a state university may 34067
receive state operating subsidies for academic remedial or 34068
developmental courses completed at the main campus for not more 34069
than five per cent of the first-year students who have graduated 34070
from high school within the previous twelve months and who are 34071
enrolled in the university at its main campus, as calculated on a 34072
full-time-equivalent basis. 34073

Each state university may continue to offer academic remedial 34074
and developmental courses at its main campus beyond the extent for 34075
which state operating subsidies may be paid under this division 34076

and may continue to offer such courses beyond the 2018-2019 34077
academic year. However, the main campus of a state university 34078
shall not receive any state operating subsidies for such courses 34079
above the maximum amounts permitted in this division. 34080

(C) Except as otherwise provided in division (B) of this 34081
section, beginning with students who commence undergraduate 34082
studies in the 2014-2015 academic year, state operating subsidies 34083
for academic remedial or developmental courses offered by state 34084
institutions of higher education may be paid only to Central state 34085
university, Shawnee state university, Youngstown state university, 34086
any university branch, any community college, any state community 34087
college, or any technical college. 34088

(D) Each state university shall grant credit for academic 34089
remedial or developmental courses successfully completed at an 34090
institution described in division (C) of this section pursuant to 34091
any applicable articulation and transfer agreements the university 34092
has entered into in accordance with policies and procedures 34093
adopted under section 3333.16, 3333.161, or 3333.162 of the 34094
Revised Code. 34095

(E) The chancellor of higher education shall do all of the 34096
following: 34097

(1) Withhold state operating subsidies for academic remedial 34098
or developmental courses provided by a main campus of a state 34099
university as required in order to conform to divisions (B) and 34100
(C) of this section; 34101

(2) Adopt uniform statewide standards for academic remedial 34102
and developmental courses offered by all state institutions of 34103
higher education; 34104

(3) Encourage and assist in the design and establishment of 34105
academic remedial and developmental courses by institutions of 34106
higher education; 34107

(4) Define "academic year" for purposes of this section and 34108
section 3345.06 of the Revised Code; 34109

(5) Encourage and assist in the development of articulation 34110
and transfer agreements between state universities and other 34111
institutions of higher education in accordance with policies and 34112
procedures adopted under sections 3333.16, 3333.161, and 3333.162 34113
of the Revised Code. 34114

(F) Not later than December 31, 2012, the presidents, or 34115
equivalent position, of all state institutions of higher 34116
education, or their designees, jointly shall establish uniform 34117
statewide standards in mathematics, science, reading, and writing 34118
each student enrolled in a state institution of higher education 34119
must meet to be considered in remediation-free status. The 34120
presidents also shall establish assessments, if they deem 34121
necessary, to determine if a student meets the standards adopted 34122
under this division. Each institution is responsible for assessing 34123
the needs of its enrolled students in the manner adopted by the 34124
presidents. The board of trustees or managing authority of each 34125
state institution of higher education shall adopt the 34126
remediation-free status standard, and any related assessments, 34127
into the institution's policies. 34128

The chancellor shall assist in coordinating the work of the 34129
presidents under this division. The chancellor shall monitor the 34130
standards in mathematics, science, reading, and writing 34131
established under division (F) of this section to ensure that the 34132
standards adequately demonstrate a student's remediation-free 34133
status. 34134

(G) Each year, not later than a date established by the 34135
chancellor, each state institution of higher education shall 34136
report to the governor, the general assembly, the chancellor, and 34137
the superintendent of public instruction all of the following for 34138
the prior academic year: 34139

(1) The institution's aggregate costs for providing academic remedial or developmental courses;	34140 34141
(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;	34142 34143 34144
(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.	34145 34146 34147
(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.	34148 34149 34150 34151 34152 34153
(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	34154 34155 34156
<u>Sec. 3345.062. (A) Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following:</u>	34157 34158 34159 34160 34161
<u>(1) The number of enrolled students that require remedial education;</u>	34162 34163
<u>(2) The cost of remedial coursework the state university provides;</u>	34164 34165
<u>(3) The specific areas of remediation provided by the state university;</u>	34166 34167
<u>(4) Causes for remediation.</u>	34168

(B) Each president, or equivalent, shall present the findings 34169
of the report to the state university's board of trustees and 34170
shall submit a copy of the report to the chancellor of higher 34171
education and the superintendent of public instruction. 34172

(C) As used in this section, "state university" has the same 34173
meaning as in section 3345.011 of the Revised Code. 34174

Sec. 3345.14. (A) As used in this section, "state college or 34175
university" means any state university or college defined in 34176
division (A)(1) of section 3345.12 of the Revised Code, and any 34177
other institution of higher education defined in division (A)(2) 34178
of that section. 34179

(B) All rights to and interests in discoveries, inventions, 34180
or patents which result from research or investigation conducted 34181
in any experiment station, bureau, laboratory, research facility, 34182
or other facility of any state college or university, or by 34183
employees of any state college or university acting within the 34184
scope of their employment or with funding, equipment, or 34185
infrastructure provided by or through any state college or 34186
university, shall be the sole property of that college or 34187
university. No person, firm, association, corporation, or 34188
governmental agency which uses the facilities of such college or 34189
university in connection with such research or investigation and 34190
no faculty member, employee, or student of such college or 34191
university participating in or making such discoveries or 34192
inventions, shall have any rights to or interests in such 34193
discoveries or inventions, including income therefrom, except as 34194
may, by determination of the board of trustees of such college or 34195
university, be assigned, licensed, transferred, or paid to such 34196
persons or entities in accordance with division (C) of this 34197
section or in accordance with rules adopted under division (D) of 34198
this section. 34199

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university ~~may~~ shall adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or

other association as described in division (D)(1) of this section; 34232

(b) A requirement that all disclosures made under division 34233
(D)(2)(a) of this section are reviewed by officials designated by 34234
the college or university board of trustees. The officials 34235
designated under this division shall determine the information 34236
that shall be disclosed and safeguards that shall be applied in 34237
order to manage, reduce, or eliminate any actual or potential 34238
conflict of interest. 34239

(c) A requirement that in implementing division (D) of this 34240
section all members of the college or university board of trustees 34241
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 34242
of the Revised Code. 34243

(d) Guidelines to ensure that any financial interest held by 34244
any employee of the college or university does not result in 34245
misuse of the students, employees, or resources of the college or 34246
university for the benefit of the firm, corporation, or other 34247
association in which such interest is held or does not otherwise 34248
interfere with the duties and responsibilities of the employee who 34249
holds such an interest. 34250

(3) Rules established under division (D)(1) of this section 34251
may include other provisions at the discretion of the college or 34252
university board of trustees. 34253

(E) Notwithstanding division (D) of this section, the Ohio 34254
ethics commission retains authority to provide assistance to a 34255
college or university board of trustees in the implementation of 34256
division (D)(2) of this section and to address any matter that is 34257
outside the scope of the exception to division (B) of this section 34258
as set forth in division (D) of this section or as set forth in 34259
rules established under division (D) of this section. 34260

Sec. 3345.35. Not later than ~~January 1, 2016~~ December 31, 34261

2017, and by the first day of ~~January~~ September of every fifth 34262
year thereafter, the board of trustees of each state institution 34263
of higher education, as defined in section 3345.011 of the Revised 34264
Code, shall evaluate all courses and programs the institution 34265
offers based on enrollment and ~~student performance in each course~~ 34266
~~or program~~ duplication of its courses and programs with those of 34267
other state institutions of higher education within a geographic 34268
region, as determined by the chancellor of higher education. For 34269
courses and programs with low enrollment, as defined by the 34270
chancellor ~~of higher education~~, the board of trustees shall 34271
provide a summary of recommended actions, including consideration 34272
of collaboration with other state institutions of higher 34273
education. For duplicative programs, as defined by the chancellor, 34274
the board of trustees shall evaluate the benefits of collaboration 34275
with other institutions of higher education, ~~based on geographic~~ 34276
~~region,~~ to deliver the course program. 34277

Each board of trustees shall submit its findings under this 34278
section to the chancellor not later than thirty days after the 34279
completion of the evaluations or as part of submitting the annual 34280
efficiency report required pursuant to section 3333.95 of the 34281
Revised Code. For the findings required to be submitted by 34282
December 31, 2017, a board of trustees may submit the additional 34283
information required under this section as amended by this act, as 34284
an addendum to the findings the board submitted prior to January 34285
1, 2016, under former law. 34286

Sec. 3345.45. (A) On or before January 1, 1994, the 34287
chancellor of higher education jointly with all state 34288
universities, as defined in section 3345.011 of the Revised Code, 34289
shall develop standards for instructional workloads for full-time 34290
and part-time faculty in keeping with the universities' missions 34291
and with special emphasis on the undergraduate learning 34292

experience. The standards shall contain clear guidelines for 34293
institutions to determine a range of acceptable undergraduate 34294
teaching by faculty. 34295

(B) On or before June 30, 1994, the board of trustees of each 34296
state university shall take formal action to adopt a faculty 34297
workload policy consistent with the standards developed under this 34298
section. Notwithstanding section 4117.08 of the Revised Code, the 34299
policies adopted under this section are not appropriate subjects 34300
for collective bargaining. Notwithstanding division (A) of section 34301
4117.10 of the Revised Code, any policy adopted under this section 34302
by a board of trustees prevails over any conflicting provisions of 34303
any collective bargaining agreement between an employees 34304
organization and that board of trustees. 34305

(C)(1) The board of trustees of each state institution of 34306
higher education shall review the institution's policy on faculty 34307
tenure and update that policy to promote excellence in 34308
instruction, research, service, and commercialization. 34309

(2) Beginning on January 1, 2018, as a condition for a state 34310
institution of higher education to receive any state funds for 34311
research that are allocated to the department of higher education 34312
under the appropriation line items referred to as either "research 34313
incentive third frontier fund" or "research incentive third 34314
frontier-tax," the chancellor shall require the state institution 34315
to include a commercialization pathway for faculty tenure in its 34316
policy. 34317

Sec. 3345.59. (A) As used in this section: 34318

(1) "Information technology center" means a center 34319
established under section 3301.075 of the Revised Code. 34320

(2) "State institution of higher education" and "state 34321
university" have the same meanings as in section 3345.011 of the 34322

<u>Revised Code.</u>	34323
<u>(B) Not later than June 30, 2018, all state institutions of</u>	34324
<u>higher education that are located in the same region of the state,</u>	34325
<u>as defined by the chancellor of higher education, shall enter into</u>	34326
<u>an agreement providing for the creation of a compact. Under that</u>	34327
<u>agreement, the compact shall do all of the following:</u>	34328
<u>(1) Examine whether unnecessary duplication of academic</u>	34329
<u>programming exists;</u>	34330
<u>(2) Develop strategies to address the workforce education</u>	34331
<u>needs of the region;</u>	34332
<u>(3) Enhance the sharing of resources between institutions to</u>	34333
<u>align educational pathways and to increase access within the</u>	34334
<u>region. For these purposes, the compact shall do all of the</u>	34335
<u>following:</u>	34336
<u>(a) Provide and share resources and programming to improve</u>	34337
<u>academic performance and opportunities to address the workforce</u>	34338
<u>needs of the region;</u>	34339
<u>(b) Identify, develop, and implement shared curriculum and</u>	34340
<u>resources to promote educational pathways that minimize the time</u>	34341
<u>required to earn a degree. This may include, but is not limited</u>	34342
<u>to, curriculum delivered using open educational resources and</u>	34343
<u>online formats.</u>	34344
<u>(c) Analyze operational costs and implement cost-effective</u>	34345
<u>procedures that support greater access and opportunities for</u>	34346
<u>students in the region.</u>	34347
<u>(4) Reduce operational and administrative costs to provide</u>	34348
<u>more learning opportunities and collaboration in the region;</u>	34349
<u>(5) Enhance career counseling and experiential learning</u>	34350
<u>opportunities for students;</u>	34351
<u>(6) Expand alternative education delivery models such as</u>	34352

<u>competency-based and project-based learning;</u>	34353
<u>(7) Develop a strategy to increase collaboration and pathways</u>	34354
<u>with information technology centers, adult basic and literacy</u>	34355
<u>education programs, and school districts in the region;</u>	34356
<u>(8) Develop strategies to enhance the sharing of resources</u>	34357
<u>between institutions to improve and expand the capacity and</u>	34358
<u>capability for research and development;</u>	34359
<u>(9) Identify and implement the best use of university</u>	34360
<u>regional campuses to reflect the goals described in division (B)</u>	34361
<u>of this section.</u>	34362
<u>(C) Nothing in this section shall prohibit a state</u>	34363
<u>institution of higher education from entering into multiple</u>	34364
<u>agreements under division (B) of this section. Additionally, there</u>	34365
<u>is no limit to the number, or the number of each type, of state</u>	34366
<u>institutions of higher education that may enter into an agreement</u>	34367
<u>under that division.</u>	34368
<u>(D) In addition to any agreement entered into pursuant to</u>	34369
<u>division (B) of this section, each state institution of higher</u>	34370
<u>education that is designated a land grant college under the</u>	34371
<u>federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the</u>	34372
<u>"Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any</u>	34373
<u>subsequent act of congress, also shall to enter into an agreement</u>	34374
<u>providing for the creation of a compact that enhances</u>	34375
<u>collaboration between state institutions designated as land grant</u>	34376
<u>colleges.</u>	34377
<u>(E) Each state institution of higher education shall include</u>	34378
<u>in its annual efficiency report to the chancellor the efficiencies</u>	34379
<u>produced as a result of each compact to which the institution</u>	34380
<u>belongs.</u>	34381
Sec. 3350.10. (A) There is hereby created the northeast Ohio	34382

medical university. The principal goal of the medical university 34383
shall be to collaborate with the university of Akron, Cleveland 34384
state university, Kent state university, and Youngstown state 34385
university to graduate physicians oriented to the practice of 34386
medicine at the community level, especially family physicians. To 34387
accomplish this goal, the medical university may incorporate in 34388
the clinical experience provided its students the several 34389
community hospitals in the cities and areas served by the medical 34390
university; utilize practicing physicians as teachers; and to the 34391
fullest extent possible utilize the basic science capabilities of 34392
the university of Akron, Cleveland state university, Kent state 34393
university, and Youngstown state university. 34394

~~(1) Until December 22, 2008, the government of the northeast 34395
Ohio medical university is vested in a nine-member board of 34396
trustees consisting of the presidents of the university of Akron, 34397
Kent state university, and Youngstown state university; one member 34398
each of the boards of trustees of the university of Akron, Kent 34399
state university, and Youngstown state university, to be appointed 34400
by their respective boards of trustees for a term of six years 34401
ending on the first day of May or until the trustee's term on the 34402
respective university board of trustees expires, whichever occurs 34403
first; and one person each to be appointed by the boards of 34404
trustees of the university of Akron, Kent state university, and 34405
Youngstown state university, for a term of nine years ending on 34406
the first day of May; except that the term of those first 34407
appointed by the several boards of trustees shall expire on the 34408
first day of May next following their appointment. Vacancies shall 34409
be filled for the unexpired term in the manner provided for 34410
original appointment. The trustees shall receive no compensation 34411
for their services but shall be paid their reasonable necessary 34412
expenses while engaged in the discharge of their official duties. 34413
A majority of the board constitutes a quorum. 34414~~

~~(2) Beginning December 22, 2008, the~~ The government of the 34415
northeast Ohio medical university is vested in a board of eleven 34416
trustees, who shall be appointed by the governor, with the advice 34417
and consent of the senate. Two of the trustees shall be current 34418
students of the medical university, and their selection and terms 34419
shall be in accordance with division (B) of this section. ~~Except~~ 34420

~~Except~~ as provided in division (A)~~(3)~~(2) of this section and 34421
except for the student members, terms of office shall be for ~~nine~~ 34422
six years commencing on the second day of May and ending on the 34423
first day of May. Each trustee shall hold office from the date of 34424
appointment until the end of the term for which the trustee was 34425
appointed. Any trustee appointed to fill a vacancy occurring prior 34426
to the expiration of the term for which the trustee's predecessor 34427
was appointed shall hold office for the remainder of such term. 34428
Any trustee shall continue in office subsequent to the expiration 34429
date of the trustee's term until the trustee's successor takes 34430
office, or until a period of sixty days has elapsed, whichever 34431
occurs first. No person who has served a full ~~nine-year~~ term as a 34432
nonstudent member or more than ~~six years~~ two-thirds of such a term 34433
shall be eligible for reappointment until a period of four years 34434
has elapsed since the last day of the term for which the person 34435
previously served. The trustees shall receive no compensation for 34436
their services but shall be paid their reasonable necessary 34437
expenses while engaged in the discharge of their official duties. 34438
A majority of the board constitutes a quorum. 34439

~~(3) Not later than December 22, 2008, the governor, with the~~ 34440
~~advice and consent of the senate, shall appoint the two student~~ 34441
~~trustees and successors for the trustees serving under division~~ 34442
~~(A)(1) of this section. Except for the student trustees, who shall~~ 34443
~~serve terms pursuant to division (B) of this section, the initial~~ 34444
~~terms of office for trustees appointed under division (A)(2) of~~ 34445
~~this section shall be as follows: one term ending September 23,~~ 34446

~~2009; one term ending September 23, 2010; one term ending
September 23, 2011; one term ending September 23, 2012; one term
ending September 23, 2013; one term ending September 23, 2014; one
term ending September 23, 2015; one term ending September 23,
2016; one term ending September 23, 2017. Thereafter, terms of
office shall be for nine years, as provided in division (A)(2) of
this section.~~

(2) A nonstudent trustee who was appointed under this section
as it existed prior to the effective date of this amendment shall
serve for a nine-year term. A trustee appointed to fill the
vacancy of a nine-year term shall serve for the remainder of that
unexpired nine-year term. Except for a nonstudent trustee
appointed to fill a vacancy for an unexpired nine-year term, terms
of office for a nonstudent trustee appointed on and after the
effective date of this amendment shall be for six years, as
provided in division (A)(1) of this section.

(B) The student members of the board of trustees of the
northeast Ohio medical university have no voting power on the
board. Student members shall not be considered as members of the
board in determining whether a quorum is present. Student members
shall not be entitled to attend executive sessions of the board.
The student members of the board shall be appointed by the
governor, with the advice and consent of the senate, from a group
of five candidates selected pursuant to a procedure adopted by the
university's student governments and approved by the university's
board of trustees. ~~The initial term of office of one of the
student members shall commence December 22, 2008, and shall expire
on June 30, 2009, and the initial term of office of the other
student member shall commence December 22, 2008, and shall expire
on June 30, 2010. Thereafter, terms~~ Terms of office of student
members shall be for two years, ~~each term ending on the same day
of the same month of the year as the term it succeeds~~ commencing

on the first day of July and ending on the thirtieth day of June. 34479
In the event that a student member cannot fulfill a two-year term, 34480
a replacement shall be selected to fill the unexpired term in the 34481
same manner used to make the original selection. 34482

Sec. 3352.01. (A) There is hereby created a state university 34483
to be known as "Wright state university." The government of Wright 34484
state university is vested in a board of eleven trustees, who 34485
shall be appointed by the governor, with the advice and consent of 34486
the senate. Two of the trustees shall be students at Wright state 34487
university, and their selection and terms shall be in accordance 34488
with division (B) of this section. ~~Except~~ 34489

Except as provided in division (C) of this section and except 34490
for the terms of student members, terms of office shall be for 34491
~~nine~~ six years, commencing on the first day of July and ending on 34492
the thirtieth day of June. Each trustee shall hold office from the 34493
date of appointment until the end of the term for which the 34494
trustee was appointed. Any trustee appointed to fill a vacancy 34495
occurring prior to the expiration of the term for which the 34496
trustee's predecessor was appointed shall hold office for the 34497
remainder of such term. Any trustee shall continue in office 34498
subsequent to the expiration date of the trustee's term until the 34499
trustee's successor takes office, or until a period of sixty days 34500
has elapsed, whichever occurs first. No person who has served a 34501
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 34502
two-thirds of such a term shall be eligible for reappointment 34503
until a period of four years has elapsed since the last day of the 34504
term for which the person previously served. The trustees shall 34505
receive no compensation for their services but shall be paid their 34506
reasonable necessary expenses while engaged in the discharge of 34507
their official duties. A majority of the board constitutes a 34508
quorum. 34509

(B) The student members of the board of trustees of Wright state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. ~~The initial term of office of one of the student members shall commence on July 1, 1988 and shall expire on June 30, 1989, and the initial term of office of the other student member shall commence on July 1, 1988 and shall expire on June 30, 1990.~~ Thereafter, ~~terms~~ Terms of office of student members shall be for two years, ~~each term ending on the same day of the same month of the year as the term it succeeds commencing on the first day of July and ending on the thirtieth day of June.~~ In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(C) A nonstudent trustee who was appointed under this section as it existed prior to the effective date of this amendment shall serve for a nine-year term. A trustee appointed to fill the vacancy of a nine-year term shall serve for the remainder of that unexpired nine-year term. Except for a nonstudent trustee appointed to fill a vacancy for an unexpired nine-year term, terms of office for a nonstudent trustee appointed on and after the effective date of this amendment shall be for six years, as provided in division (A) of this section.

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the Revised Code:

(A) "Community college district" means a political 34541
subdivision of the state and a body corporate with all the powers 34542
of a corporation, comprised of the territory of one or more 34543
contiguous counties having together a total population of not less 34544
than seventy-five thousand preceding the establishment of such 34545
district, and organized for the purpose of establishing, owning, 34546
and operating a community college within the territory of such 34547
district. 34548

(B) "Contiguous counties" means counties so located that each 34549
such county shares at least one boundary in common with at least 34550
one other such county in the group of counties referred to as 34551
being "contiguous." 34552

(C) "Community college" means a public institution of 34553
education beyond the high school organized for the principal 34554
purpose of providing for the people of the community college 34555
district wherein such college is situated the instructional 34556
programs defined in this section as "arts and sciences" and 34557
"technical," or either, and may include the "adult-education" 34558
program as defined in this section. Except for applied bachelor's 34559
degree programs ~~offered~~ approved by the chancellor of higher 34560
education under section ~~3354.071~~ 3333.051 of the Revised Code, 34561
instructional programs shall not exceed two years in duration. 34562

A university maintained and operated by a municipality 34563
located in a county having a total population equal to the 34564
requirement for a community college district as set forth in 34565
division (A) of section 3354.01 of the Revised Code and is found 34566
by the chancellor of higher education to offer instructional 34567
programs which are needed in the community and which are 34568
equivalent to those required of community colleges shall be, for 34569
the purposes of receiving state or federal financial aid only, 34570
considered a community college and shall receive the same state 34571
financial assistance granted to community colleges but only in 34572

respect to students enrolled in their first and second year of 34573
post high school education in the kinds of instructional programs 34574
offered by the municipal university. 34575

(D) "Arts and sciences program" means both of the following: 34576

(1) A curricular program of two years or less duration, 34577
provided within a community college, planned and intended to 34578
enable students to gain academic credit for courses generally 34579
comparable to courses offered in the first two years in accredited 34580
colleges and universities in the state, and designed either to 34581
enable students to transfer to such colleges and universities for 34582
the purpose of earning baccalaureate degrees or to enable students 34583
to terminate academic study after two years with a proportionate 34584
recognition of academic achievement. 34585

(2) A An applied bachelor's degree program approved and 34586
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 34587

(E) "Adult-education program" means the dissemination of post 34588
high school educational service and knowledge, by a community 34589
college, for the occupational, cultural, or general educational 34590
benefit of adult persons, such educational service and knowledge 34591
not being offered for the primary purpose of enabling such persons 34592
to obtain academic credit or other formal academic recognition. 34593

(F) "Charter amendment" means a change in the official plan 34594
of a community college for the purpose of acquiring additional 34595
lands or structures, disposing of or transferring lands or 34596
structures, erection of structures, or creating or abolishing of 34597
one or more academic departments corresponding to generally 34598
recognized fields of academic study. 34599

(G) "Technical program" means a post high school curricular 34600
program of two years or less duration, provided within a community 34601
college, planned and intended to enable students to gain academic 34602
credit for courses designed to prepare such students to meet the 34603

occupational requirements of the community. 34604

(H) "Operating costs" means all expenses for all purposes of 34605
the community college district except expenditures for permanent 34606
improvements having an estimated life of usefulness of five years 34607
or more as certified by the fiscal officer of the community 34608
college district. 34609

(I) "Applied bachelor's degree" has the same meaning as in 34610
section 3333.051 of the Revised Code. 34611

Sec. 3354.09. The board of trustees of a community college 34612
district may: 34613

(A) Own and operate a community college, pursuant to an 34614
official plan prepared and approved in accordance with section 34615
3354.07 of the Revised Code, or enter into a contract with a 34616
generally accredited public university or college for operation of 34617
such community college by such university or college pursuant to 34618
an official plan prepared and approved in accordance with section 34619
3354.07 of the Revised Code; 34620

(B) Hold, encumber, control, acquire by donation, purchase, 34621
or condemnation, construct, own, lease, use, and sell real and 34622
personal property as is necessary for the conduct of the program 34623
of the community college on whatever terms and for whatever 34624
consideration may be appropriate for the purpose of the college; 34625

(C) Accept gifts, grants, bequests, and devises absolutely or 34626
in trust for support of the college during the existence of the 34627
college; 34628

(D) Appoint the administrative officers, faculty, and staff, 34629
necessary and proper for such community college, and fix their 34630
compensation except in instances in which the board of trustees 34631
has delegated such powers to a college or university operating 34632
such community college pursuant to a contract entered into by the 34633

board of trustees of the district; 34634

(E) Provide for a community college necessary lands, 34635
buildings or other structures, equipment, means, and appliances; 34636

(F) Develop and adopt, pursuant to the official plan, the 34637
curricular programs identified in section 3354.01 of the Revised 34638
Code as arts and sciences programs and technical programs, or 34639
either. Such programs may include adult-education programs. 34640

(G) Except as provided in sections 3333.17 and 3333.32 of the 34641
Revised Code, establish schedules of fees and tuition for students 34642
who are residents of the district, residents of Ohio but not of 34643
the district, and students who are nonresidents of Ohio. The 34644
establishment of rules governing the determination of residence 34645
shall be subject to approval of the ~~Ohio board of regents~~ 34646
chancellor of higher education. Students who are nonresidents of 34647
Ohio shall be required to pay higher rates of fees and tuition 34648
than the rates required of students who are residents of Ohio but 34649
not of the district, and students who are residents of the 34650
district shall pay a smaller tuition and fee rate than the rate 34651
for either category of nonresident students. 34652

(H) Authorize, approve, ratify, or confirm any agreement 34653
relating to any such community college with the United States 34654
government, acting through any agency of such government 34655
designated or created to aid in the financing of such projects, or 34656
with any person or agency offering grants in aid in financing such 34657
educational facilities or the operation of such facilities except 34658
as prohibited in division (K) of this section. 34659

Such agreement may include a provision for repayment of 34660
advances, grants, or loans made to any community college district 34661
from funds which may become available to it. 34662

When the United States government or its agent makes a grant 34663
of money to any community college district to aid in paying the 34664

cost of any projects of such district, or enters into an agreement 34665
with the community college district for the making of any such 34666
grant of money, the amount thereof is deemed appropriated for such 34667
purpose by the community college district and is deemed in process 34668
of collection within the meaning of section 5705.41 of the Revised 34669
Code. 34670

(I) Grant appropriate certificates of achievement or degrees 34671
to students successfully completing the community college 34672
programs; 34673

(J) Prescribe rules for the effective operation of a 34674
community college and exercise such other powers as are necessary 34675
for the efficient management of such college; 34676

(K) Receive and expend gifts or grants from the state for the 34677
payment of operating costs, for the acquisition, construction, or 34678
improvement of buildings or other structures, or for the 34679
acquisition or use of land. In no event shall state gifts or 34680
grants be expended for the support of adult-education programs. 34681
Gifts or grants from the state for operating costs shall not in 34682
any biennium exceed the amount recommended by the Ohio board of 34683
regents to the governor as provided in Chapter 3333. of the 34684
Revised Code. Such gifts or grants shall be distributed to such 34685
districts in equal quarter-annual payments, unless otherwise 34686
provided or authorized in any act appropriating moneys for such 34687
purposes, on or before the last day of February, May, August, and 34688
November in each year. 34689

(L) Retain consultants in the fields of education, planning, 34690
architecture, law, engineering, or other fields of professional 34691
skill; 34692

(M) Purchase: 34693

(1) A policy or policies of insurance insuring the district 34694
against loss of or damage to property, whether real, personal, or 34695

mixed, which is owned by the district or leased by it as lessee or 34696
which is in the process of construction by or for the district; 34697

(2) A policy or policies of fidelity insurance in such 34698
amounts and covering such trustees, officers, and employees of the 34699
district as it considers necessary or desirable; 34700

(3) A policy or policies of liability insurance from an 34701
insurer or insurers licensed to do business in this state insuring 34702
its members, officers, and employees against all civil liability 34703
arising from an act or omission by the member, officer, or 34704
employee when the member, officer, or employee is not acting 34705
manifestly outside the scope of employment or official 34706
responsibilities with the institution, with malicious purpose or 34707
bad faith, or in a wanton or reckless manner, or may otherwise 34708
provide for the indemnification of such persons against such 34709
liability. All or any portion of the cost, premium, or charge for 34710
such a policy or policies or indemnification payment may be paid 34711
from any funds under the institution's control. The policy or 34712
policies of liability insurance or the indemnification policy of 34713
the institution may cover any risks including, but not limited to, 34714
damages resulting from injury to property or person, professional 34715
liability, and other special risks, including legal fees and 34716
expenses incurred in the defense or settlement of claims for such 34717
damages. 34718

(4) A policy or policies of insurance insuring the district 34719
against any liabilities to which it may be subject on account of 34720
damage or injury to persons or property, including liability for 34721
wrongful death. 34722

(N) Designate one or more employees of the institution as 34723
state university law enforcement officers, to serve and have 34724
duties as prescribed in section 3345.04 of the Revised Code. 34725

Any instrument by which real property is acquired pursuant to 34726

this section shall identify the agency of the state that has the 34727
use and benefit of the real property as specified in section 34728
5301.012 of the Revised Code. 34729

Sec. 3356.01. (A) There is hereby created Youngstown state 34730
university. The government of Youngstown state university is 34731
vested in a board of eleven trustees, who shall be appointed by 34732
the governor, with the advice and consent of the senate. Two of 34733
the trustees shall be students at Youngstown state university, and 34734
their selection and terms shall be in accordance with division (B) 34735
of this section. ~~Except~~ 34736

Except as provided in division (C) of this section and except 34737
for the terms of student members, terms of office shall be for 34738
~~nine~~ six years, commencing on the second day of May and ending on 34739
the first day of May. Each trustee shall hold office from the date 34740
of appointment until the end of the term for which the trustee was 34741
appointed. Any trustee appointed to fill a vacancy occurring prior 34742
to the expiration of the term for which the trustee's predecessor 34743
was appointed shall hold office for the remainder of such term. 34744
Any trustee shall continue in office subsequent to the expiration 34745
date of the trustee's term until the trustee's successor takes 34746
office, or until a period of sixty days has elapsed, whichever 34747
occurs first. No person who has served a full ~~nine-year~~ term as a 34748
nonstudent member or more than ~~six years~~ two-thirds of such a term 34749
shall be eligible to reappointment until a period of four years 34750
has elapsed since the last day of the term for which the person 34751
previously served. The trustees shall receive no compensation for 34752
their services but shall be paid their reasonable necessary 34753
expenses while engaged in the discharge of their duties. A 34754
majority of the board constitutes a quorum. 34755

(B) The student members of the board of trustees of 34756
Youngstown state university have no voting power on the board. 34757

Student members shall not be considered as members of the board in 34758
determining whether a quorum is present. Student members shall not 34759
be entitled to attend executive sessions of the board. The student 34760
members of the board shall be appointed by the governor, with the 34761
advice and consent of the senate, from a group of five candidates 34762
selected pursuant to a procedure adopted by the university's 34763
student governments and approved by the university's board of 34764
trustees. ~~The initial term of office of one of the student members~~ 34765
~~shall commence on May 2, 1988 and shall expire on May 1, 1989, and~~ 34766
~~the initial term of office of the other student member shall~~ 34767
~~commence on May 2, 1988 and expire on May 1, 1990. Thereafter,~~ 34768
~~terms~~ Terms of office of student members shall be for two years, 34769
each ~~term ending on the same day of the same month of the year as~~ 34770
~~the term it succeeds~~ commencing on the second day of May and 34771
ending on the first day of May. In the event that a student member 34772
cannot fulfill a two-year term, a replacement shall be selected to 34773
fill the unexpired term in the same manner used to make the 34774
original selection. 34775

(C) A nonstudent trustee who was appointed under this section 34776
as it existed prior to the effective date of this amendment shall 34777
serve for a nine-year term. A trustee appointed to fill the 34778
vacancy of a nine-year term shall serve for the remainder of that 34779
unexpired nine-year term. Except for a nonstudent trustee 34780
appointed to fill a vacancy for an unexpired nine-year term, terms 34781
of office for a nonstudent trustee appointed on and after the 34782
effective date of this amendment shall be for six years, as 34783
provided in division (A) of this section. 34784

Sec. 3357.01. As used in this chapter: 34785

(A) "Technical college" means an institution of education 34786
beyond the high school, including an institution of higher 34787
education, organized for the principal purpose of providing for 34788

the residents of the technical college district, wherein such 34789
college is situated, any one or more of the instructional programs 34790
defined in this section as "technical college," or 34791
"adult-education technical programs," normally not exceeding two 34792
years' duration and not leading to a baccalaureate degree, except 34793
as provided in section 3333.051 of the Revised Code. 34794

(B) "Technical college district" means a political 34795
subdivision of the state and a body corporate with all the powers 34796
of a corporation, comprised of the territory of a city school 34797
district or a county, or two or more contiguous school districts 34798
or counties, which meets the standards prescribed by the ~~Ohio~~ 34799
~~board of regents~~ chancellor of higher education pursuant to 34800
section 3357.02 of the Revised Code, and which is organized for 34801
the purpose of establishing, owning, and operating one or more 34802
technical colleges within the territory of such district. 34803

(C) "Contiguous school districts or counties" means school 34804
districts or counties so located that each such school district or 34805
county shares at least one boundary or a portion thereof in common 34806
with at least one other such school district or county in the 34807
group of school districts or counties referred to as being 34808
"contiguous." 34809

(D) "Technical college program" means a post high school 34810
curricular program provided within a technical college, planned 34811
and intended to qualify students, after satisfactory completion of 34812
such a program normally two years in duration, to pursue careers 34813
in which they provide immediate technical assistance to 34814
professional or managerial persons generally required to hold 34815
baccalaureate or higher academic degrees in technical or 34816
professional fields. The technical and professional fields 34817
referred to in this section include, but are not limited to, 34818
engineering and physical, medical, or other sciences. 34819

(E) "Adult-education technical program" means the 34820

dissemination of post high school technical education service and 34821
knowledge, for the occupational, or general educational benefit of 34822
adult persons. 34823

(F) "Charter amendment" means a change in the official plan 34824
of a technical college for the purpose of acquiring additional 34825
lands or structures, disposing of or transferring lands or 34826
structures, erecting structures, creating or abolishing technical 34827
college or adult education technical curricular programs. 34828

(G) "Baccalaureate-oriented associate degree program" means a 34829
curricular program of not more than two years' duration that is 34830
planned and intended to enable students to gain academic credit 34831
for courses comparable to first- and second-year courses offered 34832
by accredited colleges and universities. The purpose of 34833
baccalaureate-oriented associate degree coursework in technical 34834
colleges is to enable students to transfer to colleges and 34835
universities and earn baccalaureate degrees or to enable students 34836
to terminate academic study after two years with a proportionate 34837
recognition of academic achievement through receipt of an 34838
associate degree. 34839

(H) "Applied bachelor's degree" has the same meaning as in 34840
section 3333.051 of the Revised Code. 34841

Sec. 3357.09. The board of trustees of a technical college 34842
district may: 34843

(A) Own and operate a technical college, pursuant to an 34844
official plan prepared and approved in accordance with section 34845
3357.07 of the Revised Code; 34846

(B) Hold, encumber, control, acquire by donation, purchase, 34847
or condemnation, construct, own, lease, use, and sell, real and 34848
personal property as necessary for the conduct of the program of 34849
the technical college on whatever terms and for whatever 34850

consideration may be appropriate for the purposes of the 34851
institution; 34852

(C) Accept gifts, grants, bequests, and devises absolutely or 34853
in trust for support of the technical college; 34854

(D) Appoint the president, faculty, and such other employees 34855
as necessary and proper for such technical college, and fix their 34856
compensation; 34857

(E) Provide for a technical college necessary lands, 34858
buildings or other structures, equipment, means, and appliances; 34859

(F) Develop and adopt, pursuant to the official plan, any one 34860
or more of the curricular programs identified in section 3357.01 34861
of the Revised Code as technical-college programs, or 34862
adult-education technical programs, and applied bachelor's degree 34863
programs under section 3333.051 of the Revised Code; 34864

(G) Except as provided in sections 3333.17 and 3333.32 of the 34865
Revised Code, establish schedules of fees and tuition for: 34866
students who are residents of the district; students who are 34867
residents of Ohio but not of the district; students who are 34868
nonresidents of Ohio. The establishment of rules governing the 34869
determination of residence shall be subject to approval of the 34870
~~Ohio board of regents~~ chancellor of higher education. Students who 34871
are nonresidents of Ohio shall be required to pay higher rates of 34872
fees and tuition than the rates required of students who are 34873
residents of Ohio but not of the district, and students who are 34874
residents of the district shall pay smaller tuition and fee rates 34875
than the rates for either of the above categories of nonresident 34876
students, except that students who are residents of Ohio but not 34877
of the district shall be required to pay higher fees and tuition 34878
than students who are residents of the district only when a 34879
district tax levy has been adopted and is in effect under the 34880
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 34881

Code.	34882
(H) Authorize, approve, ratify, or confirm, with approval of	34883
the ~~Ohio board of regents~~ <u>chancellor</u> , any agreement with the	34884
United States government, acting through any agency designated to	34885
aid in the financing of technical college projects, or with any	34886
person, organization, or agency offering grants-in-aid for	34887
technical college facilities or operation;	34888
(I) Receive assistance for the cost of equipment and for the	34889
operation of such technical colleges from moneys appropriated for	34890
technical education or for matching of Title VIII of the "National	34891
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e.	34892
Moneys shall be distributed by the ~~Ohio board of regents~~	34893
<u>chancellor</u> in accordance with rules which the board shall	34894
establish governing its allocations to technical colleges	34895
chartered under section 3357.07 of the Revised Code.	34896
(J) Grant appropriate associate degrees to students	34897
successfully completing the technical college programs,	34898
<u>appropriate applied bachelor's degrees to students successfully</u>	34899
<u>completing applied bachelor's degree programs,</u> and certificates of	34900
achievement to those students who complete other programs;	34901
(K) Prescribe rules for the effective operation of a	34902
technical college, and exercise such other powers as are necessary	34903
for the efficient management of such college;	34904
(L) Enter into contracts and conduct technical college	34905
programs or technical courses outside the technical college	34906
district;	34907
(M) Enter into contracts with the board of education of any	34908
local, exempted village, or city school district or the governing	34909
board of any educational service center to permit the school	34910
district or service center to use the facilities of the technical	34911
college district;	34912

(N) Designate one or more employees of the institution as 34913
state university law enforcement officers, to serve and have 34914
duties as prescribed in section 3345.04 of the Revised Code; 34915

(O) Subject to the approval of the ~~Ohio board of regents~~ 34916
chancellor, offer technical college programs or technical courses 34917
for credit at locations outside the technical college district. 34918
For purposes of computing state aid, students enrolled in such 34919
courses shall be deemed to be students enrolled in programs and 34920
courses at off-campus locations in the district. 34921

(P) Purchase a policy or policies of liability insurance from 34922
an insurer or insurers licensed to do business in this state 34923
insuring its members, officers, and employees against all civil 34924
liability arising from an act or omission by the member, officer, 34925
or employee, when the member, officer, or employee is not acting 34926
manifestly outside the scope of the member's, officer's, or 34927
employee's employment or official responsibilities with the 34928
institution, with malicious purpose or bad faith, or in a wanton 34929
or reckless manner, or may otherwise provide for the 34930
indemnification of such persons against such liability. All or any 34931
portion of the cost, premium, or charge for such a policy or 34932
policies or indemnification payment may be paid from any funds 34933
under the institution's control. The policy or policies of 34934
liability insurance or the indemnification policy of the 34935
institution may cover any risks including, but not limited to, 34936
damages resulting from injury to property or person, professional 34937
liability, and other special risks, including legal fees and 34938
expenses incurred in the defense or settlement of claims for such 34939
damages. 34940

Any instrument by which real property is acquired pursuant to 34941
this section shall identify the agency of the state that has the 34942
use and benefit of the real property as specified in section 34943
5301.012 of the Revised Code. 34944

Sec. 3357.19. The ~~Ohio board of regents~~ chancellor of higher 34945
education shall: 34946

(A) Promulgate rules, regulations, and standards in 34947
conformity with Chapter 119. of the Revised Code relative to the 34948
qualifications of teaching personnel in technical colleges, and 34949
require conformity to all such rules, regulations, and standards 34950
as a condition upon the issuance of a charter to any technical 34951
college and upon the continued operation of such colleges; 34952

(B) Promulgate rules, regulations, and standards relative to 34953
the quality and content of instructional courses in technical 34954
colleges, and relative to the awarding of certificates of 34955
achievement or ~~associate~~ degrees to students in such colleges, and 34956
require conformity to all such rules, regulations, and standards 34957
as a condition upon the issuance of a charter to any technical 34958
college and upon the continued operation of such college; 34959

(C) Conduct studies and examinations of the operation and 34960
facilities of technical colleges, and require reports from such 34961
colleges, from time to time as the ~~board~~ chancellor deems 34962
necessary, and revoke or suspend pursuant to Chapter 119. of the 34963
Revised Code, the charter of any technical college found to be in 34964
substantial violation of law, of rules, regulations, or standards 34965
of the ~~board~~ chancellor, or of the approved official plan of such 34966
college; 34967

(D) Employ such professional, administrative, clerical, or 34968
secretarial personnel as may be found necessary to assist the 34969
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 34970
duties; 34971

(E) Perform biennial examinations of the budget requirements 34972
of the technical colleges in the state, and present 34973
recommendations to the governor with respect to such budget 34974
requirements; 34975

(F) Perform research studies relative to technical college 34976
education. 34977

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 34978
Revised Code: 34979

(A) "State community college district" means a political 34980
subdivision composed of the territory of a county, or of two or 34981
more contiguous counties, in either case having a total population 34982
of at least one hundred fifty thousand, and organized for the 34983
purpose of establishing, owning, and operating a state community 34984
college within the district or a political subdivision created 34985
pursuant to division (A) of section 3358.02 of the Revised Code. 34986

(B) "State community college" means a two-year institution, 34987
offering a baccalaureate-oriented program, technical education 34988
program, or an adult continuing education program. The extent to 34989
which the college offers baccalaureate-oriented and technical 34990
programs shall be determined in its charter. However, a state 34991
community college may offer applied bachelor's degree programs 34992
pursuant to section 3333.051 of the Revised Code. 34993

(C) "Baccalaureate-oriented program" means a curricular 34994
program of not more than two years' duration that is planned and 34995
intended to enable students to gain academic credit for courses 34996
comparable to first- and second-year courses offered by accredited 34997
colleges and universities. The purpose of baccalaureate-oriented 34998
coursework in state community colleges is to enable students to 34999
transfer to colleges and universities and earn baccalaureate 35000
degrees or to enable students to terminate academic study after 35001
two years with a proportionate recognition of academic achievement 35002
through receipt of an associate degree. 35003

(D) "Technical education program" means a post high school 35004
program of not more than two years' duration that is planned and 35005
intended to prepare students to pursue employment or improve 35006

technical knowledge in careers generally but not exclusively at 35007
the semiprofessional level. Technical education programs include, 35008
but are not limited to, programs in the technologies of business, 35009
engineering, health, natural science, and public service and are 35010
programs which, after two years of academic study, result in 35011
proportionate recognition of academic achievement through receipt 35012
of an associate degree. 35013

(E) "Adult continuing education program" means the offering 35014
of short courses, seminars, workshops, exhibits, performances, and 35015
other educational activities for the general educational or 35016
occupational benefit of adults. 35017

(F) "Applied bachelor's degree" has the same meaning as in 35018
section 3333.051 of the Revised Code. 35019

Sec. 3358.08. The board of trustees of a state community 35020
college district may: 35021

(A) Own and operate a state community college; 35022

(B) Hold, encumber, control, acquire by donation, purchase or 35023
condemn, construct, own, lease, use, and sell, real and personal 35024
property as necessary for the conduct of the program of the state 35025
community college on whatever terms and for whatever consideration 35026
may be appropriate for the purpose of the institution; 35027

(C) Accept gifts, grants, bequests, and devises absolute or 35028
in trust for support of the state community college; 35029

(D) Employ a president, and appoint or approve the 35030
appointment of other necessary administrative officers, full-time 35031
faculty members, and operating staff. The board may delegate the 35032
appointment of operating staff and part-time faculty members to 35033
the college president. The board shall fix the rate of 35034
compensation of the president and all officers and full-time 35035
employees as are necessary and proper for state community 35036

colleges.	35037
(E) Provide for the state community college necessary lands,	35038
buildings, or other structures, equipment, means, and appliances;	35039
(F) Establish within the maximum amounts permitted by law,	35040
schedules of fees and tuition for students who are Ohio residents	35041
and students who are not;	35042
(G) Grant appropriate ~~associate~~ degrees to students	35043
successfully completing the state community college's programs,	35044
and certificates of achievement to students who complete other	35045
programs;	35046
(H) Prescribe policies for the effective operation of the	35047
state community college and exercise such other powers as are	35048
necessary for the efficient management of the college;	35049
(I) Enter into contracts with neighboring colleges and	35050
universities for the conduct of state community college programs	35051
or technical courses outside the state community college district;	35052
(J) Purchase:	35053
(1) A policy or policies of insurance insuring the district	35054
against loss or damage to property, whether real, personal, or	35055
mixed, which is owned by the district or leased by it as lessee or	35056
which is in the process of construction by or for the district;	35057
(2) A policy or policies of fidelity insurance in such	35058
amounts and covering such trustees, officers, and employees of the	35059
district as the board may consider necessary or desirable;	35060
(3) A policy or policies of liability insurance from an	35061
insurer or insurers licensed to do business in this state insuring	35062
its members, officers, and employees against all civil liability	35063
arising from an act or omission by the member, officer, or	35064
employee, when the member, officer, or employee is not acting	35065
manifestly outside the scope of employment or official	35066

responsibilities with the institution, with malicious purpose or 35067
bad faith, or in a wanton or reckless manner, or may otherwise 35068
provide for the indemnification of such persons against such 35069
liability. All or any portion of the cost, premium, or charge for 35070
such a policy or policies or indemnification payment may be paid 35071
from any funds under the institution's control. The policy or 35072
policies of liability insurance or the indemnification policy of 35073
the institution may cover any risks including, but not limited to, 35074
damages resulting from injury to property or person, professional 35075
liability, and other special risks, including legal fees and 35076
expenses incurred in the defense or settlement claims of such 35077
damages. 35078

(4) A policy or policies of insurance insuring the district 35079
against any liabilities to which it may be subject on account of 35080
damage or injury to persons or property, including liability for 35081
wrongful death. 35082

Any instrument by which real property is acquired pursuant to 35083
this section shall identify the agency of the state that has the 35084
use and benefit of the real property as specified in section 35085
5301.012 of the Revised Code. 35086

Sec. 3359.01. (A) There is hereby created a state university 35087
to be known as "The University of Akron." The government of the 35088
university of Akron is vested in a board of eleven trustees who 35089
shall be appointed by the governor, with the advice and consent of 35090
the senate. Two of the trustees shall be students at the 35091
university of Akron, and their selection and terms shall be in 35092
accordance with division (B) of this section. ~~Except~~ 35093

Except as provided in division (C) of this section and except 35094
for the terms of student members, terms of office shall be for 35095
~~nine~~ six years, commencing on the second day of July and ending on 35096
the first day of July. Each trustee shall hold office from the 35097

date of appointment until the end of the term for which the 35098
trustee was appointed. Any trustee appointed to fill a vacancy 35099
occurring prior to the expiration of the term for which the 35100
trustee's predecessor was appointed shall hold office for the 35101
remainder of such term. Any trustee shall continue in office 35102
subsequent to the expiration date of the trustee's term until the 35103
trustee's successor takes office, or until a period of sixty days 35104
has elapsed, whichever occurs first. No person who has served a 35105
full ~~nine-year~~ term as a nonstudent member or more than ~~six years~~ 35106
two-thirds of such a term shall be eligible for reappointment 35107
until a period of four years has elapsed since the last day of the 35108
term for which the person previously served. The trustees shall 35109
receive no compensation for their services but shall be paid their 35110
reasonable necessary expenses while engaged in the discharge of 35111
their official duties. A majority of the board constitutes a 35112
quorum. 35113

(B) The student members of the board of trustees of the 35114
university of Akron have no voting power on the board. Student 35115
members shall not be considered as members of the board in 35116
determining whether a quorum is present. Student members shall not 35117
be entitled to attend executive sessions of the board. The student 35118
members of the board shall be appointed by the governor, with the 35119
advice and consent of the senate, from a group of five candidates 35120
selected pursuant to a procedure adopted by the university's 35121
student governments and approved by the university's board of 35122
trustees. ~~The initial term of office of one of the student members~~ 35123
~~shall commence on July 2, 1988 and shall expire on July 1, 1989,~~ 35124
~~and the initial term of office of the other student member shall~~ 35125
~~commence on July 2, 1988 and expire on July 1, 1990. Thereafter,~~ 35126
~~terms~~ Terms of office of student members shall be for two years, 35127
each term ending on the same day of the same month of the year as 35128
the term it succeeds commencing on the second day of July and 35129
ending on the first day of July. In the event that a student 35130

member cannot fulfill a two-year term, a replacement shall be 35131
selected to fill the unexpired term in the same manner used to 35132
make the original selection. 35133

(C) A nonstudent trustee who was appointed under this section 35134
as it existed prior to the effective date of this amendment shall 35135
serve for a nine-year term. A trustee appointed to fill the 35136
vacancy of a nine-year term shall serve for the remainder of that 35137
unexpired nine-year term. Except for a nonstudent trustee 35138
appointed to fill a vacancy for an unexpired nine-year term, terms 35139
of office for a nonstudent trustee appointed on and after the 35140
effective date of this amendment shall be for six years, as 35141
provided in division (A) of this section. 35142

Sec. 3361.01. (A) There is hereby created a state university 35143
to be known as the "university of Cincinnati." The government of 35144
the university of Cincinnati is vested in a board of eleven 35145
trustees who shall be appointed by the governor with the advice 35146
and consent of the senate. Two of the trustees shall be students 35147
at the university of Cincinnati, and their selection and terms 35148
shall be in accordance with division (B) of this section. The 35149
terms of the first nine members of the board of trustees shall 35150
commence upon the effective date of the transfer of assets of the 35151
state-affiliated university of Cincinnati to the university of 35152
Cincinnati hereby created. ~~One of such trustees shall be appointed 35153~~
~~for a term ending on the first day of January occurring at least 35154~~
~~twelve months after such date of transfer, and each of the other 35155~~
~~trustees shall be appointed for respective terms ending on each 35156~~
~~succeeding first day of January, so that one term will expire on 35157~~
~~each first day of January after expiration of the shortest term. 35158~~
~~Except 35159~~

Except as provided in division (C) of this section and except 35160
for the two student trustees, each successor trustee shall be 35161

appointed for a term ending on the first day of January, ~~nine~~ six 35162
years from the expiration date of the term the trustee succeeds, 35163
except that any person appointed to fill a vacancy shall be 35164
appointed to serve only for the unexpired term. 35165

Any trustee shall continue in office subsequent to the 35166
expiration date of the trustee's term until the trustee's 35167
successor takes office, or until a period of sixty days has 35168
elapsed, whichever occurs first. 35169

No person who has served a full ~~nine-year~~ term as a 35170
nonstudent member or longer or more than ~~six years~~ two-thirds of 35171
such a term shall be eligible to reappointment until a period of 35172
four years has elapsed since the last day of the term for which 35173
the person previously served. 35174

The trustees shall receive no compensation for their services 35175
but shall be paid their reasonable necessary expenses while 35176
engaged in the discharge of their official duties. A majority of 35177
the board constitutes a quorum. 35178

(B) The student members of the board of trustees of the 35179
university of Cincinnati have no voting power on the board. 35180
Student members shall not be considered as members of the board in 35181
determining whether a quorum is present. Student members shall not 35182
be entitled to attend executive sessions of the board. The student 35183
members of the board shall be appointed by the governor, with the 35184
advice and consent of the senate, from a group of five candidates 35185
selected pursuant to a procedure adopted by the university's 35186
student governments and approved by the university's board of 35187
trustees. ~~The initial term of office of one of the student members~~ 35188
~~shall commence on May 14, 1988 and shall expire on May 13, 1989,~~ 35189
~~and the initial term of office of the other student member shall~~ 35190
~~commence on May 14, 1988 and expire on May 13, 1990. Thereafter,~~ 35191
~~terms~~ Terms of office of student members shall be for two years, 35192
~~each term ending on the same day of the same month of the year as~~ 35193

~~the term it succeeds~~ commencing on the fourteenth day of May and 35194
ending on the thirteenth day of May. In the event that a student 35195
cannot fulfill a two-year term, a replacement shall be selected to 35196
fill the unexpired term in the same manner used to make the 35197
original selection. 35198

(C) A nonstudent trustee who was appointed under this section 35199
as it existed prior to the effective date of this amendment shall 35200
serve for a nine-year term. A trustee appointed to fill the 35201
vacancy of a nine-year term shall serve for the remainder of that 35202
unexpired nine-year term. Except for a nonstudent trustee 35203
appointed to fill a vacancy for an unexpired nine-year term, terms 35204
of office for a nonstudent trustee appointed on and after the 35205
effective date of this amendment shall be for six years, as 35206
provided in division (A) of this section. 35207

Sec. 3362.01. (A) There is hereby created a state university 35208
to be known as "Shawnee state university." The government of 35209
Shawnee state university is vested in a board of eleven trustees 35210
who shall be appointed by the governor with the advice and consent 35211
of the senate. Two of the trustees shall be students at Shawnee 35212
state university, and their selection and terms shall be in 35213
accordance with division (B) of this section. ~~The remaining~~ 35214
~~trustees shall be appointed as follows: one for a term of one~~ 35215
~~year, one for a term of two years, one for a term of three years,~~ 35216
~~one for a term of four years, one for a term of five years, one~~ 35217
~~for a term of six years, one for a term of seven years, one for a~~ 35218
~~term of eight years, and one for a term of nine years. Thereafter~~ 35219

Except as provided in division (C) of this section and except 35220
for the terms of student members, terms shall be for ~~nine~~ six 35221
years. All terms of office shall commence on the first day of July 35222
and end on the thirtieth day of June. 35223

Each trustee shall hold office from the date of appointment 35224

until the end of the term for which the trustee was appointed. Any 35225
trustee appointed to fill a vacancy occurring prior to the 35226
expiration of the term for which the trustee's predecessor was 35227
appointed shall hold office for the remainder of such term. Any 35228
trustee shall continue in office subsequent to the expiration date 35229
of the trustee's term until the trustee's successor takes office, 35230
or until a period of sixty days has elapsed, whichever occurs 35231
first. No person who has served a full ~~nine-year~~ term as a 35232
nonstudent member or more than ~~six years~~ two-thirds of such a term 35233
shall be eligible for reappointment until a period of four years 35234
has elapsed since the last day of the term for which the person 35235
previously served. 35236

The trustees shall receive no compensation for their services 35237
but shall be paid their reasonable and necessary expenses while 35238
engaged in the discharge of their official duties. 35239

A majority of the board constitutes a quorum. 35240

(B) The student members of the board of trustees of Shawnee 35241
state university have no voting power on the board. Student 35242
members shall not be considered as members of the board in 35243
determining whether a quorum is present. Student members shall not 35244
be entitled to attend executive sessions of the board. The student 35245
members of the board shall be appointed by the governor, with the 35246
advice and consent of the senate, from a group of five candidates 35247
selected pursuant to a procedure adopted by the university's 35248
student governments and approved by the university's board of 35249
trustees. ~~The initial term of office of one of the student members~~ 35250
~~shall commence on July 1, 1988, and shall expire on June 30, 1989,~~ 35251
~~and the initial term of office of the other student member shall~~ 35252
~~commence on July 1, 1988, and expire on June 30, 1990. Thereafter,~~ 35253
~~terms~~ Terms of office of student members shall be for two years, 35254
each term ending on the same day of the same month of the year as 35255
the term it succeeds commencing on the first day of July and 35256

ending on the thirtieth day of June. In the event a student member 35257
cannot fulfill a two-year term, a replacement shall be selected to 35258
fill the unexpired term in the same manner used to make the 35259
original selection. 35260

(C) A nonstudent trustee who was appointed under this section 35261
as it existed prior to the effective date of this amendment shall 35262
serve for a nine-year term. A trustee appointed to fill the 35263
vacancy of a nine-year term shall serve for the remainder of that 35264
unexpired nine-year term. Except for a nonstudent trustee 35265
appointed to fill a vacancy for an unexpired nine-year term, terms 35266
of office for a nonstudent trustee appointed on and after the 35267
effective date of this amendment shall be for six years, as 35268
provided in division (A) of this section. 35269

Sec. 3364.01. (A) The university of Toledo, as authorized 35270
under former Chapter 3360. of the Revised Code, and the medical 35271
university of Ohio at Toledo, as authorized under former sections 35272
3350.01 to 3350.05 of the Revised Code, shall be combined as one 35273
state university to be known as the "university of Toledo." 35274

(B)(1) The government of the ~~combined~~ university of Toledo is 35275
vested in a board of eleven trustees ~~which, except as prescribed~~ 35276
~~in division (B)(2) of this section, who~~ shall be appointed by the 35277
governor with the advice and consent of the senate. The ~~initial~~ 35278
~~board of trustees of the combined university shall be as~~ 35279
~~prescribed in division (B)(2) of this section. After the~~ 35280
~~abolishment of offices as prescribed in division (B)(2)(a) of this~~ 35281
~~section, the~~ board of trustees of the ~~combined~~ university shall 35282
consist of nine voting members, who except as provided in division 35283
(C) of this section shall serve for terms of ~~nine~~ six years, ~~and.~~ 35284
The board also shall consist of two nonvoting members, who shall 35285
be students of the combined university and who shall serve for 35286
terms of two years. Terms of office of trustees shall begin on the 35287

second day of July and end on the first day of July. 35288

(2) ~~The initial board of trustees of the combined university 35289
shall consist of seventeen voting members who are the eight 35290
members who made up the board of trustees of the medical 35291
university of Ohio at Toledo prior to May 1, 2006, under former 35292
section 3350.01 of the Revised Code, and whose terms would expire 35293
under that section after May 1, 2006; the eight voting members who 35294
made up the board of trustees of the university of Toledo, under 35295
former section 3360.01 of the Revised Code, and whose terms would 35296
expire under that section after July 1, 2006; and one additional 35297
member appointed by the governor with the advice and consent of 35298
the senate. The terms of office, abolishment of office, and 35299
succession of the voting members of the initial board shall be as 35300
prescribed in division (B)(2)(a) of this section. The initial 35301
board also shall consist of two nonvoting members who are students 35302
of the combined university, as prescribed in division (B)(2)(b) of 35303
this section. 35304~~

~~(a) The term of office of the voting member of the initial 35305
board of trustees of the combined university who was not formerly 35306
a member of either the board of trustees of the medical university 35307
of Ohio at Toledo or the board of trustees of the university of 35308
Toledo shall be for nine years, beginning on July 2, 2006, and 35309
ending on July 1, 2015. 35310~~

~~The terms of office of the sixteen other voting members of 35311
the initial board of trustees shall expire on July 1 of the year 35312
they otherwise would expire under former section 3350.01 or 35313
3360.01 of the Revised Code. 35314~~

~~The office of one voting member whose term expires on July 1, 35315
2007, shall be abolished on that date. The governor, with the 35316
advice and consent of the senate, shall appoint a successor to the 35317
office of the other voting member whose term expires on that date 35318
to a nine-year term beginning on July 2, 2007. 35319~~

~~The office of one voting member whose term expires on July 1, 2008, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2008.~~

~~The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2009.~~

~~The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2010.~~

~~The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2011.~~

~~The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2012.~~

~~The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine year term beginning on July 2, 2013.~~

~~The office of one voting member whose term expires on July 1,~~

~~2014, shall be abolished on that date. The governor, with the~~ 35351
~~advice and consent of the senate, shall appoint a successor to the~~ 35352
~~office of the other voting member whose term expires on that date~~ 35353
~~to a nine-year term beginning on July 2, 2014.~~ 35354

~~The governor, with the advice and consent of the senate,~~ 35355
~~shall appoint a successor to the office of the voting member whose~~ 35356
~~term expires on July 1, 2015, to a nine-year term beginning on~~ 35357
~~July 2, 2015.~~ 35358

~~Thereafter the terms of office of all subsequent voting~~ 35359
~~members of the board of trustees shall be for nine years beginning~~ 35360
~~on the second day of July and ending on the first day of July.~~ 35361

~~(b) One of the student members of the initial board of~~ 35362
~~trustees shall be the student member of the former university of~~ 35363
~~Toledo board of trustees, appointed under former section 3360.01~~ 35364
~~of the Revised Code, whose term would expire under that section on~~ 35365
~~July 1, 2007. The term of that student member shall expire on July~~ 35366
~~1, 2007. The other student member shall be a new appointee,~~ 35367
~~representing the portion of the combined university that made up~~ 35368
~~the former medical university of Ohio at Toledo, appointed to a~~ 35369
~~two-year term beginning on July 2, 2006, and ending on July 1,~~ 35370
~~2008. That student trustee shall be appointed by the governor,~~ 35371
~~with the advice and consent of the senate, from a group of three~~ 35372
~~candidates selected pursuant to a procedure adopted by the~~ 35373
~~university's student governments and approved by the university's~~ 35374
~~board of trustees. Thereafter appointment and terms of office of~~ 35375
~~student members of the board of trustees shall be as prescribed by~~ 35376
~~division (B)(3) of this section.~~ 35377

~~(3) The student members of the board of trustees of the~~ 35378
~~combined university shall be appointed by the governor, with the~~ 35379
~~advice and consent of the senate, from a group of six candidates~~ 35380
~~selected pursuant to a procedure adopted by the university's~~ 35381
~~student governments and approved by the university's board of~~ 35382

trustees. Terms of office of student members shall be for two 35383
years, each term ending on the same day of the same month of the 35384
year as the term it succeeds. In the event that a student member 35385
cannot fulfill a two-year term, a replacement shall be selected to 35386
fill the unexpired term in the same manner used to make the 35387
original selection. 35388

~~(4)~~(3) Each trustee shall hold office from the date of 35389
appointment until the end of the term for which the trustee was 35390
appointed. Any trustee appointed to fill a vacancy occurring prior 35391
to the expiration of the term for which the trustee's predecessor 35392
was appointed shall hold office for the remainder of such term. 35393
Any trustee shall continue in office subsequent to the expiration 35394
date of the trustee's term until the trustee's successor takes 35395
office, or until a period of sixty days has elapsed, whichever 35396
occurs first. 35397

~~(5)~~(4) No person who has served as a voting member of the 35398
board of trustees for a full ~~nine-year~~ term as a nonstudent member 35399
or more than ~~six years~~ two-thirds of such a term and no person who 35400
is a voting member of the initial board of trustees as prescribed 35401
in division (B)(2)(a) of this section as it existed before the 35402
effective date of this amendment is eligible for reappointment to 35403
the board until a period of four years has elapsed since the last 35404
day of the term for which the person previously served. 35405

No person who served as a voting member of the board of 35406
trustees of the former university of Toledo, as authorized under 35407
former Chapter 3360. of the Revised Code, for a full nine-year 35408
term or more than six years of such a term, and no person who 35409
served on the board of trustees of the former medical university 35410
of Ohio at Toledo, as authorized under former sections 3350.01 to 35411
3350.05 of the Revised Code, for a full nine-year term or more 35412
than six years of such a term is eligible for appointment to the 35413
board of trustees of the combined university until a period of 35414

four years has elapsed since the last day of the term for which 35415
the person previously served. 35416

(C) A nonstudent trustee who was appointed under this section 35417
as it existed prior to the effective date of this amendment shall 35418
serve for a nine-year term. A trustee appointed to fill the 35419
vacancy of a nine-year term shall serve for the remainder of that 35420
unexpired nine-year term. Except for a nonstudent trustee 35421
appointed to fill a vacancy for an unexpired nine-year term, terms 35422
of office for a nonstudent trustee appointed after the effective 35423
date of this amendment shall be for six years, as provided in 35424
division (B) of this section. 35425

(D) The trustees shall receive no compensation for their 35426
services but shall be paid their reasonable necessary expenses 35427
while engaged in the discharge of their official duties. A 35428
majority of the board constitutes a quorum. The student members of 35429
the board have no voting power on the board. Student members shall 35430
not be considered as members of the board in determining whether a 35431
quorum is present. Student members shall not be entitled to attend 35432
executive sessions of the board. 35433

Sec. 3365.01. As used in this chapter: 35434

(A) "Articulated credit" means post-secondary credit that is 35435
reflected on the official record of a student at an institution of 35436
higher education only upon enrollment at that institution after 35437
graduation from a secondary school. 35438

(B) "Default ceiling amount" means one of the following 35439
amounts, whichever is applicable: 35440

(1) For a participant enrolled in a college operating on a 35441
semester schedule, the amount calculated according to the 35442
following formula: 35443

35444

((0.83 X formula amount) / 30)	35445
X number of enrolled credit hours	35446
(2) For a participant enrolled in a college operating on a	35447
quarter schedule, the amount calculated according to the following	35448
formula:	35449
	35450
((0.83 X formula amount) / 45)	35451
X number of enrolled credit hours	35452
(C) "Default floor amount" means twenty-five per cent of the	35453
default ceiling amount.	35454
(D) "Eligible out-of-state college" means any institution of	35455
higher education that is located outside of Ohio and is approved	35456
by the chancellor of the Ohio board of regents to participate in	35457
the college credit plus program.	35458
(E) "Fee" means any course-related fee and any other fee	35459
imposed by the college, but not included in tuition, for	35460
participation in the program established by this chapter.	35461
(F) "Formula amount" has the same meaning as in section	35462
3317.02 of the Revised Code.	35463
(G) "Governing entity" means a board of education of a school	35464
district, a governing authority of a community school established	35465
under Chapter 3314., a governing body of a STEM school established	35466
under Chapter 3326., or a board of trustees of a	35467
college-preparatory boarding school established under Chapter	35468
3328. of the Revised Code.	35469
(H) "Home-instructed participant" means a student who has	35470
been excused from the compulsory attendance law for the purpose of	35471
home instruction under section 3321.04 of the Revised Code, and is	35472
participating in the program established by this chapter.	35473
(I) "Maximum per participant charge amount" means one of the	35474

following amounts, whichever is applicable: 35475

(1) For a participant enrolled in a college operating on a 35476
semester schedule, the amount calculated according to the 35477
following formula: 35478

((formula amount / 30) 35479
X number of enrolled credit hours) 35480

(2) For a participant enrolled in a college operating on a 35481
quarter schedule, the amount calculated according to the following 35482
formula: 35483

((formula amount / 45) 35484
X number of enrolled credit hours) 35485

(J) "Nonpublic secondary school" means a chartered school for 35486
which minimum standards are prescribed by the state board of 35487
education pursuant to division (D) of section 3301.07 of the 35488
Revised Code. 35489

(K) "Number of enrolled credit hours" means the number of 35490
credit hours for a course in which a participant is enrolled 35491
during the previous term after the date on which a withdrawal from 35492
a course would have negatively affected the participant's 35493
transcripted grade, as prescribed by the college's established 35494
withdrawal policy. 35495

(L) "Parent" has the same meaning as in section 3313.64 of 35496
the Revised Code. 35497

(M) "Participant" means any student enrolled in a college 35498
under the program established by this chapter. 35499

(N) "Partnering college" means a college with which a public 35500
or nonpublic secondary school has entered into an agreement in 35501
order to offer the program established by this chapter. 35502

(O) "Partnering secondary school" means a public or nonpublic 35503
secondary school with which a college has entered into an 35504

agreement in order to offer the program established by this 35505
chapter. 35506

(P) "Private college" means any of the following: 35507

(1) A nonprofit institution holding a certificate of 35508
authorization pursuant to Chapter 1713. of the Revised Code; 35509

(2) An institution holding a certificate of registration from 35510
the state board of career colleges and schools and program 35511
authorization for an associate or bachelor's degree program issued 35512
under section 3332.05 of the Revised Code; 35513

(3) A private institution exempt from regulation under 35514
Chapter 3332. of the Revised Code as prescribed in section 35515
3333.046 of the Revised Code. 35516

(Q) "Public college" means a "state institution of higher 35517
education" in section 3345.011 of the Revised Code, excluding the 35518
northeast Ohio medical university. 35519

(R) "Public secondary school" means a school serving grades 35520
nine through twelve in a city, local, or exempted village school 35521
district, a joint vocational school district, a community school 35522
established under Chapter 3314., a STEM school established under 35523
Chapter 3326., or a college-preparatory boarding school 35524
established under Chapter 3328. of the Revised Code. 35525

(S) "School year" has the same meaning as in section 3313.62 35526
of the Revised Code. 35527

(T) "Secondary grade" means any of grades nine through 35528
twelve. 35529

(U) "Standard rate" means the amount per credit hour assessed 35530
by the college for an in-state student who is enrolled in an 35531
undergraduate course at that college, but who is not participating 35532
in the college credit plus program, as prescribed by the college's 35533
established tuition policy. 35534

(V) "Textbook" means any paper, electronic, or other 35535
purchased coursework material. 35536

(W) "Transcripted credit" means post-secondary credit that is 35537
conferred by an institution of higher education and is reflected 35538
on a student's official record at that institution upon completion 35539
of a course. 35540

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 35541
secondary school during the student's ninth, tenth, eleventh, or 35542
twelfth grade school year; a student enrolled in a nonchartered 35543
nonpublic secondary school in the student's ninth, tenth, 35544
eleventh, or twelfth grade school year; or a student who has been 35545
excused from the compulsory attendance law for the purpose of home 35546
instruction under section 3321.04 of the Revised Code and is the 35547
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 35548
may apply to and enroll in a college under the college credit plus 35549
program. 35550

(1) In order for a public secondary school student to 35551
participate in the program, all of the following criteria shall be 35552
met: 35553

(a) The student or the student's parent shall inform the 35554
principal, or equivalent, of the student's school by the first day 35555
of April of the student's intent to participate in the program 35556
during the following school year. Any student who fails to provide 35557
the notification by the required date may not participate in the 35558
program during the following school year without the written 35559
consent of the principal, or equivalent. If a student seeks 35560
consent from the principal after failing to provide notification 35561
by the required date, the principal shall notify the department of 35562
education of the student's intent to participate within ten days 35563
of the date on which the student seeks consent. If the principal 35564
does not provide written consent, the student may appeal the 35565

principal's decision to the state board of education governing 35566
entity of the school, except for a student who is enrolled in a 35567
school district, who may appeal the decision to the district 35568
superintendent. Not later than thirty days after the notification 35569
of the appeal, the state board district superintendent or 35570
governing entity shall hear the appeal and shall make a decision 35571
to either grant or deny that student's participation in the 35572
program. The decision of the district superintendent or governing 35573
entity shall be final. 35574

(b) The student shall ~~both~~: 35575

(i) Apply to a public or a participating private college, or 35576
an eligible out-of-state college participating in the program, in 35577
accordance with the college's established procedures for 35578
admission, pursuant to section 3365.05 of the Revised Code; 35579

(ii) As a condition of eligibility, be remediation-free, in 35580
accordance with one of the assessments established under division 35581
(F) of section 3345.061 of the Revised Code. However, a student 35582
who scores within one standard error of measurement below the 35583
remediation-free threshold for one of those assessments shall be 35584
considered to have met this requirement if the student also 35585
either: 35586

(I) Has a cumulative high school grade point average of at 35587
least 3.0. If the student is seeking to participate under section 35588
3365.033 of the Revised Code, the student must have an equivalent 35589
cumulative grade point average in the applicable grade levels. 35590

(II) Receives a recommendation from a school counselor, 35591
principal, or career-technical program advisor. 35592

(iii) Meet the college's and relevant academic program's 35593
established standards for admission, enrollment, and for course 35594
placement, including course-specific capacity limitations, 35595
pursuant to section 3365.05 of the Revised Code. 35596

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section.

(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student 35628
enrolled in that school from participating in the program if that 35629
student meets all of the criteria in division (A)(1) of this 35630
section. 35631

(2) No participating nonpublic secondary school shall 35632
prohibit a student enrolled in that school from participating in 35633
the program if the student meets all of the criteria in division 35634
(A)(2) of this section and, if the student is enrolled under 35635
division (B) of section 3365.06 of the Revised Code, the student 35636
is awarded funding from the department in accordance with rules 35637
adopted by the chancellor of the Ohio board of regents, in 35638
consultation with the superintendent of public instruction, 35639
pursuant to section 3365.071 of the Revised Code. 35640

(C) For purposes of this section, during the period of an 35641
expulsion imposed by a public secondary school, a student is 35642
ineligible to apply to enroll in a college under this section, 35643
unless the student is admitted to another public secondary or 35644
participating nonpublic secondary school. If a student is enrolled 35645
in a college under this section at the time the student is 35646
expelled, the student's status for the remainder of the college 35647
term in which the expulsion is imposed shall be determined under 35648
section 3365.032 of the Revised Code. 35649

(D) Upon a student's graduation from high school, 35650
participation in the college credit plus program shall not affect 35651
the student's eligibility at any public college for scholarships 35652
or for other benefits or opportunities that are available to 35653
first-time college students and are awarded by that college, 35654
regardless of the number of credit hours that the student 35655
completed under the program. 35656

Sec. 3365.04. Each public and participating nonpublic 35657
secondary school shall do all of the following with respect to the 35658

college credit plus program:	35659
(A) Provide information about the program prior to the first	35660
day of ~~March~~ <u>February</u> of each year to all students enrolled in	35661
grades six through eleven;	35662
(B) Provide counseling services to students in grades six	35663
through eleven and to their parents before the students	35664
participate in the program under this chapter to ensure that	35665
students and parents are fully aware of the possible consequences	35666
and benefits of participation. Counseling information shall	35667
include:	35668
(1) Program eligibility;	35669
(2) The process for granting academic credits;	35670
(3) Any necessary financial arrangements for tuition,	35671
textbooks, and fees;	35672
(4) Criteria for any transportation aid;	35673
(5) Available support services;	35674
(6) Scheduling;	35675
(7) Communicating the possible consequences and benefits of	35676
participation, including all of the following:	35677
(a) The consequences of failing or not completing a course	35678
under the program, including the effect on the student's ability	35679
to complete the secondary school's graduation requirements;	35680
(b) The effect of the grade attained in a course under the	35681
program being included in the student's grade point average, as	35682
applicable;	35683
(c) The benefits to the student for successfully completing a	35684
course under the program, including the ability to reduce the	35685
overall costs of, and the amount of time required for, a college	35686
education.	35687

(8) The academic and social responsibilities of students and parents under the program;	35688 35689
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	35690 35691
(10) The standard packet of information for the program developed by the chancellor of the Ohio board of regents pursuant to section 3365.15 of the Revised Code;	35692 35693 35694
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	35695 35696 35697 35698
(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;	35699 35700 35701
(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session.	35702 35703 35704 35705 35706 35707 35708 35709 35710
(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or	35711 35712 35713 35714 35715 35716 35717 35718

enhancing a student's class standing for these courses, the policy 35719
adopted under this section shall also provide for these procedures 35720
to be applied to courses taken under the college credit plus 35721
program. 35722

(F) Develop model course pathways, pursuant to section 35723
3365.13 of the Revised Code, and publish the course pathways among 35724
the school's official list of course offerings for the program. 35725

(G) Annually collect, report, and track specified data 35726
related to the program according to data reporting guidelines 35727
adopted by the chancellor and the superintendent of public 35728
instruction pursuant to section 3365.15 of the Revised Code. 35729

Sec. 3365.05. Each public and participating private college 35730
shall do all of the following with respect to the college credit 35731
plus program: 35732

(A) Apply established standards and procedures for admission 35733
to the college and for course placement for participants. When 35734
determining admission and course placement, the college shall do 35735
all of the following: 35736

(1) Consider all available student data that may be an 35737
indicator of college readiness, including grade point average and 35738
end-of-course examination scores, if applicable; 35739

(2) Give priority to its current students regarding 35740
enrollment in courses. However, once a participant has been 35741
accepted into a course, the college shall not displace the 35742
participant for another student. 35743

(3) Adhere to any capacity limitations that the college has 35744
established for specified courses. 35745

(B) Send written notice to a the participant, the 35746
participant's parent, and the participant's secondary school, ~~and~~ 35747
~~the superintendent of public instruction,~~ not later than fourteen 35748

calendar days prior to the first day of classes for that term, of 35749
the participant's admission to the college and to specified 35750
courses under the program. 35751

(C) Provide both of the following, not later than twenty-one 35752
calendar days after the first day of classes for that term, to 35753
each participant, and the participant's secondary school, ~~and the~~ 35754
~~superintendent of public instruction:~~ 35755

(1) The courses and hours of enrollment of the participant; 35756

(2) The option elected by the participant under division (A) 35757
or (B) of section 3365.06 of the Revised Code for each course. 35758

The college shall also provide to each partnering school a 35759
roster of participants from that school that are enrolled in the 35760
college and a list of course assignments for each participant. 35761

(D) Promote the program on the college's web site, including 35762
the details of the college's current agreements with partnering 35763
secondary schools. 35764

(E) Coordinate with each partnering secondary school that is 35765
located within thirty miles of the college to present at least one 35766
informational session per school year for interested students and 35767
parents. The session shall include the benefits and consequences 35768
of participation and shall outline any changes or additions to the 35769
requirements of the program. If there are no partnering schools 35770
located within thirty miles of the college, the college shall 35771
coordinate with the closest partnering school to offer an 35772
informational session. 35773

(F) Assign an academic advisor that is employed by the 35774
college to each participant enrolled in that college. Prior to the 35775
date on which a withdrawal from a course would negatively affect a 35776
participant's transcribed grade, as prescribed by the college's 35777
established withdrawal policy, the college shall ensure that the 35778
academic advisor and the participant meet at least once to discuss 35779

the program and the courses in which the participant is enrolled.	35780
(G) Do both of the following with regard to high school	35781
teachers that are teaching courses for the college at a secondary	35782
school under the program:	35783
(1) Provide at least one professional development session per	35784
school year;	35785
(2) Conduct at least one classroom observation per school	35786
year for each course that is authorized by the college and taught	35787
by a high school teacher to ensure that the course meets the	35788
quality of a college-level course.	35789
(H) Annually collect, report, and track specified data	35790
related to the program according to data reporting guidelines	35791
adopted by the chancellor and the superintendent of public	35792
instruction pursuant to section 3365.15 of the Revised Code.	35793
(I) With the exception of divisions (D) and (E) of this	35794
section, any eligible out-of-state college participating in the	35795
college credit plus program shall be subject to the same	35796
requirements as a participating private college under this	35797
section.	35798
Sec. 3365.06. The rules adopted under section 3365.02 of the	35799
Revised Code shall provide for participants to enroll in courses	35800
under either of the following options: <u>prescribed by division (A)</u>	35801
<u>or (B) of this section.</u>	35802
(A) The participant may elect at the time of enrollment to be	35803
responsible for payment of all tuition and the cost of all	35804
textbooks, materials, and fees associated with the course. The	35805
college shall notify the participant about payment of tuition and	35806
fees in the customary manner followed by the college. A	35807
participant electing this option also shall elect, at the time of	35808
enrollment, whether to receive only college credit or high school	35809

credit and college credit for the course. 35810

(1) The participant may elect to receive only college credit 35811
for the course. Except as provided in section 3365.032 of the 35812
Revised Code, if the participant successfully completes the 35813
course, the college shall award the participant full credit for 35814
the course, but the governing entity of a public secondary school 35815
or the governing body of a participating nonpublic secondary 35816
school shall not award the high school credit. 35817

(2) The participant may elect to receive both high school 35818
credit and college credit for the course. Except as provided in 35819
section 3365.032 of the Revised Code, if the participant 35820
successfully completes the course, the college shall award the 35821
participant full credit for the course and the governing entity of 35822
a public school or the governing body of a participating nonpublic 35823
school shall award the participant high school credit. 35824

(B) ~~The~~ If a course is eligible for funding under rules 35825
adopted pursuant to division (C)(1) of this section, the 35826
participant may elect at the time of enrollment for ~~each~~ the 35827
course to have the college reimbursed under section 3365.07 of the 35828
Revised Code. Except as provided in section 3365.032 of the 35829
Revised Code, if the participant successfully completes the 35830
course, the college shall award the participant full credit for 35831
the course and the governing entity of a public school or the 35832
governing body of a participating nonpublic school shall award the 35833
participant high school credit. If the participant elects to have 35834
the college reimbursed under this division, the department shall 35835
reimburse the college for the number of enrolled credit hours in 35836
accordance with section 3365.07 of the Revised Code. 35837

(C)(1) The chancellor of higher education, in consultation 35838
with the superintendent of public instruction, shall adopt rules 35839
specifying which courses are eligible for funding under section 35840
3365.07 of the Revised Code. 35841

<u>The rules shall address at least the following:</u>	35842
<u>(a) Whether courses must be taken in a specified sequence;</u>	35843
<u>(b) Whether to restrict funding and limit eligibility to</u>	35844
<u>certain types of courses, including (i) courses that are included</u>	35845
<u>in the statewide articulation and transfer system, established by</u>	35846
<u>the chancellor pursuant to section 3333.161 of the Revised Code;</u>	35847
<u>(ii) courses that may be applied to multiple degree pathways or</u>	35848
<u>are applicable to in-demand jobs; or (iii) other types of courses;</u>	35849
<u>(c) Whether courses with private instruction, as defined by</u>	35850
<u>the chancellor, are eligible for funding.</u>	35851
<u>The rules also shall specify the school year for which</u>	35852
<u>implementation of the rules adopted pursuant to this division</u>	35853
<u>shall first apply.</u>	35854
<u>(2) In developing the rules, the chancellor, in consultation</u>	35855
<u>with the state superintendent, shall establish a process to</u>	35856
<u>receive input from public and nonpublic secondary schools, public</u>	35857
<u>and private colleges, and other interested parties.</u>	35858
<u>(D) When determining a school district's enrollment under</u>	35859
<u>section 3317.03 of the Revised Code, the time a participant is</u>	35860
<u>attending courses under division (A) of this section shall be</u>	35861
<u>considered as time the participant is not attending or enrolled in</u>	35862
<u>school anywhere, and the time a participant is attending courses</u>	35863
<u>under division (B) of this section shall be considered as time the</u>	35864
<u>participant is attending or enrolled in the district's schools.</u>	35865
Sec. 3365.07. The department of education shall calculate and	35866
pay state funds to colleges for participants in the college credit	35867
plus program under division (B) of section 3365.06 of the Revised	35868
Code pursuant to this section. For a nonpublic secondary school	35869
participant, a nonchartered nonpublic secondary school	35870
participant, or a home-instructed participant, the department	35871

shall pay state funds pursuant to this section only if that 35872
participant is awarded funding according to rules adopted by the 35873
chancellor of higher education, in consultation with the 35874
superintendent of public instruction, pursuant to section 3365.071 35875
of the Revised Code. The program shall be the sole mechanism by 35876
which state funds are paid to colleges for students to earn 35877
transcripted credit for college courses while enrolled in both a 35878
secondary school and a college, with the exception of state funds 35879
paid to colleges according to an agreement described in division 35880
(A)(1) of section 3365.02 of the Revised Code. 35881

Beginning with participation for the 2018-2019 school year, 35882
section 3365.072 of the Revised Code shall govern all arrangements 35883
for the provision and payment of textbooks under the program. 35884

(A) For each public or nonpublic secondary school participant 35885
enrolled in a public college: 35886

(1) If no agreement has been entered into under division 35887
(A)(2) of this section, both of the following shall apply: 35888

(a) The department shall pay to the college the applicable 35889
amount as follows: 35890

(i) For a participant enrolled in a college course delivered 35891
on the college campus, at another location operated by the 35892
college, or online, the lesser of the default ceiling amount or 35893
the college's standard rate; 35894

(ii) For a participant enrolled in a college course delivered 35895
at the participant's secondary school but taught by college 35896
faculty, the lesser of fifty per cent of the default ceiling 35897
amount or the college's standard rate; 35898

(iii) For a participant enrolled in a college course 35899
delivered at the participant's secondary school and taught by a 35900
high school teacher who has met the credential requirements 35901

established for purposes of the program in rules adopted by the 35902
chancellor, the default floor amount. 35903

(b) The ~~participant's secondary school shall pay for~~ 35904
~~textbooks, and the college shall waive payment of all other fees~~ 35905
related to participation in the program. 35906

(2) The governing entity of a participant's secondary school 35907
and the college may enter into an agreement to establish an 35908
alternative payment structure for tuition, ~~textbooks,~~ and fees. 35909
Under such an agreement, payments for each participant made by the 35910
department shall be not less than the default floor amount, ~~unless~~ 35911
~~approved by the chancellor,~~ and not more than either the default 35912
ceiling amount or the college's standard rate, whichever is less. 35913
~~The chancellor shall approve an agreement that includes a payment~~ 35914
~~below the default floor amount, as long as the provisions of the~~ 35915
~~agreement comply with all other requirements of this chapter to~~ 35916
~~ensure program quality.~~ If no agreement is entered into under 35917
division (A)(2) of this section, both of the following shall 35918
apply: 35919

(a) The department shall pay to the college the applicable 35920
default amounts prescribed by division (A)(1)(a) of this section, 35921
depending upon the method of delivery and instruction. 35922

(b) In accordance with division (A)(1)(b) of this section, 35923
~~the participant's secondary school shall pay for textbooks, and~~ 35924
the college shall waive payment of all other fees related to 35925
participation in the program. 35926

(3) No participant that is enrolled in a public college shall 35927
be charged for any tuition, ~~textbooks,~~ or other fees related to 35928
participation in the program. 35929

(B) For each public secondary school participant enrolled in 35930
a private college: 35931

(1) If no agreement has been entered into under division 35932

(B)(2) of this section, the department shall pay to the college 35933
the applicable amount calculated in the same manner as in division 35934
(A)(1)(a) of this section. 35935

(2) The governing entity of a participant's secondary school 35936
and the college may enter into an agreement to establish an 35937
alternative payment structure for tuition, ~~textbooks,~~ and fees. 35938
Under such an agreement, payments shall be not less than the 35939
default floor amount, ~~unless approved by the chancellor,~~ and not 35940
more than either the default ceiling amount or the college's 35941
standard rate, whichever is less. 35942

If an agreement is entered into under division (B)(2) of this 35943
section, both of the following shall apply: 35944

(a) The department shall make a payment to the college for 35945
each participant that is equal to the default floor amount, ~~unless~~ 35946
~~approved by the chancellor to pay an amount below the default~~ 35947
~~floor amount. The chancellor shall approve an agreement that~~ 35948
~~includes a payment below the default floor amount, as long as the~~ 35949
~~provisions of the agreement comply with all other requirements of~~ 35950
~~this chapter to ensure program quality.~~ 35951

(b) Payment for costs for the participant that exceed the 35952
amount paid by the department pursuant to division (B)(2)(a) of 35953
this section shall be negotiated by the school and the college. 35954
The agreement may include a stipulation permitting the charging of 35955
a participant. 35956

However, under no circumstances shall: 35957

(i) Payments for a participant made by the department under 35958
division (B)(2) of this section exceed the lesser of the default 35959
ceiling amount or the college's standard rate; 35960

(ii) The amount charged to a participant under division 35961
(B)(2) of this section exceed the difference between the maximum 35962
per participant charge amount and the default floor amount; 35963

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is 35994
enrolled in that secondary school with a scholarship awarded under 35995
either the educational choice scholarship pilot program, as 35996
prescribed by sections 3310.01 to 3310.17, or the pilot project 35997
scholarship program, as prescribed by sections 3313.974 to 35998
3313.979 of the Revised Code, and who qualifies as a low-income 35999
student under either of those programs, be charged for any 36000
tuition, ~~textbooks~~, or other fees related to participation in the 36001
college credit plus program. 36002

(D) For each nonchartered nonpublic secondary school 36003
participant and each home-instructed participant enrolled in a 36004
public, private, or eligible out-of-state college, the department 36005
shall pay to the college the lesser of the default ceiling amount 36006
or the college's standard rate, if that participant is enrolled in 36007
a college course delivered on the college campus, at another 36008
location operated by the college, or online. 36009

(E) Not later than thirty days after the end of each term, 36010
each college expecting to receive payment for the costs of a 36011
participant under this section shall notify the department of the 36012
number of enrolled credit hours for each participant. 36013

(F) Each January and July, or as soon as possible thereafter, 36014
the department shall make the applicable payments under this 36015
section to each college, which provided proper notification to the 36016
department under division (E) of this section, for the number of 36017
enrolled credit hours for participants enrolled in the college 36018
under division (B) of section 3365.06 of the Revised Code. The 36019
department shall not make any payments to a college under this 36020
section if a participant withdrew from a course prior to the date 36021
on which a withdrawal from the course would have negatively 36022
affected the participant's transcribed grade, as prescribed by 36023
the college's established withdrawal policy. 36024

(1) Payments made for public secondary school participants 36025

under this section shall be deducted from the school foundation 36026
payments made to the participant's school district or, if the 36027
participant is enrolled in a community school, a STEM school, or a 36028
college-preparatory boarding school, from the payments made to 36029
that school under section 3314.08, 3326.33, or 3328.34 of the 36030
Revised Code. If the participant is enrolled in a joint vocational 36031
school district, a portion of the amount shall be deducted from 36032
the payments to the joint vocational school district and a portion 36033
shall be deducted from the payments to the participant's city, 36034
local, or exempted village school district in accordance with the 36035
full-time equivalency of the student's enrollment in each 36036
district. Amounts deducted under division (F)(1) of this section 36037
shall be calculated in accordance with rules adopted by the 36038
chancellor, in consultation with the state superintendent, 36039
pursuant to division (B) of section 3365.071 of the Revised Code. 36040

(2) Payments made for nonpublic secondary school 36041
participants, nonchartered nonpublic secondary school 36042
participants, and home-instructed participants under this section 36043
shall be deducted from moneys appropriated by the general assembly 36044
for such purpose. Payments shall be allocated and distributed in 36045
accordance with rules adopted by the chancellor, in consultation 36046
with the state superintendent, pursuant to division (A) of section 36047
3365.071 of the Revised Code. 36048

(G) Any public college that enrolls a student under division 36049
(B) of section 3365.06 of the Revised Code may include that 36050
student in the calculation used to determine its state share of 36051
instruction funds appropriated to the department of higher 36052
education by the general assembly. 36053

Sec. 3365.072. This section applies only to participants who 36054
elect to participate under division (B) of section 3365.06 of the 36055
Revised Code. This section shall first apply to participation for 36056

the 2018-2019 school year. 36057

(A) The governing entity of each public secondary school and 36058
the governing body of each participating nonpublic secondary 36059
school and nonchartered nonpublic secondary school shall enter 36060
into an agreement with each college in which a participant from 36061
the school enrolls in courses under the college credit plus 36062
program for the provision of textbooks. The agreement shall be 36063
separate from any funding agreement entered into by the school and 36064
college under section 3365.07 of the Revised Code. 36065

Each agreement entered into under division (A) of this 36066
section shall include the following provisions: 36067

(1) The college shall provide each participant with all 36068
required textbooks for courses in which the participant is 36069
enrolled at the college. Unless otherwise specified in the 36070
agreement, the college may obtain required textbooks from any 36071
source offering the textbooks. 36072

(2) The secondary school shall either: 36073

(a) Pay the college an amount equal to ten dollars per credit 36074
hour of enrollment for each participant. Under this option, the 36075
college shall own the textbooks and the participant shall return 36076
the textbooks to the college upon completion of the course. 36077

(b) Pay the college an amount agreed upon by both the 36078
secondary school and the college. Under this option, the secondary 36079
school and the college shall specify which entity owns the 36080
textbooks and to which entity the participant must return the 36081
textbooks upon completion of the course. 36082

(3) No participant shall be charged for any textbooks 36083
required for courses in which the participant is enrolled under 36084
the program. 36085

(4) The procedures established for the efficient distribution 36086

of textbooks to participants. For this purpose, the agreement 36087
shall include the following information: 36088

(a) The name and contact information of the person at the 36089
college and the person at the secondary school responsible for 36090
implementing the procedures described in the agreement; 36091

(b) The entity and person responsible for ensuring that 36092
participants receive all required textbooks in a timely manner; 36093

(c) The entity that owns the textbooks provided to 36094
participants, in accordance with the requirements of this section; 36095

(d) Protocols and timelines for notifying the college of 36096
textbooks needed for participants; 36097

(e) The responsibilities of participants for the acquisition 36098
and return of textbooks and the duties of each entity with regard 36099
to notifying participants of those responsibilities; 36100

(f) Payment procedures for the textbooks, which shall require 36101
the college to submit a request for payment to the secondary 36102
school not earlier than fourteen days after the starting date of 36103
the applicable semester or quarter and shall require the school to 36104
remit payment to the college within sixty days of receipt of the 36105
request; 36106

(g) Procedures for reimbursing a participant for the cost of 36107
a textbook if the participant, after a good faith effort to follow 36108
the agreement's procedures for acquiring the textbook, purchases 36109
the textbook at the participant's own expense to ensure having the 36110
textbook in time for the start of the course; 36111

(h) If the secondary school and the college agreed to a 36112
payment amount in accordance with division (A)(2)(b) of this 36113
section, the textbook payment structure as agreed upon in the 36114
agreement and, if applicable, any options available for renting 36115
the textbooks. 36116

(B) For textbooks that are required for courses delivered at 36117
the secondary school on a regular basis and taught by a high 36118
school teacher who has met the credential requirements established 36119
for purposes of the program in rules adopted by the chancellor of 36120
higher education, an agreement entered into under division (A) of 36121
this section may establish a payment structure and arrangements 36122
for multiple academic years. 36123

(C) Each secondary school shall include information on the 36124
terms of the agreements entered into under division (A) of this 36125
section in the counseling information required under division (B) 36126
of section 3365.04 of the Revised Code. 36127

(D) Each home-instructed participant shall select one of the 36128
following options for procuring the textbooks required for a 36129
course in which the participant is enrolled at a college under the 36130
program: 36131

(1) The participant shall pay the college an amount equal to 36132
ten dollars per credit hour of enrollment to rent the textbooks 36133
from the college. Under this option, the college shall own the 36134
textbooks and the participant shall return the textbooks to the 36135
college upon completion of the course. 36136

(2) The participant shall purchase the textbooks at the 36137
participant's expense. Under this option, the participant shall 36138
own the textbooks. 36139

At the time of course registration, each home-instructed 36140
participant shall inform the college of which option the 36141
participant chooses to procure textbooks. 36142

(E) The chancellor, in consultation with the superintendent 36143
of public instruction, shall establish a process for collecting 36144
regular feedback from secondary schools, public and private 36145
colleges, and other interested parties regarding the 36146
implementation of this section. 36147

Sec. 3365.091. (A) The chancellor of higher education, in 36148
consultation with the superintendent of public instruction, shall 36149
adopt rules specifying the conditions under which an 36150
underperforming participant may continue to participate in the 36151
college credit plus program. 36152

The rules shall address at least the following: 36153

(1) The definition of an "underperforming participant"; 36154

(2) Any additional conditions that participants with repeated 36155
underperformance must satisfy; 36156

(3) The timeframe for notifying an underperforming 36157
participant who is determined to be ineligible for participation 36158
of such ineligibility; 36159

(4) Mechanisms available to assist underperforming 36160
participants; 36161

(5) The role of school guidance counselors and college 36162
academic advisers in assisting underperforming participants; 36163

(6) If an underperforming participant is determined to be 36164
ineligible for participation, any consequences that such 36165
ineligibility may have on the student's ability to complete the 36166
secondary school's graduation requirements. 36167

The rules also shall specify the school year for which 36168
implementation of the rules adopted pursuant to division (A) of 36169
this section shall first apply. 36170

(B) In developing the rules pursuant to division (A) of this 36171
section, the chancellor, in consultation with the state 36172
superintendent, shall establish a process to receive input from 36173
public and nonpublic secondary schools, public and private 36174
colleges, and other interested parties. 36175

Sec. 3365.12. (A) All courses offered under the college 36176

credit plus program shall be the same courses that are included in 36177
the partnering college's course catalogue for college-level, 36178
nonremedial courses and shall apply to at least one degree or 36179
professional certification at the partnering college. 36180

(B)(1) High school credit awarded for courses successfully 36181
completed under this chapter shall count toward the graduation 36182
requirements and subject area requirements of the public secondary 36183
school or participating nonpublic secondary school. If a course 36184
comparable to one a participant completed at a college is offered 36185
by the school, the governing entity or governing body shall award 36186
comparable credit for the course completed at the college. If no 36187
comparable course is offered by the school, the governing entity 36188
or governing body shall grant an appropriate number of elective 36189
credits to the participant. 36190

(2) If there is a dispute between a participant's school and 36191
a participant regarding high school credits granted for a course, 36192
the participant may appeal the decision to the ~~state board~~ 36193
department of education. The ~~state board's~~ department's decision 36194
regarding any high school credits granted under this section is 36195
final. 36196

(C) Evidence of successful completion of each course and the 36197
high school credits awarded by the school shall be included in the 36198
student's record. The record shall indicate that the credits were 36199
earned as a participant under this chapter and shall include the 36200
name of the college at which the credits were earned. 36201

Sec. 3517.17. (A)(1) At the beginning of each calendar 36202
quarter, after the costs of audits are deducted under division 36203
(B)(1) of section 3517.16 of the Revised Code, the tax 36204
commissioner shall ~~divide~~ distribute any remaining moneys that 36205
have accrued in the Ohio political party fund during the previous 36206
quarter ~~equally among all qualified political parties in the~~ 36207

following manner. Of the public moneys to which a party is 36208
entitled: 36209

~~(1) One-half shall be paid~~ to the treasurer of the state 36210
executive committee of the party; Along with the distribution, 36211
the commissioner shall provide a list of amounts to be allocated 36212
to each county executive committee, which shall be determined by 36213
multiplying one-half of the total distribution by the ratio that 36214
the number of checkoffs in each county bears to the total number 36215
of checkoffs. 36216

~~(2) One-half shall be distributed~~ Upon receiving a 36217
distribution of funds under division (A)(1) of this section, the 36218
treasurer of the state executive committee of the party shall 36219
distribute, from one-half of the received distribution of funds, 36220
an amount to the treasurer of each county executive committee of 36221
the various counties in accordance with the ~~ratio that the number~~ 36222
~~of checkoffs in each county bears to the total number of~~ 36223
~~checkoffs, as determined~~ list provided by the ~~tax~~ commissioner. 36224

Each party treasurer receiving public moneys from the Ohio 36225
political party fund shall deposit those moneys into the party's 36226
restricted fund created under section 3517.1012 of the Revised 36227
Code, shall expend and maintain those moneys subject to the 36228
requirements of that section and section 3517.18 of the Revised 36229
Code, and shall file deposit and disbursement statements as 36230
required by division (B) of section 3517.1012 of the Revised Code. 36231
The auditor of state shall annually audit the deposit and 36232
disbursement statements of the state committee of a political 36233
party that is eligible to receive public moneys collected during 36234
the previous year, to ascertain that all moneys in the party's 36235
restricted fund are expended in accordance with law. The auditor 36236
of state shall audit the deposit and disbursement statements of 36237
each county committee of such a political party to ascertain that 36238
all moneys in the party's restricted fund are expended in 36239

accordance with law at the time of the public office audit of that 36240
county under Chapter 117. of the Revised Code. 36241

(B) Only major political parties, as defined in section 36242
3501.01 of the Revised Code, may apply for public moneys from the 36243
Ohio political party fund. At the end of each even-numbered 36244
calendar year, the secretary of state shall announce the names of 36245
all such political parties, indicating that they may apply to 36246
receive such moneys during the ensuing two years. Any political 36247
party named at this time may, not later than the last day of 36248
January of the ensuing odd-numbered year, make application with 36249
the tax commissioner to receive public moneys. A political party 36250
that fails to make a timely application shall not receive public 36251
moneys during that two-year period. The tax commissioner shall 36252
prescribe an appropriate application form. Moneys from the fund 36253
shall be provided during the appropriate two-year period to each 36254
political party that makes a timely application in accordance with 36255
this division. 36256

Sec. 3701.021. (A) The director of health shall adopt, in 36257
accordance with Chapter 119. of the Revised Code, such rules as 36258
are necessary to carry out sections 3701.021 to 3701.0210 of the 36259
Revised Code, including, but not limited to, rules to establish 36260
the following: 36261

(1) Medical and financial eligibility requirements for the 36262
program for medically handicapped children; 36263

(2) Eligibility requirements for providers of services for 36264
medically handicapped children; 36265

(3) Procedures to be followed by the department of health in 36266
disqualifying providers for violating requirements adopted under 36267
division (A)(2) of this section; 36268

(4) Procedures to be used by the department regarding 36269

application for diagnostic services under division ~~(B)~~(C) of 36270
section 3701.023 of the Revised Code and payment for those 36271
services under division ~~(E)~~(F) of that section; 36272

(5) Standards for the provision of service coordination by 36273
the department of health and city and general health districts; 36274

(6) Procedures for the department to use to determine the 36275
amount to be paid annually by each county for services for 36276
medically handicapped children and to allow counties to retain 36277
funds under divisions (A)(2) and (3) of section 3701.024 of the 36278
Revised Code; 36279

(7) Financial eligibility requirements for services for Ohio 36280
residents twenty-one years of age or older who have cystic 36281
fibrosis; 36282

(8) Criteria for payment of approved providers who provide 36283
services for medically handicapped children; 36284

(9) Criteria for the department to use in determining whether 36285
the payment of health insurance premiums of participants in the 36286
program for medically handicapped children is cost-effective; 36287

(10) Procedures for appeal of denials of applications under 36288
divisions (A) and ~~(D)~~(E) of section 3701.023 of the Revised Code, 36289
disqualification of providers, and amounts paid for services; 36290

(11) Terms of appointment for members of the medically 36291
handicapped children's medical advisory council created in section 36292
3701.025 of the Revised Code; 36293

(12) Eligibility requirements for the hemophilia program, 36294
including income and hardship requirements; 36295

(13) If a manufacturer discount program is established under 36296
division ~~(J)~~(K)(1) of section 3701.023 of the Revised Code, 36297
procedures for administering the program, including criteria and 36298
other requirements for participation in the program by 36299

manufacturers of drugs and nutritional formulas. 36300

(B) The department of health shall develop a manual of 36301
operational procedures and guidelines for the program for 36302
medically handicapped children to implement sections 3701.021 to 36303
3701.0210 of the Revised Code. 36304

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 36305
the Revised Code: 36306

(A) "Medically handicapped child" means an Ohio resident 36307
under twenty-one years of age who suffers primarily from an 36308
organic disease, defect, or a congenital or acquired physically 36309
handicapping and associated condition that may hinder the 36310
achievement of normal growth and development. 36311

(B) "Provider" means a health professional, hospital, medical 36312
equipment supplier, and any individual, group, or agency that is 36313
approved by the department of health pursuant to division ~~(C)~~(D) 36314
of section 3701.023 of the Revised Code and that provides or 36315
intends to provide goods or services to a child who is eligible 36316
for the program for medically handicapped children. 36317

(C) "Service coordination" means case management services 36318
provided to medically handicapped children that promote effective 36319
and efficient organization and utilization of public and private 36320
resources and ensure that care rendered is family-centered, 36321
community-based, and coordinated. 36322

(D)(1) "Third party" means any person or government entity 36323
other than the following: 36324

(a) A medically handicapped child participating in the 36325
program for medically handicapped children or the child's parent 36326
or guardian; 36327

(b) The department or any program administered by the 36328
department, including the "Maternal and Child Health Block Grant," 36329

Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 36330
U.S.C.A. 701, as amended; 36331

(c) The "caring program for children" operated by the 36332
nonprofit community mutual insurance corporation; 36333

(d) The medicaid program on and after January 1, 2018. 36334

(2) "Third party" includes all of the following: 36335

(a) Any trust established to benefit a medically handicapped 36336
child participating in the program or the child's family or 36337
guardians, if the trust was established after the date the 36338
medically handicapped child applied to participate in the program; 36339

(b) That portion of a trust designated to pay for the medical 36340
and ancillary care of a medically handicapped child, if the trust 36341
was established on or before the date the medically handicapped 36342
child applied to participate in the program; 36343

(c) The program awarding reparations to victims of crime 36344
established under sections 2743.51 to 2743.72 of the Revised Code. 36345

(E) "Third-party benefits" means any and all benefits, other 36346
than benefits paid under the medicaid program for services 36347
provided on or after January 1, 2018, paid by a third party to or 36348
on behalf of a medically handicapped child participating in the 36349
program or the child's parent or guardian for goods or services 36350
that are authorized by the department pursuant to division ~~(B)~~(C) 36351
or ~~(D)~~(E) of section 3701.023 of the Revised Code. 36352

(F) "Hemophilia program" means the hemophilia program the 36353
department of health is required to establish and administer under 36354
section 3701.029 of the Revised Code. 36355

Sec. 3701.023. (A)(1) The department of health shall review 36356
applications for eligibility for the program for medically 36357
handicapped children that are submitted to the department by city 36358
and general health districts and physician providers approved in 36359

accordance with division ~~(C)~~(D) of this section. The department 36360
shall, subject to division (A)(2) of this section, determine 36361
whether the applicants meet the medical and financial eligibility 36362
requirements established by the director of health pursuant to 36363
division (A)(1) of section 3701.021 of the Revised Code, and by 36364
the department in the manual of operational procedures and 36365
guidelines for the program ~~for medically handicapped children~~ 36366
developed pursuant to division (B) of that section. Referrals of 36367
potentially eligible children for the program may be submitted to 36368
the department on behalf of the child by parents, guardians, 36369
public health nurses, or any other interested person. The 36370
department ~~of health~~ may designate other agencies to refer 36371
applicants to the ~~department of health~~ program. 36372

(2) Beginning January 1, 2018, enrollment in the program is 36373
subject to all of the following limitations: 36374

(a) No nonmedicaid-eligible individual may continue to be 36375
enrolled in the program unless the individual was enrolled in the 36376
program on June 30, 2017, or had an application for the program 36377
pending on that date. 36378

(b) No nonmedicaid-eligible individual may be initially 36379
enrolled in the program. 36380

(c) No medicaid-eligible individual may continue to be 36381
enrolled in the program regardless of when the individual enrolled 36382
in the program or submitted an application for the program. 36383

(d) No medicaid-eligible individual may be initially enrolled 36384
in the program. 36385

(B) The department of health shall require an individual 36386
enrolled in the treatment and service coordination component of 36387
the program for medically handicapped children, or the 36388
individual's parent or guardian, to submit to a financial 36389
eligibility determination at the department's request, at least 36390

once annually. 36391

(C) In accordance with the procedures established in rules 36392
adopted under division (A)(4) of section 3701.021 of the Revised 36393
Code, the department of health shall authorize a provider or 36394
providers to provide to any Ohio resident under twenty-one years 36395
of age who is enrolled in the diagnostic component of the program 36396
for medically handicapped children before January 1, 2018, without 36397
charge to the ~~resident or the resident's family~~ enrollee or the 36398
enrollee's family and without restriction as to the economic 36399
status of the ~~resident or the resident's family~~ enrollee or the 36400
enrollee's family, diagnostic services necessary to determine 36401
whether the ~~resident~~ enrollee has a medically handicapping or 36402
potentially medically handicapping condition. 36403

~~(C)~~(D) The department of health shall review the applications 36404
of health professionals, hospitals, medical equipment suppliers, 36405
and other individuals, groups, or agencies that apply to become 36406
providers. The department shall enter into a written agreement 36407
with each applicant who is determined, pursuant to the 36408
requirements set forth in rules adopted under division (A)(2) of 36409
section 3701.021 of the Revised Code, to be eligible to be a 36410
provider in accordance with the provider agreement required by the 36411
medicaid program. No provider shall charge a medically handicapped 36412
child or the child's parent or guardian for services authorized by 36413
the department under division ~~(B)~~(C) or ~~(D)~~(E) of this section. 36414

The department, in accordance with rules adopted under 36415
division (A)(3) of section 3701.021 of the Revised Code, may 36416
disqualify any provider from further participation in the program 36417
for violating any requirement set forth in rules adopted under 36418
division (A)(2) of that section. The disqualification shall not 36419
take effect until a written notice, specifying the requirement 36420
violated and describing the nature of the violation, has been 36421
delivered to the provider and the department has afforded the 36422

provider an opportunity to appeal the disqualification under 36423
division ~~(H)~~(I) of this section. 36424

~~(D)~~(E) The department of health shall evaluate applications 36425
from city and general health districts and approved physician 36426
providers for authorization to provide treatment services, service 36427
coordination, and related goods to children determined to be 36428
eligible for the treatment and service coordination component of 36429
the program for medically handicapped children pursuant to 36430
division (A) of this section. The department shall authorize 36431
necessary treatment services, service coordination, and related 36432
goods for each eligible child in accordance with an individual 36433
plan of treatment for the child. As an alternative, the department 36434
may authorize payment of health insurance premiums on behalf of 36435
eligible children when the department determines, in accordance 36436
with criteria set forth in rules adopted under division (A)(9) of 36437
section 3701.021 of the Revised Code, that payment of the premiums 36438
is cost-effective. 36439

~~(E)~~(F) The department of health shall pay, from 36440
appropriations to the department, any necessary expenses, 36441
including but not limited to, expenses for diagnosis, treatment, 36442
service coordination, supportive services, transportation, and 36443
accessories and their upkeep, provided to medically handicapped 36444
children, provided that the provision of the goods or services is 36445
authorized by the department under division ~~(B)~~(C) or ~~(D)~~(E) of 36446
this section. Money appropriated to the department of health may 36447
also be expended for reasonable administrative costs incurred by 36448
the program. The department of health also may purchase liability 36449
insurance covering the provision of services under the program for 36450
medically handicapped children by physicians and other health care 36451
professionals. 36452

Payments made to providers by the department of health 36453
pursuant to this division for inpatient hospital care, outpatient 36454

care, and all other medical assistance furnished to ~~eligible~~ 36455
~~recipients~~ enrollees of the program for medically handicapped 36456
children shall be made in accordance with rules adopted by the 36457
director of health pursuant to division (A) of section 3701.021 of 36458
the Revised Code. 36459

The departments of health and medicaid shall jointly 36460
implement procedures to ensure that duplicate payments are not 36461
made under the program for medically handicapped children and the 36462
medicaid program and to identify and recover duplicate payments. 36463

~~(F)~~(G) At the time of applying for participation in the 36464
program for medically handicapped children, a medically 36465
handicapped child or the child's parent or guardian shall disclose 36466
the identity of any third party against whom the child or the 36467
child's parent or guardian has or may have a right of recovery for 36468
goods and services provided under division ~~(B)~~(C) or ~~(D)~~(E) of 36469
this section. The department of health shall require a medically 36470
handicapped child who receives services from the program or the 36471
child's parent or guardian to apply for all third-party benefits 36472
for which the child may be eligible and require the child, parent, 36473
or guardian to apply all third-party benefits received to the 36474
amount determined under division ~~(E)~~(F) of this section as the 36475
amount payable for goods and services authorized under division 36476
~~(B)~~(C) or ~~(D)~~(E) of this section. The department is the payer of 36477
last resort and shall pay for authorized goods or services, up to 36478
the amount determined under division ~~(E)~~(F) of this section for 36479
the authorized goods or services, only to the extent that payment 36480
for the authorized goods or services is not made through 36481
third-party benefits. When a third party fails to act on an 36482
application or claim for benefits by a medically handicapped child 36483
or the child's parent or guardian, the department shall pay for 36484
the goods or services only after ninety days have elapsed since 36485
the date the child, parents, or guardians made an application or 36486

claim for all third-party benefits. Third-party benefits received 36487
shall be applied to the amount determined under division ~~(E)~~(F) of 36488
this section. Third-party payments for goods and services not 36489
authorized under division ~~(B)~~(C) or ~~(D)~~(E) of this section shall 36490
not be applied to payment amounts determined under division ~~(E)~~(F) 36491
of this section. Payment made by the department shall be 36492
considered payment in full of the amount determined under division 36493
~~(E)~~(F) of this section. ~~Medicaid payments for persons eligible for~~ 36494
~~the medicaid program shall be considered payment in full of the~~ 36495
~~amount determined under division (E) of this section.~~ 36496

~~(G)~~ The (H) Subject to all provisions of this section, but 36497
not subject to section 3701.024 of the Revised Code, the 36498
department of health shall administer a program to provide 36499
services to Ohio residents who are twenty-one or more years of age 36500
who have cystic fibrosis and who meet the eligibility requirements 36501
established in rules adopted by the director of health pursuant to 36502
division (A)(7) of section 3701.021 of the Revised Code, ~~subject~~ 36503
~~to all provisions of this section, but not subject to section~~ 36504
~~3701.024 of the Revised Code. Beginning January 1, 2018,~~ 36505
enrollment in the program is subject to all of the following 36506
limitations: 36507

(1) No nonmedicaid-eligible individual may continue to be 36508
enrolled in the program unless the individual was enrolled in the 36509
program on June 30, 2017, or had an application for the program 36510
pending on that date. 36511

(2) No nonmedicaid-eligible individual may be initially 36512
enrolled in the program. 36513

(3) No medicaid-eligible individual may continue to be 36514
enrolled in the program regardless of when the individual enrolled 36515
in the program or submitted an application for the program. 36516

(4) No medicaid-eligible individual may be initially enrolled 36517

in the program. 36518

~~(H)~~(I) The department of health shall provide for appeals, in 36519
accordance with rules adopted under section 3701.021 of the 36520
Revised Code, of denials of applications for the program for 36521
medically handicapped children under division (A) or ~~(D)~~(E) of 36522
this section, disqualification of providers, or amounts paid under 36523
division ~~(E)~~(F) of this section. Appeals under this division are 36524
not subject to Chapter 119. of the Revised Code. 36525

The department may designate ombudspersons to assist 36526
medically handicapped children or their parents or guardians, upon 36527
the request of the children, parents, or guardians, in filing 36528
appeals under this division and to serve as children's, parents', 36529
or guardians' advocates in matters pertaining to the 36530
administration of the program for medically handicapped children 36531
and eligibility for program services. The ombudspersons shall 36532
receive no compensation but shall be reimbursed by the department, 36533
in accordance with rules of the office of budget and management, 36534
for their actual and necessary travel expenses incurred in the 36535
performance of their duties. 36536

~~(I)~~(J) The department of health, and city and general health 36537
districts providing service coordination pursuant to division 36538
(A)(2) of section 3701.024 of the Revised Code, shall provide 36539
service coordination in accordance with the standards set forth in 36540
the rules adopted under section 3701.021 of the Revised Code, 36541
without charge, and without restriction as to economic status. 36542

~~(J)~~(K)(1) The department of health may establish a 36543
manufacturer discount program under which a manufacturer of a drug 36544
or nutritional formula is permitted to enter into an agreement 36545
with the department to provide a discount on the price of the drug 36546
or nutritional formula distributed to medically handicapped 36547
children participating in the program for medically handicapped 36548
children. The program shall be administered in accordance with 36549

rules adopted under section 3701.021 of the Revised Code. 36550

(2) If a manufacturer enters into an agreement with the 36551
department as described in division ~~(J)~~(K)(1) of this section, the 36552
manufacturer and the department may negotiate the amount and terms 36553
of the discount. 36554

(3) In lieu of establishing a discount program as described 36555
in division ~~(J)~~(K)(1) of this section, the department and a 36556
manufacturer of a drug or nutritional formula may discuss a 36557
donation of drugs, nutritional formulas, or money by the 36558
manufacturer to the department. 36559

~~(K) As used in this division "209(b) option" has the same 36560
meaning as in section 5166.01 of the Revised Code. 36561~~

~~The program for medically handicapped children and the 36562
program the department of health administers pursuant to division 36563
(G) of this section shall continue to assist individuals who have 36564
cystic fibrosis and are enrolled in those programs in qualifying 36565
for medicaid under the spenddown process in the same manner it 36566
assists such individuals on the effective date of this amendment, 36567
regardless of whether the department of medicaid continues to 36568
implement the 209(b) option. 36569~~

Sec. 3701.026. (A) The acceptance of assistance under the 36570
program for medically handicapped children gives a right of 36571
subrogation to the department of health against the liability of a 36572
third party for the costs of goods or services paid by the 36573
department under division ~~(E)~~(F) of section 3701.023 of the 36574
Revised Code. The department's subrogation claim shall not exceed 36575
the total cost of the goods and services paid under division 36576
~~(E)~~(F) of section 3701.023 of the Revised Code. 36577

(B) To enforce its subrogation rights, the department may do 36578
any of the following: 36579

(1) Intervene or join in any action or proceeding brought by 36580
a medically handicapped child or ~~his~~ the child's parent or 36581
guardian against any third party who may be liable for the cost of 36582
goods and services paid under division ~~(E)~~(F) of section 3701.023 36583
of the Revised Code; 36584

(2) Institute and pursue legal proceedings against any third 36585
party who may be liable for the cost of goods and services paid 36586
under division ~~(E)~~(F) of section 3701.023 of the Revised Code; 36587

(3) Initiate legal proceedings in conjunction with a 36588
medically handicapped child or ~~his~~ the child's parent or guardian 36589
against any third party who may be liable for the cost of goods 36590
and services paid under division ~~(E)~~(F) of section 3701.023 of the 36591
Revised Code. 36592

(C) When an action or claim is brought against a third party 36593
by a medically handicapped child participating in the program or 36594
~~his~~ the child's parent or guardian, the entire amount of any 36595
settlement or compromise of the action or claim, or any court 36596
award or judgment, is subject to the subrogation right of the 36597
department. If all or part of settlement, compromise, award, or 36598
judgment is established in the form of a trust to benefit the 36599
child or ~~his~~ the child's family or guardians, the department may 36600
waive its right of subrogation against all or part of the trust. 36601
Any settlement, compromise, award, or judgment that excludes the 36602
costs of goods and services paid under division ~~(E)~~(F) of section 36603
3701.023 of the Revised Code shall not preclude the department 36604
from enforcing its subrogation right under this section. 36605

(D) No settlement, compromise, judgment, or award or any 36606
recovery in any action or claim by a medically handicapped child 36607
or ~~his~~ the child's parent or guardian when the department has a 36608
right of subrogation shall be made final without first giving the 36609
department notice and the opportunity to perfect its right of 36610
subrogation. If the department is not given notice, the child, 36611

parent, or guardian is liable to reimburse the department for the 36612
cost of goods and services paid under division ~~(E)~~(F) of section 36613
3701.023 of the Revised Code out of any recovery received. The 36614
third party becomes liable to the department as soon as the third 36615
party is notified in writing of the valid claims for subrogation 36616
under this section. 36617

(E) Subrogation does not apply to that portion of any 36618
judgment, award, settlement, or compromise of a claim, to the 36619
extent that attorney's fees, costs, or other expenses are incurred 36620
by a medically handicapped child or ~~his~~ the child's parent or 36621
guardian in securing the judgment, award, settlement, or 36622
compromise, or to the extent that the cost of goods and services 36623
specified in divisions ~~(B)~~(C) and ~~(D)~~(E) of section 3701.023 of 36624
the Revised Code are paid by the child, parent, or guardian. 36625
Attorney's fees and costs or other expenses in securing any 36626
recovery shall not be assessed against any subrogated claim of the 36627
department. 36628

Sec. 3701.029. (A) Subject to available funds and division 36629
(B) of this section, the department of health shall establish and 36630
administer a hemophilia program to provide payment of health 36631
insurance premiums for Ohio residents who meet all of the 36632
following requirements: 36633

~~(A)~~(1) Have been diagnosed with hemophilia or a related 36634
bleeding disorder; 36635

~~(B)~~(2) Are at least twenty-one years of age; 36636

~~(C)~~(3) Meet the eligibility requirements established by rules 36637
adopted under division (A)(12) of section 3701.021 of the Revised 36638
Code. 36639

(B) Beginning January 1, 2018, enrollment in the program is 36640
subject to all of the following limitations: 36641

(1) No nonmedicaid-eligible individual may continue to be 36642
enrolled in the program unless the individual was enrolled in the 36643
program on June 30, 2017, or had an application for the program 36644
pending on that date. 36645

(2) No nonmedicaid-eligible individual may be initially 36646
enrolled in the program. 36647

(3) No medicaid-eligible individual may continue to be 36648
enrolled in the program regardless of when the individual enrolled 36649
in the program or submitted an application for the program. 36650

(4) No medicaid-eligible individual may be initially enrolled 36651
in the program. 36652

Sec. 3701.12. (A) As used in this section: 36653

(1) "Third party" means any person or government entity other 36654
than the department of health or a program administered by the 36655
department. 36656

(2) "Third party benefits" means any and all benefits paid by 36657
a third party to or on behalf of an individual or the individual's 36658
parent or guardian for goods or services the individual has 36659
received from the department of health or a grantee or contractor 36660
of the department. 36661

(B) Except as provided in division (C) of this section, the 36662
department of health shall not, on or after January 1, 2018, pay 36663
for goods or services that are payable through third party 36664
benefits. 36665

(C) The prohibition in division (B) of this section does not 36666
apply when expressly contrary to another provision of the Revised 36667
Code or when, as determined by the director of health, department 36668
of health funds are required to mitigate the spread of infectious 36669
disease or are needed for exceptional circumstances. 36670

Sec. 3701.243. (A) Except as provided in this section or 36671
section 3701.248 of the Revised Code, no person or agency of state 36672
or local government that acquires the information while providing 36673
any health care service or while in the employ of a health care 36674
facility or health care provider shall disclose or compel another 36675
to disclose any of the following: 36676

(1) The identity of any individual on whom an HIV test is 36677
performed; 36678

(2) The results of an HIV test in a form that identifies the 36679
individual tested; 36680

(3) The identity of any individual diagnosed as having AIDS 36681
or an AIDS-related condition. 36682

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 36683
(F) of this section, the results of an HIV test or the identity of 36684
an individual on whom an HIV test is performed or who is diagnosed 36685
as having AIDS or an AIDS-related condition may be disclosed only 36686
to the following: 36687

(a) The individual who was tested or the individual's legal 36688
guardian, and the individual's spouse or any sexual partner; 36689

(b) A person to whom disclosure is authorized by a written 36690
release, executed by the individual tested or by the individual's 36691
legal guardian and specifying to whom disclosure of the test 36692
results or diagnosis is authorized and the time period during 36693
which the release is to be effective; 36694

(c) ~~The individual's~~ Any physician who treats the individual; 36695

(d) The department of health or a health commissioner to 36696
which reports are made under section 3701.24 of the Revised Code; 36697

(e) A health care facility or provider that procures, 36698
processes, distributes, or uses a human body part from a deceased 36699
individual, donated for a purpose specified in Chapter 2108. of 36700

the Revised Code, and that needs medical information about the 36701
deceased individual to ensure that the body part is medically 36702
acceptable for its intended purpose; 36703

(f) Health care facility staff committees or accreditation or 36704
oversight review organizations conducting program monitoring, 36705
program evaluation, or service reviews; 36706

(g) A health care provider, emergency medical services 36707
worker, or peace officer who sustained a significant exposure to 36708
the body fluids of another individual, if that individual was 36709
tested pursuant to division (E)(6) of section 3701.242 of the 36710
Revised Code, except that the identity of the individual tested 36711
shall not be revealed; 36712

(h) To law enforcement authorities pursuant to a search 36713
warrant or a subpoena issued by or at the request of a grand jury, 36714
a prosecuting attorney, a city director of law or similar chief 36715
legal officer of a municipal corporation, or a village solicitor, 36716
in connection with a criminal investigation or prosecution. 36717

(2) The results of an HIV test or a diagnosis of AIDS or an 36718
AIDS-related condition may be disclosed to a health care provider, 36719
or an authorized agent or employee of a health care facility or a 36720
health care provider, if the provider, agent, or employee has a 36721
medical need to know the information and is participating in the 36722
diagnosis, care, or treatment of the individual on whom the test 36723
was performed or who has been diagnosed as having AIDS or an 36724
AIDS-related condition. 36725

This division does not impose a standard of disclosure 36726
different from the standard for disclosure of all other specific 36727
information about a patient to health care providers and 36728
facilities. Disclosure may not be requested or made solely for the 36729
purpose of identifying an individual who has a positive HIV test 36730
result or has been diagnosed as having AIDS or an AIDS-related 36731

condition in order to refuse to treat the individual. Referral of 36732
an individual to another health care provider or facility based on 36733
reasonable professional judgment does not constitute refusal to 36734
treat the individual. 36735

(3) Not later than ninety days after November 1, 1989, each 36736
health care facility in this state shall establish a protocol to 36737
be followed by employees and individuals affiliated with the 36738
facility in making disclosures authorized by division (B)(2) of 36739
this section. A person employed by or affiliated with a health 36740
care facility who determines in accordance with the protocol 36741
established by the facility that a disclosure is authorized by 36742
division (B)(2) of this section is immune from liability to any 36743
person in a civil action for damages for injury, death, or loss to 36744
person or property resulting from the disclosure. 36745

(C)(1) Any person or government agency may seek access to or 36746
authority to disclose the HIV test records of an individual in 36747
accordance with the following provisions: 36748

(a) The person or government agency shall bring an action in 36749
a court of common pleas requesting disclosure of or authority to 36750
disclose the results of an HIV test of a specific individual, who 36751
shall be identified in the complaint by a pseudonym but whose name 36752
shall be communicated to the court confidentially, pursuant to a 36753
court order restricting the use of the name. The court shall 36754
provide the individual with notice and an opportunity to 36755
participate in the proceedings if the individual is not named as a 36756
party. Proceedings shall be conducted in chambers unless the 36757
individual agrees to a hearing in open court. 36758

(b) The court may issue an order granting the plaintiff 36759
access to or authority to disclose the test results only if the 36760
court finds by clear and convincing evidence that the plaintiff 36761
has demonstrated a compelling need for disclosure of the 36762
information that cannot be accommodated by other means. In 36763

assessing compelling need, the court shall weigh the need for 36764
disclosure against the privacy right of the individual tested and 36765
against any disservice to the public interest that might result 36766
from the disclosure, such as discrimination against the individual 36767
or the deterrence of others from being tested. 36768

(c) If the court issues an order, it shall guard against 36769
unauthorized disclosure by specifying the persons who may have 36770
access to the information, the purposes for which the information 36771
shall be used, and prohibitions against future disclosure. 36772

(2) A person or government agency that considers it necessary 36773
to disclose the results of an HIV test of a specific individual in 36774
an action in which it is a party may seek authority for the 36775
disclosure by filing an in camera motion with the court in which 36776
the action is being heard. In hearing the motion, the court shall 36777
employ procedures for confidentiality similar to those specified 36778
in division (C)(1) of this section. The court shall grant the 36779
motion only if it finds by clear and convincing evidence that a 36780
compelling need for the disclosure has been demonstrated. 36781

(3) Except for an order issued in a criminal prosecution or 36782
an order under division (C)(1) or (2) of this section granting 36783
disclosure of the result of an HIV test of a specific individual, 36784
a court shall not compel a blood bank, hospital blood center, or 36785
blood collection facility to disclose the result of HIV tests 36786
performed on the blood of voluntary donors in a way that reveals 36787
the identity of any donor. 36788

(4) In a civil action in which the plaintiff seeks to recover 36789
damages from an individual defendant based on an allegation that 36790
the plaintiff contracted the HIV virus as a result of actions of 36791
the defendant, the prohibitions against disclosure in this section 36792
do not bar discovery of the results of any HIV test given to the 36793
defendant or any diagnosis that the defendant suffers from AIDS or 36794
an AIDS-related condition. 36795

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the medicaid program, the medicare program, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's compliance with this division does not prohibit a prosecution of the individual for a violation of division (B) of section 2903.11 of the Revised Code.

(G) Nothing in this section prohibits the introduction of evidence concerning an HIV test of a specific individual in a criminal proceeding.

Sec. 3701.65. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the

contributions that are paid to the registrar of motor vehicles by 36827
applicants who voluntarily elect to obtain "choose life" license 36828
plates pursuant to section 4503.91 of the Revised Code and any 36829
money returned to the fund under division (E)(1)(d) of this 36830
section. All investment earnings of the fund shall be credited to 36831
the fund. 36832

(B)(1) At least annually, the director of health shall 36833
distribute the money in the fund to any private, nonprofit 36834
organization that is eligible to receive funds under this section 36835
and that applies for funding under division (C) of this section. 36836

(2) The director shall allocate the funds to each county in 36837
proportion to the number of "choose life" license plates issued 36838
during the preceding year to vehicles registered in each county. 36839
The director shall distribute funds allocated for a county as 36840
follows: 36841

(a) To one or more eligible organizations located within the 36842
county; 36843

(b) If no eligible organization located within the county 36844
applies for funding, to one or more eligible organizations located 36845
in contiguous counties; 36846

(c) If no eligible organization located within the county or 36847
a contiguous county applies for funding, to one or more eligible 36848
organizations within any other county. 36849

(3) The director shall ensure that any funds allocated for a 36850
county are distributed equally among eligible organizations that 36851
apply for funding within the county. 36852

(C) Any organization seeking funds under this section 36853
annually shall apply for distribution of the funds based on the 36854
county in which the organization is located. An organization also 36855
may apply for funding in a county in which it is not located if it 36856

demonstrates that it provides services for pregnant women residing 36857
in that county. The director shall develop an application form and 36858
may determine the schedule and procedures that an organization 36859
shall follow when annually applying for funds. The application 36860
shall inform the applicant of the conditions for receiving and 36861
using funds under division (E) of this section. The application 36862
shall require evidence that the organization meets all of the 36863
following requirements: 36864

(1) Is a private, nonprofit organization; 36865

(2) Is committed to counseling pregnant women about the 36866
option of adoption; 36867

(3) Provides services within the state to pregnant women who 36868
are planning to place their children for adoption, including 36869
counseling and meeting the material needs of the women; 36870

(4) Does not charge women for any services received; 36871

(5) Is not involved or associated with any abortion 36872
activities, including counseling for or referrals to abortion 36873
clinics, providing medical abortion-related procedures, or 36874
pro-abortion advertising; 36875

(6) Does not discriminate in its provision of any services on 36876
the basis of race, religion, color, age, marital status, national 36877
origin, handicap, gender, or age; 36878

(7) If the organization is applying for funding in a county 36879
in which it is not located, provides services for pregnant women 36880
residing in that county. 36881

(D) The director shall not distribute funds to an 36882
organization that does not provide verifiable evidence of the 36883
requirements specified in the application under division (C) of 36884
this section and shall not provide additional funds to any 36885
organization that fails to comply with division (E) of this 36886

section in regard to its previous receipt of funds under this 36887
section. 36888

(E)(1) An organization receiving funds under this section 36889
shall do all of the following: 36890

(a) Use not more than sixty per cent of the funds distributed 36891
to it for the material needs of pregnant women who are planning to 36892
place their children for adoption or for infants awaiting 36893
placement with adoptive parents, including clothing, housing, 36894
medical care, food, utilities, and transportation; 36895

(b) Use not more than forty per cent of the funds distributed 36896
to it for counseling, training, or advertising; 36897

(c) Not use any of the funds distributed to it for 36898
administrative expenses, legal expenses, or capital expenditures; 36899

(d) Annually return to the fund created under division (A) of 36900
this section any unused money that exceeds ten per cent of the 36901
money distributed to the organization. 36902

(2) The organization annually shall submit to the director an 36903
audited financial statement verifying its compliance with division 36904
(E)(1) of this section. 36905

(F) The director, in accordance with Chapter 119. of the 36906
Revised Code, shall adopt rules to implement this section. 36907

It is not the intent of the general assembly that the 36908
department create a new position within the department to 36909
implement and administer this section. It is the intent of the 36910
general assembly that the implementation and administration of 36911
this section be accomplished by existing department personnel. 36912

(G) If funds that have been allocated to a county for any 36913
previous year have not been distributed to one or more eligible 36914
organizations, the director may distribute those funds in 36915
accordance with this section. 36916

Sec. 3701.83. There is hereby created in the state treasury 36917
the general operations fund. Moneys in the fund shall be used for 36918
the purposes specified in sections 3701.04, 3701.344, 3702.20, 36919
~~3710.15~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 36920
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 36921
3749.07, 4747.04, and 4769.09 of the Revised Code. 36922

Sec. 3701.881. (A) As used in this section: 36923

(1) "Applicant" means a person who is under final 36924
consideration for employment with a home health agency in a 36925
full-time, part-time, or temporary position that involves 36926
providing direct care to an individual or is referred to a home 36927
health agency by an employment service for such a position. 36928

(2) "Community-based long-term care provider" means a 36929
provider as defined in section 173.39 of the Revised Code. 36930

(3) "Community-based long-term care subcontractor" means a 36931
subcontractor as defined in section 173.38 of the Revised Code. 36932

(4) "Criminal records check" has the same meaning as in 36933
section 109.572 of the Revised Code. 36934

(5) "Direct care" means any of the following: 36935

(a) Any service identified in divisions (A)(8)(a) to (f) of 36936
this section that is provided in a patient's place of residence 36937
used as the patient's home; 36938

(b) Any activity that requires the person performing the 36939
activity to be routinely alone with a patient or to routinely have 36940
access to a patient's personal property or financial documents 36941
regarding a patient; 36942

(c) For each home health agency individually, any other 36943
routine service or activity that the chief administrator of the 36944
home health agency designates as direct care. 36945

(6) "Disqualifying offense" means any of the offenses listed 36946
or described in divisions (A)(3)(a) to (e) of section 109.572 of 36947
the Revised Code. 36948

(7) "Employee" means a person employed by a home health 36949
agency in a full-time, part-time, or temporary position that 36950
involves providing direct care to an individual and a person who 36951
works in such a position due to being referred to a home health 36952
agency by an employment service. 36953

(8) "Home health agency" means a person or government entity, 36954
other than a nursing home, residential care facility, hospice care 36955
program, or pediatric respite care program, that has the primary 36956
function of providing any of the following services to a patient 36957
at a place of residence used as the patient's home: 36958

(a) Skilled nursing care; 36959

(b) Physical therapy; 36960

(c) Speech-language pathology; 36961

(d) Occupational therapy; 36962

(e) Medical social services; 36963

(f) Home health aide services. 36964

(9) "Home health aide services" means any of the following 36965
services provided by an employee of a home health agency: 36966

(a) Hands-on bathing or assistance with a tub bath or shower; 36967

(b) Assistance with dressing, ambulation, and toileting; 36968

(c) Catheter care but not insertion; 36969

(d) Meal preparation and feeding. 36970

(10) "Hospice care program" and "pediatric respite care 36971
program" have the same meanings as in section 3712.01 of the 36972
Revised Code. 36973

(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	36974 36975 36976
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	36977 36978
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	36979 36980 36981
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	36982 36983
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	36984 36985
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	36986 36987 36988
(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	36989 36990
(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	36991 36992
(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:	36993 36994 36995 36996
(1) A review of the databases listed in division (D) of this section reveals any of the following:	36997 36998
(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;	36999 37000 37001
(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement	37002 37003

detailing findings by the director of health that the applicant or 37004
employee abused, neglected, or abused exploited a long-term care 37005
facility or residential care facility resident or misappropriated 37006
property of such a resident; 37007

(c) That the applicant or employee is included in one or more 37008
of the databases, if any, specified in rules adopted under this 37009
section and the rules prohibit the home health agency from 37010
employing an applicant or continuing to employ an employee 37011
included in such a database in a position that involves providing 37012
direct care to an individual. 37013

(2) After the applicant or employee is provided, pursuant to 37014
division (E)(2)(a) of this section, a copy of the form prescribed 37015
pursuant to division (C)(1) of section 109.572 of the Revised Code 37016
and the standard impression sheet prescribed pursuant to division 37017
(C)(2) of that section, the applicant or employee fails to 37018
complete the form or provide the applicant's or employee's 37019
fingerprint impressions on the standard impression sheet. 37020

(3) Except as provided in rules adopted under this section, 37021
the applicant or employee is found by a criminal records check 37022
required by this section to have been convicted of, pleaded guilty 37023
to, or been found eligible for intervention in lieu of conviction 37024
for a disqualifying offense. 37025

(C) Except as provided by division (F) of this section, the 37026
chief administrator of a home health agency shall inform each 37027
applicant of both of the following at the time of the applicant's 37028
initial application for employment or referral to the home health 37029
agency by an employment service for a position that involves 37030
providing direct care to an individual: 37031

(1) That a review of the databases listed in division (D) of 37032
this section will be conducted to determine whether the home 37033
health agency is prohibited by division (B)(1) of this section 37034

from employing the applicant in the position; 37035

(2) That, unless the database review reveals that the 37036
applicant may not be employed in the position, a criminal records 37037
check of the applicant will be conducted and the applicant is 37038
required to provide a set of the applicant's fingerprint 37039
impressions as part of the criminal records check. 37040

(D) As a condition of employing any applicant in a position 37041
that involves providing direct care to an individual, the chief 37042
administrator of a home health agency shall conduct a database 37043
review of the applicant in accordance with rules adopted under 37044
this section. If rules adopted under this section so require, the 37045
chief administrator of a home health agency shall conduct a 37046
database review of an employee in accordance with the rules as a 37047
condition of continuing to employ the employee in a position that 37048
involves providing direct care to an individual. However, the 37049
chief administrator is not required to conduct a database review 37050
of an applicant or employee if division (F) of this section 37051
applies. A database review shall determine whether the applicant 37052
or employee is included in any of the following: 37053

(1) The excluded parties list system that is maintained by 37054
the United States general services administration pursuant to 37055
subpart 9.4 of the federal acquisition regulation and available at 37056
the federal web site known as the system for award management; 37057

(2) The list of excluded individuals and entities maintained 37058
by the office of inspector general in the United States department 37059
of health and human services pursuant to the "Social Security 37060
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 37061

(3) The registry of developmental disabilities employees 37062
established under section 5123.52 of the Revised Code; 37063

(4) The internet-based sex offender and child-victim offender 37064
database established under division (A)(11) of section 2950.13 of 37065

the Revised Code; 37066

(5) The internet-based database of inmates established under 37067
section 5120.66 of the Revised Code; 37068

(6) The state nurse aide registry established under section 37069
3721.32 of the Revised Code; 37070

(7) Any other database, if any, specified in rules adopted 37071
under this section. 37072

(E)(1) As a condition of employing any applicant in a 37073
position that involves providing direct care to an individual, the 37074
chief administrator of a home health agency shall request the 37075
superintendent of the bureau of criminal identification and 37076
investigation to conduct a criminal records check of the 37077
applicant. If rules adopted under this section so require, the 37078
chief administrator of a home health agency shall request the 37079
superintendent to conduct a criminal records check of an employee 37080
at times specified in the rules as a condition of continuing to 37081
employ the employee in a position that involves providing direct 37082
care to an individual. However, the chief administrator is not 37083
required to request the criminal records check of the applicant or 37084
the employee if division (F) of this section applies or the home 37085
health agency is prohibited by division (B)(1) of this section 37086
from employing the applicant or continuing to employ the employee 37087
in a position that involves providing direct care to an 37088
individual. If an applicant or employee for whom a criminal 37089
records check request is required by this section does not present 37090
proof of having been a resident of this state for the five-year 37091
period immediately prior to the date upon which the criminal 37092
records check is requested or does not provide evidence that 37093
within that five-year period the superintendent has requested 37094
information about the applicant from the federal bureau of 37095
investigation in a criminal records check, the chief administrator 37096
shall request that the superintendent obtain information from the 37097

federal bureau of investigation as a part of the criminal records 37098
check. Even if an applicant or employee for whom a criminal 37099
records check request is required by this section presents proof 37100
that the applicant or employee has been a resident of this state 37101
for that five-year period, the chief administrator may request 37102
that the superintendent include information from the federal 37103
bureau of investigation in the criminal records check. 37104

(2) The chief administrator shall do all of the following: 37105

(a) Provide to each applicant and employee for whom a 37106
criminal records check request is required by this section a copy 37107
of the form prescribed pursuant to division (C)(1) of section 37108
109.572 of the Revised Code and a standard impression sheet 37109
prescribed pursuant to division (C)(2) of that section; 37110

(b) Obtain the completed form and standard impression sheet 37111
from each applicant and employee; 37112

(c) Forward the completed form and standard impression sheet 37113
to the superintendent at the time the chief administrator requests 37114
the criminal records check. 37115

(3) A home health agency shall pay to the bureau of criminal 37116
identification and investigation the fee prescribed pursuant to 37117
division (C)(3) of section 109.572 of the Revised Code for each 37118
criminal records check the agency requests under this section. A 37119
home health agency may charge an applicant a fee not exceeding the 37120
amount the agency pays to the bureau under this section if both of 37121
the following apply: 37122

(a) The home health agency notifies the applicant at the time 37123
of initial application for employment of the amount of the fee and 37124
that, unless the fee is paid, the applicant will not be considered 37125
for employment. 37126

(b) The medicaid program does not reimburse the home health 37127
agency for the fee it pays to the bureau under this section. 37128

(F) Divisions (C) to (E) of this section do not apply with 37129
regard to an applicant or employee if the applicant or employee is 37130
referred to a home health agency by an employment service that 37131
supplies full-time, part-time, or temporary staff for positions 37132
that involve providing direct care to an individual and both of 37133
the following apply: 37134

(1) The chief administrator of the home health agency 37135
receives from the employment service confirmation that a review of 37136
the databases listed in division (D) of this section was conducted 37137
with regard to the applicant or employee. 37138

(2) The chief administrator of the home health agency 37139
receives from the employment service, applicant, or employee a 37140
report of the results of a criminal records check of the applicant 37141
or employee that has been conducted by the superintendent within 37142
the one-year period immediately preceding the following: 37143

(a) In the case of an applicant, the date of the applicant's 37144
referral by the employment service to the home health agency; 37145

(b) In the case of an employee, the date by which the home 37146
health agency would otherwise have to request a criminal records 37147
check of the employee under division (E) of this section. 37148

(G)(1) A home health agency may employ conditionally an 37149
applicant for whom a criminal records check request is required by 37150
this section before obtaining the results of the criminal records 37151
check if the agency is not prohibited by division (B) of this 37152
section from employing the applicant in a position that involves 37153
providing direct care to an individual and either of the following 37154
applies: 37155

(a) The chief administrator of the home health agency 37156
requests the criminal records check in accordance with division 37157
(E) of this section not later than five business days after the 37158
applicant begins conditional employment. 37159

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the

date the request for the criminal records check is made. 37191
Regardless of when the results of the criminal records check are 37192
obtained, if the results indicate that the applicant has been 37193
convicted of, pleaded guilty to, or been found eligible for 37194
intervention in lieu of conviction for a disqualifying offense, 37195
the home health agency shall terminate the applicant's employment 37196
unless circumstances specified in rules adopted under this section 37197
that permit the agency to employ the applicant exist and the 37198
agency chooses to employ the applicant. Termination of employment 37199
under this division shall be considered just cause for discharge 37200
for purposes of division (D)(2) of section 4141.29 of the Revised 37201
Code if the applicant makes any attempt to deceive the home health 37202
agency about the applicant's criminal record. 37203

(H) The report of any criminal records check conducted by the 37204
bureau of criminal identification and investigation in accordance 37205
with section 109.572 of the Revised Code and pursuant to a request 37206
made under this section is not a public record for the purposes of 37207
section 149.43 of the Revised Code and shall not be made available 37208
to any person other than the following: 37209

(1) The applicant or employee who is the subject of the 37210
criminal records check or the applicant's or employee's 37211
representative; 37212

(2) The home health agency requesting the criminal records 37213
check or its representative; 37214

(3) The administrator of any other facility, agency, or 37215
program that provides direct care to individuals that is owned or 37216
operated by the same entity that owns or operates the home health 37217
agency that requested the criminal records check; 37218

(4) The employment service that requested the criminal 37219
records check; 37220

(5) The director of health and the staff of the department of 37221

health who monitor a home health agency's compliance with this 37222
section; 37223

(6) The director of aging or the director's designee if 37224
either of the following apply: 37225

(a) In the case of a criminal records check requested by a 37226
home health agency, the home health agency also is a 37227
community-based long-term care provider or community-based 37228
long-term care subcontractor; 37229

(b) In the case of a criminal records check requested by an 37230
employment service, the employment service makes the request for 37231
an applicant or employee the employment service refers to a home 37232
health agency that also is a community-based long-term care 37233
provider or community-based long-term care subcontractor. 37234

(7) The medicaid director and the staff of the department of 37235
medicaid who are involved in the administration of the medicaid 37236
program if either of the following apply: 37237

(a) In the case of a criminal records check requested by a 37238
home health agency, the home health agency also is a waiver 37239
agency; 37240

(b) In the case of a criminal records check requested by an 37241
employment service, the employment service makes the request for 37242
an applicant or employee the employment service refers to a home 37243
health agency that also is a waiver agency. 37244

(8) Any court, hearing officer, or other necessary individual 37245
involved in a case dealing with any of the following: 37246

(a) A denial of employment of the applicant or employee; 37247

(b) Employment or unemployment benefits of the applicant or 37248
employee; 37249

(c) A civil or criminal action regarding the medicaid 37250
program. 37251

(I) In a tort or other civil action for damages that is 37252
brought as the result of an injury, death, or loss to person or 37253
property caused by an applicant or employee who a home health 37254
agency employs in a position that involves providing direct care 37255
to an individual, all of the following shall apply: 37256

(1) If the home health agency employed the applicant or 37257
employee in good faith and reasonable reliance on the report of a 37258
criminal records check requested under this section, the agency 37259
shall not be found negligent solely because of its reliance on the 37260
report, even if the information in the report is determined later 37261
to have been incomplete or inaccurate. 37262

(2) If the home health agency employed the applicant in good 37263
faith on a conditional basis pursuant to division (G) of this 37264
section, the agency shall not be found negligent solely because it 37265
employed the applicant prior to receiving the report of a criminal 37266
records check requested under this section. 37267

(3) If the home health agency in good faith employed the 37268
applicant or employee according to the personal character 37269
standards established in rules adopted under this section, the 37270
agency shall not be found negligent solely because the applicant 37271
or employee had been convicted of, pleaded guilty to, or been 37272
found eligible for intervention in lieu of conviction for a 37273
disqualifying offense. 37274

(J) The director of health shall adopt rules in accordance 37275
with Chapter 119. of the Revised Code to implement this section. 37276

(1) The rules may do the following: 37277

(a) Require employees to undergo database reviews and 37278
criminal records checks under this section; 37279

(b) If the rules require employees to undergo database 37280
reviews and criminal records checks under this section, exempt one 37281
or more classes of employees from the requirements; 37282

(c) For the purpose of division (D)(7) of this section, 37283
specify other databases that are to be checked as part of a 37284
database review conducted under this section. 37285

(2) The rules shall specify all of the following: 37286

(a) The procedures for conducting database reviews under this 37287
section; 37288

(b) If the rules require employees to undergo database 37289
reviews and criminal records checks under this section, the times 37290
at which the database reviews and criminal records checks are to 37291
be conducted; 37292

(c) If the rules specify other databases to be checked as 37293
part of the database reviews, the circumstances under which a home 37294
health agency is prohibited from employing an applicant or 37295
continuing to employ an employee who is found by a database review 37296
to be included in one or more of those databases; 37297

(d) Circumstances under which a home health agency may employ 37298
an applicant or employee who is found by a criminal records check 37299
required by this section to have been convicted of, pleaded guilty 37300
to, or been found eligible for intervention in lieu of conviction 37301
for a disqualifying offense but meets personal character 37302
standards. 37303

Sec. 3702.304. (A)(1) The director of health may grant a 37304
variance from the written transfer agreement requirement of 37305
section 3702.303 of the Revised Code if the ambulatory surgical 37306
facility submits to the director a complete variance application, 37307
prescribed by the director, and the director determines after 37308
reviewing the application that the facility is capable of 37309
achieving the purpose of a written transfer agreement in the 37310
absence of one. The director's determination is final. 37311

(2) Not later than sixty days after receiving a variance 37312

application from an ambulatory surgical facility, the director 37313
shall grant or deny the variance. A variance application that has 37314
not been approved within sixty days is considered denied. 37315

(B) A variance application is complete for purposes of 37316
division (A)(1) of this section if it contains or includes as 37317
attachments all of the following: 37318

(1) A statement explaining why application of the requirement 37319
would cause the facility undue hardship and why the variance will 37320
not jeopardize the health and safety of any patient; 37321

(2) A letter, contract, or memorandum of understanding signed 37322
by the facility and one or more consulting physicians who have 37323
admitting privileges at a minimum of one local hospital, 37324
memorializing the physician or physicians' agreement to provide 37325
back-up coverage when medical care beyond the level the facility 37326
can provide is necessary; 37327

(3) For each consulting physician described in division 37328
(B)(2) of this section: 37329

(a) A signed statement in which the physician attests that 37330
the physician is familiar with the facility and its operations, 37331
and agrees to provide notice to the facility of any changes in the 37332
physician's ability to provide back-up coverage; 37333

(b) The estimated travel time from the physician's main 37334
residence or office to each local hospital where the physician has 37335
admitting privileges; 37336

(c) Written verification that the facility has a record of 37337
the name, telephone numbers, and practice specialties of the 37338
physician; 37339

(d) Written verification from the state medical board that 37340
the physician possesses a valid ~~certificate~~ license to practice 37341
medicine and surgery or osteopathic medicine and surgery issued 37342

under Chapter 4731. of the Revised Code; 37343

(e) Documented verification that each hospital at which the 37344
physician has admitting privileges has been informed in writing by 37345
the physician that the physician is a consulting physician for the 37346
ambulatory surgical facility and has agreed to provide back-up 37347
coverage for the facility when medical care beyond the care the 37348
facility can provide is necessary. 37349

(4) A copy of the facility's operating procedures or 37350
protocols that, at a minimum, do all of the following: 37351

(a) Address how back-up coverage by consulting physicians is 37352
to occur, including how back-up coverage is to occur when 37353
consulting physicians are temporarily unavailable; 37354

(b) Specify that each consulting physician is required to 37355
notify the facility, without delay, when the physician is unable 37356
to expeditiously admit patients to a local hospital and provide 37357
for continuity of patient care; 37358

(c) Specify that a patient's medical record maintained by the 37359
facility must be transferred contemporaneously with the patient 37360
when the patient is transferred from the facility to a hospital. 37361

(5) Any other information the director considers necessary. 37362

(C) The director's decision to grant, refuse, or rescind a 37363
variance is final. 37364

(D) The director shall consider each application for a 37365
variance independently without regard to any decision the director 37366
may have made on a prior occasion to grant or deny a variance to 37367
that ambulatory surgical facility or any other facility. 37368

Sec. 3702.307. An ambulatory surgical facility shall notify 37369
the director of health when any of the following occurs: 37370

(A) The facility modifies any provision of its most recent 37371

written transfer agreement filed with the director under section 37372
3702.303 of the Revised Code. Notification under these 37373
circumstances shall occur not later than the business day after 37374
the modification is finalized. As used in this division, "business 37375
day" means a day of the week excluding Saturday, Sunday, and a 37376
legal holiday as defined in section 1.14 of the Revised Code. 37377

(B) The facility modifies its operating procedures or 37378
protocols described in division (B)(4) of section 3702.304 of the 37379
Revised Code. Notification under these circumstances shall occur 37380
not later than forty-eight hours after the modification is made. 37381

(C) The ambulatory surgical facility becomes aware of an 37382
event, including disciplinary action by the state medical board 37383
pursuant to section 4731.22 of the Revised Code, that may affect a 37384
consulting physician's ~~certificate~~ license to practice medicine 37385
and surgery or osteopathic medicine and surgery or the physician's 37386
ability to admit patients to a hospital identified in a variance 37387
application, as described in division (B)(3)(e) of section 37388
3702.304 of the Revised Code. Notification under these 37389
circumstances shall occur not later than one week after the 37390
facility becomes aware of the event's occurrence. 37391

Sec. 3702.72. (A) A primary care physician who will not have 37392
an outstanding obligation for medical service to the federal 37393
government, a state, or other entity at the time of participation 37394
in the physician loan repayment program and meets one of the 37395
following requirements may apply for participation in the 37396
physician loan repayment program: 37397

(1) The primary care physician is enrolled in the final year 37398
of an accredited program required for board certification in a 37399
primary care specialty. 37400

(2) The primary care physician is enrolled in the final year 37401
of a fellowship program in a primary care specialty. 37402

(3) The primary care physician holds a valid ~~certificate~~	37403
<u>license</u> to practice medicine and surgery or osteopathic medicine	37404
and surgery issued under Chapter 4731. of the Revised Code.	37405
(B) An application for participation in the physician loan	37406
repayment program shall be submitted to the director of health on	37407
a form that the director shall prescribe. The information required	37408
to be submitted with an application includes the following:	37409
(1) The applicant's name, permanent address or address at	37410
which the applicant is currently residing if different from the	37411
permanent address, and telephone number;	37412
(2) The applicant's primary care specialty or specialties;	37413
(3) The medical school or osteopathic medical school the	37414
applicant attended, the dates of attendance, and verification of	37415
attendance;	37416
(4) The facility or institution where the applicant's medical	37417
residency program was completed or is being performed, and, if	37418
completed, the date of completion;	37419
(5) If applicable, the facility or institution where the	37420
applicant's fellowship was completed or is being performed, and,	37421
if completed, the date of completion;	37422
(6) A summary and verification of the educational expenses	37423
for which the applicant seeks reimbursement under the program;	37424
(7) Verification of the applicant's authorization under	37425
Chapter 4731. of the Revised Code to practice medicine and surgery	37426
or osteopathic medicine and surgery;	37427
(8) Verification of the applicant's United States citizenship	37428
or status as a legal alien.	37429
Sec. 3704.01. As used in this chapter:	37430
(A) "Administrator" means the administrator of the United	37431

States environmental protection agency or the chief executive of 37432
any successor federal agency responsible for implementation of the 37433
federal Clean Air Act. 37434

(B) "Air contaminant" means particulate matter, dust, fumes, 37435
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 37436
any combination thereof, but does not mean emissions from 37437
agricultural production activities, as defined in section 929.01 37438
of the Revised Code, that are consistent with generally accepted 37439
agricultural practices, were established prior to adjacent 37440
nonagricultural activities, have no substantial, adverse effect on 37441
the public health, safety, or welfare, do not result from the 37442
negligent or other improper operations of any such agricultural 37443
activities, and would not be required to obtain a Title V permit. 37444
For the purposes of this chapter, agricultural production 37445
activities do not include the installation and operation of 37446
off-farm facilities for the storage or processing of agricultural 37447
products, including, but not limited to, alfalfa dehydrating 37448
facilities, rendering plants, and feed and grain mills, elevators, 37449
and terminals. 37450

(C) "Air contaminant source" means each separate operation or 37451
activity that results or may result in the emission of any air 37452
contaminant. 37453

(D) "Air pollution" means the presence in the ambient air of 37454
one or more air contaminants or any combination thereof in 37455
sufficient quantity and of such characteristics and duration as is 37456
or threatens to be injurious to human health or welfare, plant or 37457
animal life, or property, or as unreasonably interferes with the 37458
comfortable enjoyment of life or property. 37459

(E) "Ambient air" means that portion of the atmosphere 37460
outside of buildings and other enclosures, stacks, or ducts that 37461
surrounds human, plant, or animal life or property. 37462

(F) "Best available technology" means any combination of work 37463
practices, raw material specifications, throughput limitations, 37464
source design characteristics, an evaluation of the annualized 37465
cost per ton of pollutant removed, and air pollution control 37466
devices that have been previously demonstrated to the director of 37467
environmental protection to operate satisfactorily in this state 37468
or other states with similar air quality on substantially similar 37469
air pollution sources. 37470

(G) "Change within a permitted facility" means, within the 37471
context of the Title V permit program established under section 37472
3704.036 of the Revised Code, a change that is limited by a 37473
federally enforceable provision of an applicable Title V permit 37474
and that does not include physical, production, or other changes 37475
that are neither addressed nor limited by the federally 37476
enforceable portion of a Title V permit unless the change would 37477
result in a violation of a federally enforceable requirement or a 37478
modification under Title I of the federal Clean Air Act or would 37479
be subject to any requirements under Title IV of that act. 37480

(H) "Emit" or "emission" means the release into the ambient 37481
air of an air contaminant. 37482

(I) "Emission limitation" and "emission standard" mean a 37483
requirement that limits the quantity, rate, or concentration of 37484
emissions of air contaminants, including any requirement relating 37485
to the operation or maintenance of an air contaminant source. 37486

(J) "Facility," for the purposes of the Title V permit 37487
program established under section 3704.036 of the Revised Code, 37488
means all of the emitting activities that are located on 37489
contiguous or adjacent properties that are under the control of 37490
the same person or persons or are under common control and that 37491
are in the same major group as described in the standard 37492
Industrial Classification Manual, 1987. 37493

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 37494
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 37495
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 37496
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 37497
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 37498
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 37499
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 37500
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 37501
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 37502
that have been or may hereafter be adopted, or any supplements to 37503
those acts and laws of the United States that have been or may 37504
hereafter be enacted in substitution therefor, together with any 37505
regulations that have been or may hereafter be adopted by the 37506
administrator by virtue of and in accordance with those acts and 37507
laws. Reference to a particular title or section of the federal 37508
Clean Air Act includes any amendments that have been or may 37509
hereafter be enacted in substitution therefor and any regulations 37510
pertaining to the title or section that have been or may hereafter 37511
be adopted by the administrator by virtue of and in accordance 37512
with the federal Clean Air Act. 37513

(L) "Hazardous air pollutant" means any pollutant listed 37514
under section 112(b) of the federal Clean Air Act. 37515

(M) "Implementation plan" means a program for the prevention 37516
and abatement of air pollution in the state that has been 37517
promulgated or approved by the administrator pursuant to the 37518
federal Clean Air Act. 37519

(N) "Local air pollution control authority" includes all of 37520
the following unless terminated by the political subdivisions 37521
represented thereby: 37522

(1) All of the following agencies representing the following 37523
political subdivisions, as those agencies existed on ~~the effective~~ 37524
~~date of this section~~ July 1, 1993: 37525

(a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;	37526 37527
(b) The Canton city health department representing Stark county;	37528 37529
(c) The Hamilton county department of environmental services, <u>southwest Ohio air quality agency</u> representing Butler, Warren, Hamilton, and Clermont counties;	37530 37531 37532
(d) The city of Cleveland division of the environment representing ~~the city of Cleveland~~ <u>Cuyahoga county</u> ;	37533 37534
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	37535 37536
(f) The Lake county general health district representing Lake and Geauga counties;	37537 37538
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	37539 37540
(h) ~~The north Ohio valley air authority representing Carroll, Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;~~	37541 37542
~~(i)~~ The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;	37543 37544
~~(j)~~ <u>(i)</u> The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.	37545 37546
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to ~~(j)~~ <u>(i)</u> of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	37547 37548 37549 37550 37551 37552 37553 37554
(3) Any new local air pollution control authority established	37555

on or after ~~the effective date of this section~~ July 1, 1993, by 37556
one or more political subdivisions of this state for the purposes 37557
of exercising the powers reserved to political subdivisions of 37558
this state under division (A) of section 3704.11 of the Revised 37559
Code. 37560

(O) "Person" means the federal government or any agency 37561
thereof, the state or any agency thereof, any political 37562
subdivision or any agency thereof, or any public or private 37563
corporation, individual, partnership, or other entity. 37564

(P) "Research and development sources" means sources whose 37565
activities are conducted for nonprofit scientific or educational 37566
purposes; sources whose activities are conducted to test more 37567
efficient production processes or methods for preventing or 37568
reducing adverse environmental impacts, provided that the 37569
activities do not include the production of an intermediate or 37570
final product for sale or exchange for commercial profit, except 37571
in a de minimis manner; a research or laboratory source the 37572
primary purpose of which is to conduct research and development 37573
into new processes and products, that is operated under the close 37574
supervision of technically trained personnel, and that is not 37575
engaged in the manufacture of products for sale or exchange for 37576
commercial profit, except in a de minimis manner; the temporary 37577
use of normal production sources in a research and development 37578
mode to test the technical or commercial viability of alternative 37579
raw materials or production processes, provided that the use does 37580
not include the production of an intermediate or final product for 37581
sale or exchange for commercial profit, except in a de minimis 37582
manner; the experimental firing of any fuel or combination of 37583
fuels in a boiler, heater, furnace, or dryer for the purpose of 37584
conducting research and development of more efficient combustion 37585
or more effective prevention or control of air pollutant 37586
emissions, provided that, during those periods of research and 37587

development, the heat generated is not used for normal production 37588
purposes or for producing a product for sale or exchange for 37589
commercial profit, except in a de minimis manner; and such other 37590
similar sources as the director may prescribe by rule. 37591

(Q) "Responsible official" means one of the following, as 37592
applicable: 37593

(1) For a corporation: a president, secretary, treasurer, or 37594
vice-president of the corporation in charge of a principal 37595
business function, any other person who performs similar policy or 37596
decision-making functions for the corporation, or a duly 37597
authorized representative of any such person if the representative 37598
is responsible for the overall operation of one or more 37599
manufacturing, production, or operating facilities applying for or 37600
subject to a Title V permit and if one of the following applies: 37601

(a) The facilities employ more than two hundred fifty 37602
individuals or have gross annual sales or expenditures exceeding 37603
twenty-five million dollars, in second quarter 1980 dollars; 37604

(b) The delegation of authority to the representative is 37605
approved in advance by the director. 37606

(2) For a partnership or sole proprietorship: a general 37607
partner or the proprietor, respectively. 37608

(3) For the federal government or any agency thereof, the 37609
state or any agency thereof, a political subdivision or any agency 37610
thereof, or any other public agency, either a principal executive 37611
officer or authorized elected official. For the purposes of this 37612
division, a principal executive officer of a federal agency 37613
includes the chief executive officer having responsibility for the 37614
overall operation of a principal geographic unit of the agency. 37615

(4) For affected sources, both of the following: 37616

(a) The designated representative insofar as actions, 37617

standards, requirements, or prohibitions under Title IV of the 37618
federal Clean Air Act or regulations adopted under it are 37619
concerned; 37620

(b) The designated representative for any other purposes 37621
under 40 C.F.R. part 70. 37622

(R) "Small business stationary source" means any building, 37623
structure, facility, or installation that emits any federally 37624
regulated air pollutant and is owned or operated by a person who 37625
employs one hundred or fewer individuals; is a small business 37626
concern as defined in the "Small Business Act," 72 Stat. 384 37627
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 37628
source as defined in section 302(j) of the federal Clean Air Act; 37629
does not emit fifty tons or more per year of any federally 37630
regulated air pollutant or any hazardous air pollutant; and emits 37631
less than seventy-five tons per year of all federally regulated 37632
air pollutants. 37633

(S) "Title V permit" means an operating permit required to be 37634
issued by the state under section 502 of the federal Clean Air Act 37635
and issued under section 3704.036 of the Revised Code and rules 37636
adopted under it. 37637

(T) For the purposes of the Title V permit program 37638
established under this chapter and rules adopted under it, all 37639
terms defined in 40 C.F.R. part 70 have the same meaning as in 37640
that part. 37641

Sec. 3704.035. (A) There is hereby created in the state 37642
treasury the Title V clean air fund. Except as otherwise provided 37643
in division (K) of section 3745.11 of the Revised Code, all moneys 37644
collected under division (B) of that section, and any gifts, 37645
grants, or contributions received by the director of environmental 37646
protection for the purposes of the fund, shall be credited to the 37647
fund. 37648

The director shall expend all moneys credited to the fund 37649
solely to administer and enforce the Title V program pursuant to 37650
the federal Clean Air Act, this chapter, and rules adopted under 37651
it, except as costs relating to enforcement are limited by the 37652
federal Clean Air Act. The director shall establish separate and 37653
distinct accounting for all such moneys. 37654

(B) There is hereby created in the state treasury the 37655
non-Title V clean air fund. All money collected under section 37656
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 37657
3745.11 of the Revised Code shall be credited to the fund. In 37658
addition, any gifts, grants, or contributions received by the 37659
director for the purposes of the fund shall be credited to the 37660
fund. 37661

The director shall expend money in the fund exclusively to 37662
pay the cost of administering and enforcing the laws of this state 37663
pertaining to the prevention, control, and abatement of air 37664
pollution, the prevention, control, and abatement of asbestos, 37665
rules adopted under those laws, and terms and conditions of 37666
permits, variances, and orders issued under those laws, and 37667
asbestos abatement licensure and certification issued under those 37668
laws. However, the director shall not expend money credited to the 37669
fund for the administration and enforcement of the Title V permit 37670
program established under this chapter and rules adopted under it 37671
or motor vehicle inspection and maintenance programs established 37672
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 37673
of the Revised Code. 37674

(C) The director shall report biennially to the general 37675
assembly the amounts of fees and other moneys credited to the 37676
funds under this section and the amounts expended from them for 37677
each of the various air pollution control programs. 37678

Sec. 3704.111. (A) Not later than October 1, 1993, the 37679

director of environmental protection shall enter into a delegation 37680
agreement with each local air pollution control authority listed 37681
in divisions ~~(j)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 37682
Revised Code under which the local air pollution control authority 37683
agrees to perform on behalf of the environmental protection agency 37684
air pollution control regulatory services within the political 37685
subdivision represented by the local air pollution control 37686
authority. The director may enter into such a delegation agreement 37687
with a local air pollution control authority established on or 37688
after the effective date of this section, subject to the condition 37689
established in division (B) of this section. Each delegation 37690
agreement shall be self-renewing on an annual basis on the first 37691
day of October of each year. The terms of each such delegation 37692
agreement shall remain unchanged from year to year unless they are 37693
amended by mutual agreement of the director and the local air 37694
pollution control authority. 37695

(B) The director may conduct a periodic performance 37696
evaluation of the air pollution control program operated by each 37697
local air pollution control authority. Based upon the findings of 37698
such a performance evaluation, the director may terminate or 37699
refuse to renew the delegation agreement with a local air 37700
pollution control authority if ~~he~~ the director determines that the 37701
local air pollution control authority is not adequately performing 37702
its obligations under the agreement. 37703

(C) The director may enter into contracts for payments to 37704
local air pollution control authorities from moneys credited to 37705
the clean air fund created in section 3704.035 of the Revised 37706
Code, subject to the limitation specified in that section, and any 37707
other moneys appropriated by the general assembly for that 37708
purpose. The director shall distribute the moneys available for 37709
making payments to the local air pollution control authorities 37710
pursuant to such contracts equitably among the local air pollution 37711

control authorities based upon the amount of local funding and the 37712
workload of each local air pollution control authority, including, 37713
without limitation, population served, number of air permits 37714
issued for both new and existing sources, land area, and number of 37715
air contaminant sources. The director biennially shall review the 37716
workload of each local air pollution control authority and shall 37717
determine the percentage of the moneys available for the purpose 37718
of making payments under the contracts. In determining the 37719
percentage of those moneys that is to be so distributed, the 37720
director shall consider the recommendations of the local air 37721
pollution control authorities. 37722

(D) The director may modify a contract between the director 37723
and a local air pollution control authority to authorize the local 37724
air pollution control authority to perform air pollution control 37725
activities outside the geographic boundaries of that local air 37726
pollution control authority. 37727

Sec. 3705.07. (A) The local registrar of vital statistics 37728
shall number consecutively ~~the birth, each~~ fetal death, and death 37729
~~certificates in three separate series, beginning with "number one"~~ 37730
~~for the first birth, the first fetal death, and the first death~~ 37731
~~registered in each calendar year~~ certificate printed on paper that 37732
the local registrar receives from the electronic death 37733
registration system (EDRS) maintained by the department of health. 37734
The number assigned to each certificate shall be the one provided 37735
by EDRS. Such local registrar shall sign the local registrar's 37736
name in attest to the date of filing in the local office. The 37737
local registrar shall make a complete and accurate copy of each 37738
~~birth, fetal death, and death certificate registered~~ printed on 37739
paper that is filed. Each paper copy shall be filed and 37740
~~permanently preserved as the local record of such birth, fetal 37741~~
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 37742
~~and 3705.124 of the Revised Code~~ until the electronic information 37743

regarding the event has been completed and made available in EDRS 37744
and EDRS is capable of issuing a complete and accurate electronic 37745
copy of the certificate. The local record may be a ~~typewritten,~~ 37746
photographic, electronic, or other reproduction. ~~On or before the~~ 37747
~~tenth day of each month, the~~ The local registrar shall transmit to 37748
the state office of vital statistics all original ~~birth,~~ fetal 37749
~~death, and death, and military service~~ certificates received, ~~and~~ 37750
~~all social security numbers obtained under section 3705.09,~~ 37751
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 37752
~~month~~ using the state transmittal schedule specified by the 37753
department of health. The local registrar shall immediately notify 37754
the health commissioner with jurisdiction in the registration 37755
district of the receipt of a death certificate attesting that 37756
death resulted from a communicable disease. 37757

The office of vital statistics shall carefully examine the 37758
records and certificates received from local registrars of vital 37759
statistics and shall secure any further information that may be 37760
necessary to make each record and certificate complete and 37761
satisfactory. It shall arrange and preserve the records and 37762
certificates, or reproductions of them produced pursuant to 37763
section 3705.03 of the Revised Code, in a systematic manner and 37764
shall maintain a permanent index of all births, fetal deaths, and 37765
deaths registered, which shall show the name of the child or 37766
deceased person, place and date of birth or death, and number of 37767
the ~~record or certificate, and the volume in which it is~~ 37768
~~contained.~~ 37769

(B)(1) The office of vital statistics shall make available to 37770
the division of child support in the department of job and family 37771
services all social security numbers that ~~were furnished to a~~ 37772
~~local registrar of vital statistics~~ accompany a birth certificate 37773
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 37774
~~under~~ section 3705.10 ~~or 3705.16 of the Revised Code and that were~~ 37775

~~transmitted to the office under division (A) of this section or~~ 37776
~~that accompany a death certificate registered under section~~ 37777
~~3705.16 of the Revised Code.~~ 37778

(2) The office of vital statistics also shall make available 37779
to the division of child support in the department of job and 37780
family services any other information recorded in the birth record 37781
that may enable the division to use the social security numbers 37782
provided under division (B)(1) of this section to obtain the 37783
location of the father of the child whose birth certificate was 37784
accompanied by the social security number or to otherwise enforce 37785
a child support order pertaining to that child or any other child. 37786

Sec. 3705.08. (A) The director of health, by rule, shall 37787
prescribe the form of records and certificates required by this 37788
chapter. Records and certificates shall include the items and 37789
information prescribed by the director, including the items 37790
recommended by the national center for health statistics of the 37791
United States department of health and human services, subject to 37792
approval of and modification by the director. 37793

(B) All birth certificates shall include a statement setting 37794
forth the names of the child's parents ~~and a line for the mother's~~ 37795
~~and the father's signature.~~ 37796

(C) All death certificates shall include, in the medical 37797
certification portion of the certificate, a space to indicate, if 37798
the deceased individual is female and the manner of death is 37799
determined to be a suspicious or violent death, whether any of the 37800
following conditions apply to the individual: 37801

(1) Not pregnant within the past year; 37802

(2) Pregnant at the time of death; 37803

(3) Not pregnant, but had been pregnant within forty-two days 37804
prior to the time of death; 37805

(4) Not pregnant, but had been pregnant within forty-three 37806
days to one year prior to the time of death; 37807

(5) Unknown whether pregnant within the past year. 37808

(D)(1) The director shall prescribe electronic methods, and 37809
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 37810
~~blanks~~ for obtaining registration of births, deaths, and other 37811
vital statistics in each registration district, and for preserving 37812
the records of the office of vital statistics, and no forms or 37813
blanks shall be used other than those prescribed by the director. 37814

(2) All birth, fetal death, and death records and 37815
certificates shall be ~~signed~~ certified. Except as provided in 37816
division (G) of section 3705.09, section 3705.12, 3705.121, 37817
3705.122, or 3705.124, division (D) of section 3705.15, or section 37818
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 37819
~~certificate shall be signed by the person required to sign the~~ 37820
~~certificate~~ certificate requiring signature may be electronically 37821
certified by the person in charge of the institution or that 37822
person's designee. A death certificate may be electronically 37823
certified by the individual who attests to the facts of death. 37824

(3) All vital records shall contain the date received for 37825
~~registration~~ filing. 37826

(4) Information and signatures required in certificates, 37827
records, or reports authorized by this chapter may be filed and 37828
registered by photographic, electronic, or other means as 37829
prescribed by the director. 37830

Sec. 3705.09. (A) A birth certificate for each live birth in 37831
this state shall be filed in the registration district in which it 37832
occurs within ten calendar days after such birth and shall be 37833
registered if it has been completed and filed in accordance with 37834
this section. 37835

(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, ~~secure the signatures required,~~ and file complete and certify the facts of birth on the certificate within ten calendar days with the local registrar of vital statistics. The physician or certified nurse-midwife in attendance shall ~~provide the medical information required by the certificate and certify to the facts of birth within seventy-two hours after the birth~~ be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;

(2) Any other person in attendance at or immediately after the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in

international waters or air space or in a foreign country or its 37866
air space and the child is first removed from the conveyance in 37867
this state, the birth shall be registered in this state but the 37868
record shall show the actual place of birth insofar as can be 37869
determined. 37870

(F)(1) If the mother of a child was married at the time of 37871
either conception or birth or between conception and birth, the 37872
child shall be registered in the surname designated by the mother, 37873
and the name of the husband shall be entered on the certificate as 37874
the father of the child. The presumption of paternity shall be in 37875
accordance with section 3111.03 of the Revised Code. 37876

(2) If the mother was not married at the time of conception 37877
or birth or between conception and birth, the child shall be 37878
registered by the surname designated by the mother. The name of 37879
the father of such child shall also be inserted on the birth 37880
certificate if both the mother and the father sign an 37881
acknowledgement of paternity affidavit before the birth record has 37882
been sent to the local registrar. If the father is not named on 37883
the birth certificate pursuant to division (F)(1) or (2) of this 37884
section, no other information about the father shall be entered on 37885
the record. 37886

(G) When a man is presumed, found, or declared to be the 37887
father of a child, according to section 2105.26, sections 3111.01 37888
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 37889
of the Revised Code, or the father has acknowledged the child as 37890
his child in an acknowledgment of paternity, and the 37891
acknowledgment has become final pursuant to section 2151.232, 37892
3111.25, or 3111.821 of the Revised Code, and documentary evidence 37893
of such fact is submitted to the department of health in such form 37894
as the director may require, a new birth record shall be issued by 37895
the department which shall have the same overall appearance as the 37896
record which would have been issued under this section if a 37897

marriage had occurred before the birth of such child. Where 37898
handwriting is required to effect such appearance, the department 37899
shall supply it. Upon the issuance of such new birth record, the 37900
original birth record shall cease to be a public record. Except as 37901
provided in division (C) of section 3705.091 of the Revised Code, 37902
the original record and any documentary evidence supporting the 37903
new registration of birth shall be placed in an envelope which 37904
shall be sealed by the department and shall not be open to 37905
inspection or copy unless so ordered by a court of competent 37906
jurisdiction. 37907

~~The department shall then promptly forward a copy of the new 37908
birth record to the local registrar of vital statistics of the 37909
district in which the birth occurred, and such local registrar 37910
shall file a copy of such new birth record along with and in the 37911
same manner as the other copies of birth records in such local 37912
registrar's possession. All copies of the original birth record in 37913
the possession of the local registrar or the probate court, as 37914
well as any and all index references to it, shall be destroyed. 37915
Such new birth record, as well as any certified or exact copy of 37916
it, when properly authenticated by a duly authorized person shall 37917
be prima facie evidence in all courts and places of the facts 37918
stated in it. 37919~~

~~(H) When a woman who is a legal resident of this state has 37920
given birth to a child in a foreign country that does not have a 37921
system of registration of vital statistics, a birth record may be 37922
filed in the office of vital statistics on evidence satisfactory 37923
to the director of health. 37924~~

~~(I)~~(H) Every birth certificate filed under this section on or 37925
after July 1, 1990, shall be accompanied by all social security 37926
numbers that have been issued to the parents of the child, unless 37927
the division of child support in the department of job and family 37928
services, acting in accordance with regulations prescribed under 37929

the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 37930
as amended, finds good cause for not requiring that the numbers be 37931
furnished with the certificate. The parents' social security 37932
numbers shall not be recorded on the certificate. ~~The local~~ 37933
~~registrar of vital statistics shall transmit the social security~~ 37934
~~numbers to the state office of vital statistics in accordance with~~ 37935
~~section 3705.07 of the Revised Code.~~ No social security number 37936
obtained under this division shall be used for any purpose other 37937
than child support enforcement. 37938

Sec. 3705.10. Any birth certificate submitted for filing 37939
eleven or more days after the birth occurred constitutes a delayed 37940
birth registration. A delayed birth certificate may be filed in 37941
accordance with rules which shall be adopted by the director of 37942
health. The rules shall include, but not be limited to, all of the 37943
following requirements for each delayed birth certificate filed on 37944
or after July 1, 1990: 37945

(A) The certificate shall be accompanied by all social 37946
security numbers that have been issued to the parents of the 37947
child, unless the division of child support in the department of 37948
job and family services, acting in accordance with regulations 37949
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 37950
42 U.S.C.A. 405, as amended, finds good cause for not requiring 37951
that the numbers be furnished with the certificate. 37952

(B) The parents' social security numbers shall not be 37953
recorded on the certificate. 37954

(C) ~~The local registrar of vital statistics shall transmit~~ 37955
~~the social security numbers to the state office of vital~~ 37956
~~statistics in accordance with section 3705.07 of the Revised Code.~~ 37957

~~(D)~~ No social security number obtained under this section 37958
shall be used for any purpose other than child support 37959
enforcement. 37960

Sec. 3706.05. The Ohio air quality development authority may 37961
at any time issue revenue bonds and notes of the state in such 37962
principal amount as, in the opinion of the authority, are 37963
necessary for the purpose of paying any part of the cost of one or 37964
more air quality projects or parts thereof, including one or more 37965
payments pursuant to a commodity contract entered into in 37966
connection with the acquisition or construction of air quality 37967
facilities. The authority may at any time issue renewal notes, 37968
issue bonds to pay such notes and whenever it deems refunding 37969
expedient, refund any bonds by the issuance of air quality revenue 37970
refunding bonds of the state, whether the bonds to be refunded 37971
have or have not matured, and issue bonds partly to refund bonds 37972
then outstanding, and partly for any other authorized purpose. The 37973
refunding bonds shall be sold and the proceeds applied to the 37974
purchase, redemption, or payment of the bonds to be refunded. 37975
Except as may otherwise be expressly provided by the authority, 37976
every issue of its bonds or notes shall be ~~general~~ obligations of 37977
the authority payable solely out of the revenues of the authority 37978
that are pledged for such payment, without preference or priority 37979
of the first bonds issued, subject only to any agreements with the 37980
holders of particular bonds or notes pledging any particular 37981
revenues. Such pledge shall be valid and binding from the time the 37982
pledge is made and the revenues so pledged and thereafter received 37983
by the authority shall immediately be subject to the lien of such 37984
pledge without any physical delivery thereof or further act, and 37985
the lien of any such pledge is valid and binding as against all 37986
parties having claims of any kind in tort, contract, or otherwise 37987
against the authority, irrespective of whether such parties have 37988
notice thereof. Neither the resolution nor any trust agreement by 37989
which a pledge is created need be filed or recorded except in the 37990
records of the authority. 37991

Whether or not the bonds or notes are of such form and 37992

character as to be negotiable instruments, the bonds or notes 37993
shall have all the qualities and incidents of negotiable 37994
instruments, subject only to the provisions of the bonds or notes 37995
for registration. 37996

The bonds and notes shall be authorized by resolution of the 37997
authority, shall bear such date or dates, and shall mature at such 37998
time or times, in the case of any such note or any renewals 37999
thereof not exceeding five years from the date of issue of such 38000
original note and in the case of any such bond not exceeding forty 38001
years from the date of issue, as such resolution or resolutions 38002
may provide. The bonds and notes shall bear interest at such rate 38003
or rates, be in such denominations, be in such form, either coupon 38004
or registered, carry such registration privileges, be payable in 38005
such medium of payment, at such place or places, and be subject to 38006
such terms of redemption as the authority may authorize. The bonds 38007
and notes of the authority may be sold by the authority, at public 38008
or private sale, at or at not less than such price or prices as 38009
the authority determines. The bonds and notes shall be executed by 38010
the chairperson and vice-chairperson of the authority, either or 38011
both of whom may use a facsimile signature, the official seal of 38012
the authority or a facsimile thereof shall be affixed thereto or 38013
printed thereon and attested, manually or by facsimile signature, 38014
by the secretary-treasurer of the authority, and any coupons 38015
attached thereto shall bear the signature or facsimile signature 38016
of the chairperson of the authority. In case any officer whose 38017
signature, or a facsimile of whose signature, appears on any 38018
bonds, notes or coupons ceases to be such officer before delivery 38019
of bonds or notes, such signature or facsimile shall nevertheless 38020
be sufficient for all purposes the same as if the officer had 38021
remained in office until such delivery, and in case the seal of 38022
the authority has been changed after a facsimile has been 38023
imprinted on such bonds or notes, such facsimile seal will 38024
continue to be sufficient for all purposes. 38025

Any resolution or resolutions authorizing any bonds or notes 38026
or any issue thereof may contain provisions, subject to such 38027
agreements with bondholders or noteholders as may then exist, 38028
which provisions shall be a part of the contract with the holders 38029
thereof, as to: the pledging of all or any part of the revenues of 38030
the authority to secure the payment of the bonds or notes or of 38031
any issue thereof; the use and disposition of revenues of the 38032
authority; a covenant to fix, alter, and collect rentals and other 38033
charges so that pledged revenues will be sufficient to pay costs 38034
of operation, maintenance, and repairs, pay principal of and 38035
interest on bonds or notes secured by the pledge of such revenues, 38036
and provide such reserves as may be required by the applicable 38037
resolution or trust agreement; the setting aside of reserve funds, 38038
sinking funds, or replacement and improvement funds and the 38039
regulation and disposition thereof; the crediting of the proceeds 38040
of the sale of bonds or notes to and among the funds referred to 38041
or provided for in the resolution authorizing the issuance of the 38042
bonds or notes; the use, lease, sale, or other disposition of any 38043
air quality project or any other assets of the authority; 38044
limitations on the purpose to which the proceeds of sale of bonds 38045
or notes may be applied and the pledging of such proceeds to 38046
secure the payment of the bonds or notes or of any issue thereof; 38047
as to notes issued in anticipation of the issuance of bonds, the 38048
agreement of the authority to do all things necessary for the 38049
authorization, issuance, and sale of such bonds in such amounts as 38050
may be necessary for the timely retirement of such notes; 38051
limitations on the issuance of additional bonds or notes; the 38052
terms upon which additional bonds or notes may be issued and 38053
secured; the refunding of outstanding bonds or notes; the 38054
procedure, if any, by which the terms of any contract with 38055
bondholders or noteholders may be amended or abrogated, the amount 38056
of bonds or notes the holders of which must consent thereto, and 38057
the manner in which such consent may be given; limitations on the 38058

amount of moneys to be expended by the authority for operating, 38059
administrative, or other expenses of the authority; securing any 38060
bonds or notes by a trust agreement in accordance with section 38061
3706.07 of the Revised Code; any other matters, of like or 38062
different character, that in any way affect the security or 38063
protection of the bonds or notes. 38064

Neither the members of the authority nor any person executing 38065
the bonds or notes shall be liable personally on the bonds or 38066
notes or be subject to any personal liability or accountability by 38067
reason of the issuance thereof. 38068

Sec. 3706.27. (A) There is hereby created in the state 38069
treasury the advanced energy research and development fund to 38070
provide grants for advanced energy projects. There is hereby 38071
created in the state treasury the advanced energy research and 38072
development taxable fund to provide loans for advanced energy 38073
projects. 38074

(B)(1) The advanced energy research and development fund and 38075
the advanced energy research and development taxable fund shall 38076
consist of the proceeds of obligations that were issued prior to 38077
the effective date of this amendment under section 166.08 of the 38078
Revised Code. Money shall be credited to the respective funds in 38079
the proportion that the executive director of the Ohio air quality 38080
development authority, with the affirmative vote of a majority of 38081
the members of the authority, determines appropriate. 38082

(2) Any investment earnings from the money in the advanced 38083
energy research and development fund and in the advanced energy 38084
research and development taxable fund shall be credited to those 38085
funds, respectively. Any repayment of loans made from money in the 38086
advanced energy research and development taxable fund shall be 38087
credited to the alternative fuel transportation fund created in 38088
section 122.075 of the Revised Code. 38089

(C) The director of budget and management shall establish and maintain records or accounts for or within these funds in such a manner as to show the ~~amount~~ amounts credited to the funds pursuant to ~~section 166.08 of the Revised Code~~ and that the amounts so credited have been expended for the purposes set forth in Section 2p or 13 of Article VIII, Ohio Constitution, and sections ~~166.08, and 166.30 of the Revised Code~~ and former section 3706.26 of the Revised Code.

Sec. 3709.29. (A) If the estimated amount of money necessary to meet the expenses of a general health district ~~program, other than one formed under section 3709.10 of the Revised Code,~~ will not be forthcoming to the district board of health ~~of such district~~ out of the district health fund because the taxes within the ten-mill limitation will be insufficient, the board of health shall certify the fact of ~~such~~ that insufficiency to the board of county commissioners of the county in which ~~such~~ the district is located. ~~Such board of county commissioners is hereby ordained to be, which shall proceed as provided in division (B) of this section.~~ In the case of a general health district formed under section 3709.10 of the Revised Code, the board of health may adopt a resolution as provided under section 5705.191 of the Revised Code in its capacity as a taxing authority under that section.

(B) A board of county commissioners to which a certification is made by a board of health under division (A) of this section is a special taxing authority for the purposes of this section only, and, notwithstanding any other law to the contrary, the board of county commissioners of any county in which a general health district is located is the taxing authority for such special levy outside the ten-mill limitation. ~~The board of county commissioners shall thereupon, in~~ In the year preceding that in which ~~such the~~ health program will be effective, the board, by vote of two-thirds of all ~~the its~~ its members ~~of that body,~~ shall declare by resolution

that the amount of taxes which may be raised within the ten-mill 38122
limitation will be insufficient to provide an adequate amount for 38123
the necessary requirements of ~~such~~ the district ~~within the county,~~ 38124
and that it is necessary to levy a tax in excess of ~~such~~ that 38125
limitation in order to provide the board of health with sufficient 38126
funds to carry out ~~such~~ the health program. ~~Such~~ The resolution 38127
shall be filed with the board of elections not later than four 38128
p.m. of the ninetieth day before the day of the election. 38129

~~Such~~ The resolution shall specify the amount of increase in 38130
rate which it is necessary to levy and the number of years during 38131
which ~~such~~ the increase shall be in effect, which shall not be for 38132
a longer period than ten years. 38133

The resolution shall conform to section 5705.191 of the 38134
Revised Code and be certified and submitted in the manner provided 38135
in section 5705.25 of the Revised Code, provided that the proposal 38136
shall be placed on the ballot at the next primary or general 38137
election occurring more than ninety days after the resolution is 38138
filed with the board of elections. 38139

Sec. 3710.01. As used in this chapter: 38140

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 38141
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 38142
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 38143
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 38144
anthophyllite, and actinolite-tremolite as determined using the 38145
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 38146
Section 1, Polarized Light Microscopy (PLM). 38147

(B) "Asbestos hazard abatement activity" means any activity 38148
involving the removal, renovation, enclosure, repair, or 38149
encapsulation of reasonably related friable asbestos-containing 38150
materials in an amount greater than fifty linear feet or fifty 38151
square feet. "Asbestos hazard abatement activity" also includes 38152

any such activity involving such asbestos-containing materials in 38153
an amount of fifty linear or fifty square feet or less if, when 38154
combined with any other reasonably related activity in terms of 38155
time and location of the activity, the total amount is in an 38156
amount greater than fifty linear or fifty square feet. 38157

(C) "Asbestos hazard abatement contractor" means a business 38158
entity or public entity that engages in or intends to engage in 38159
asbestos hazard abatement activities and that employs or 38160
supervises one or more asbestos hazard abatement specialists for 38161
asbestos hazard abatement activities. "Asbestos hazard abatement 38162
contractor" does not mean an employee of an asbestos hazard 38163
abatement contractor, a general contractor who subcontracts to an 38164
asbestos hazard abatement contractor an asbestos hazard abatement 38165
activity, or any individual who engages in asbestos hazard 38166
abatement activity in the individual's own home. 38167

(D) "Asbestos hazard abatement project" means one or more 38168
asbestos hazard abatement activities that are conducted by one 38169
asbestos hazard abatement contractor and that are reasonably 38170
related to each other. 38171

(E) "Asbestos hazard abatement specialist" means a person 38172
with responsibility for the oversight or supervision of asbestos 38173
hazard abatement activities, including asbestos hazard abatement 38174
project managers, hazard abatement project supervisors and 38175
foremen, and employees of school districts or other governmental 38176
or public entities who coordinate or directly supervise or oversee 38177
asbestos hazard abatement activities performed by school district, 38178
governmental, or other public employees in school district, 38179
governmental, or other public buildings. 38180

(F) "Asbestos hazard evaluation specialist" means a person 38181
responsible for the identification, detection, and assessment of 38182
asbestos-containing materials, the determination of appropriate 38183
response actions, or the preparation of asbestos management plans 38184

for the purpose of protecting the public health from the hazards 38185
associated with exposure to asbestos, including the performance of 38186
air and bulk sampling. This category of specialists includes 38187
management planners, health professionals, industrial hygienists, 38188
private consultants, or other individuals involved in asbestos 38189
risk identification or assessment or regulatory activities. 38190

(G) "Business entity" means a partnership, firm, association, 38191
corporation, sole proprietorship, or other business concern. 38192

(H) "Public entity" means the state or any of its political 38193
subdivisions or any agency or instrumentality of either. 38194

(I) "License" means a document issued by the ~~department of~~ 38195
~~health~~ director of environmental protection to a business entity 38196
or public entity affirming that the entity has met the 38197
requirements set forth in this chapter to engage in asbestos 38198
hazard abatement activities as an asbestos hazard abatement 38199
contractor. 38200

(J) "Certificate" means: 38201

(1) A document issued by the ~~department~~ director to an 38202
individual affirming that the individual has successfully 38203
completed the training and other requirements set forth in this 38204
chapter to qualify as an asbestos hazard abatement specialist, an 38205
asbestos hazard evaluation specialist, an asbestos hazard 38206
abatement worker, an asbestos hazard abatement project designer, 38207
an asbestos hazard abatement air-monitoring technician, an 38208
approved asbestos hazard training provider, or other category of 38209
asbestos hazard specialist that the director establishes by rule; 38210
or 38211

(2) A document issued by a training institution in accordance 38212
with rules adopted by the director affirming that an individual 38213
has successfully completed the instruction required in all 38214
categories as provided in sections 3710.07 and 3710.10 of the 38215

Revised Code.	38216
(K) "Person" means any individual, business entity,	38217
governmental body, or other public or private entity.	38218
(L) "Encapsulate" means to coat, bind, or resurface walls,	38219
ceilings, pipes, or other structures ~~to prevent friable asbestos~~	38220
<u>for asbestos-containing materials with suitable products to</u>	38221
<u>prevent friable asbestos</u> from becoming airborne.	38222
(M) "Friable asbestos-containing material" means ~~any material~~	38223
~~that contains more than one per cent asbestos by weight and that~~	38224
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~	38225
~~hand pressure~~ <u>friable asbestos material as defined in rules</u>	38226
<u>adopted under Chapter 3704. of the Revised Code.</u>	38227
(N) "Enclosure" means the permanent confinement of friable	38228
asbestos-containing materials with an airtight barrier in an area	38229
not used as an air plenum.	38230
(O) "Renovation" means ~~the removal or stripping of friable~~	38231
~~asbestos-containing materials used on any pipe, duct, boiler,~~	38232
~~tank, reactor, turbine, furnace, or load supporting member~~	38233
<u>altering a facility or one or more facility components in any way,</u>	38234
<u>including the stripping or removal of friable asbestos-containing</u>	38235
<u>material from a facility component.</u>	38236
(P) "Asbestos hazard abatement worker" means the person	38237
responsible in a nonsupervisory capacity for the performance of an	38238
asbestos hazard abatement activity.	38239
(Q) "Asbestos hazard abatement project designer" means the	38240
person responsible for the determination of the workscope, work	38241
sequence, or performance standards for an asbestos hazard	38242
abatement activity, including preparation of specifications,	38243
plans, and contract documents.	38244
(R) ~~"Director" means the director of health or the director's~~	38245

~~authorized representative.~~ 38246

(S) "Clearance air sampling" means an air sampling performed 38247
after the completion of any asbestos hazard abatement activity and 38248
prior to the reoccupation of the contained work area by the public 38249
and conducted for the purpose of protecting the public from the 38250
health hazards associated with exposure to friable 38251
asbestos-containing material. 38252

(T)(S) "Asbestos hazard abatement air-monitoring technician" 38253
means the person who is responsible for environmental monitoring 38254
or work area clearance air sampling, including air monitoring 38255
performed to determine completion of response actions under the 38256
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 38257
States environmental protection agency pursuant to the "Asbestos 38258
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 38259
2970. "Asbestos hazard abatement air-monitoring technician" does 38260
not mean an industrial hygienist or industrial hygienist in 38261
training, certified by the American board of industrial hygiene. 38262

Sec. 3710.02. (A) In accordance with Chapter 119. of the 38263
Revised Code, the director of ~~health~~ environmental protection 38264
shall, as the director determines necessary, adopt rules to carry 38265
out this chapter. The rules shall include all of the following: 38266

(1) Criteria and procedures for the certification of asbestos 38267
hazard abatement specialists, asbestos hazard evaluation 38268
specialists, asbestos hazard abatement workers, asbestos hazard 38269
abatement project designers, and asbestos hazard abatement 38270
air-monitoring technicians by the director ~~of health~~; 38271

(2) Criteria and procedures for the director to examine the 38272
records of licensees, certificate holders, and asbestos hazard 38273
abatement training schools; 38274

(3) Procedures and criteria in addition to those provided in 38275

this chapter for the approval of courses for asbestos hazard training;	38276 38277
(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;	38278 38279 38280 38281
(5) Levels of asbestos exposure or other circumstances constituting ~~a public~~ <u>an environmental</u> health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;	38282 38283 38284 38285
(6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment, record-keeping requirements, action levels, project clearance levels, and other requirements that asbestos hazard abatement contractors, asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, asbestos hazard abatement workers, and other persons involved with asbestos hazard abatement activities must follow for the prevention of hazard to the public;	38286 38287 38288 38289 38290 38291 38292 38293 38294 38295
(7) Worker protection equipment and practices and other health and safety standards for employees and agents of public entities coming in contact with asbestos through asbestos hazard abatement activity;	38296 38297 38298 38299
(8) Standards of acceptable conduct for licensees and certificate holders engaged in asbestos hazard abatement or evaluation activities and acts and omissions that constitute grounds for the suspension or revocation of a license or certificate, or the denial of an application or renewal of a license or certificate in addition to those otherwise provided in this chapter;	38300 38301 38302 38303 38304 38305 38306

(9) Training requirements for asbestos hazard abatement project designers and asbestos hazard abatement air-monitoring technicians; 38307
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(10)(a) Subject to the condition specified in division (A)(10)(b) of this section, a standard requiring that the amount of asbestos contained in the air in areas accessible to the public in buildings that are owned, operated, or leased by a public entity be not more than ten thousand asbestos fibers longer than five microns per cubic meter of air calculated as an eight-hour time-weighted average, which is measured during periods of normal building occupancy, and a requirement that measurement of airborne asbestos be made by either or both of the following methods, provided that results derived by use of the method described in division (A)(10)(a)(i) of this section supersede results derived by use of the method described in division (A)(10)(a)(ii) of this section if both methods are used and the methods yield conflicting results concerning the presence of fibers in the tested air that may not be asbestos: 38310
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(i) Transmission electron microscopy in the manner described in the measurement protocol established by the United States environmental protection agency as set forth in 40 C.F.R. 763; 38325
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(ii) Optical phase contrast microscopy in the manner described in the measurement protocol established by the United States occupational safety and health administration as set forth in 29 C.F.R. 1910. 38328
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(b) The director periodically shall review the standard required by division (A)(10)(a) of this section and determine whether and how it should be amended and how it shall be used in conjunction with visual and physical assessment of asbestos-containing materials located in buildings that are owned, operated, or leased by a public entity to determine appropriate and cost-effective response actions to such asbestos-containing 38332
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materials and shall amend the standard if it determines that such 38339
action is necessary. 38340

(11) Other rules that the director determines necessary for 38341
the implementation of this chapter and to protect the public 38342
health from the hazards associated with exposure to asbestos. 38343

(B) The director shall do all of the following: 38344

(1) Administer and enforce this chapter and the rules adopted 38345
pursuant thereto; 38346

(2) Develop comprehensive programs and policies for the 38347
control and prevention of nonoccupational exposure of the public 38348
to friable asbestos-containing materials; 38349

(3) Ensure that persons are trained and licensed or 38350
certified, where appropriate, in accordance with this chapter and 38351
the rules adopted pursuant thereto; 38352

(4) Examine those records of licensed asbestos hazard 38353
abatement contractors, certified asbestos hazard abatement 38354
specialists, asbestos hazard evaluation specialists, asbestos 38355
hazard abatement project designers, asbestos hazard abatement 38356
air-monitoring technicians, and asbestos hazard training courses 38357
in accordance with rules adopted by the director as the director 38358
determines necessary to determine compliance with this chapter and 38359
the rules adopted pursuant thereto; 38360

(5) Prohibit and prevent improper asbestos hazard abatement 38361
procedures and require the modification or alteration of asbestos 38362
abatement procedures as they relate to this chapter and the rules 38363
adopted pursuant thereto; 38364

(6) Collect and disseminate health education information 38365
relating to safe management of asbestos hazards; 38366

(7) Accept and administer grants from the federal government 38367
and other sources, both public and private, for carrying out any 38368

of the director's functions; 38369

(8) As the director determines appropriate, conduct on-site 38370
inspections at any location where an asbestos hazard abatement 38371
activity is planned, in progress, or has been completed, at any 38372
location where ~~a public~~ an environmental health emergency 38373
involving asbestos may occur, is occurring, or has occurred, or to 38374
evaluate the performance or compliance of any person subject to 38375
this chapter; 38376

(9) Conduct an on-site audit of each asbestos hazard training 38377
provider approved pursuant to this chapter, at least once 38378
biennially, during an actual course conducted by the provider 38379
within the state; 38380

(10) Cooperate and assist in investigations, as such relate 38381
to this chapter, conducted by local law enforcement agencies, ~~the~~ 38382
~~Ohio environmental protection agency~~, the United States 38383
occupational safety and health administration, and other local, 38384
state, and federal agencies. 38385

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 38386
contractor's license, a business entity or public entity shall 38387
meet the requirements of this section. 38388

(B) Each employee or agent of the business entity or public 38389
entity applying for a license who will come in contact with 38390
asbestos or will be responsible for an asbestos hazard abatement 38391
project shall: 38392

(1) Be familiar with all applicable state and federal 38393
standards for asbestos hazard abatement projects; 38394

(2) Have successfully completed the course of instruction on 38395
asbestos hazard abatement activities, for their particular 38396
certification, approved by the ~~department of health~~ Ohio 38397
environmental protection agency pursuant to section 3710.10 of the 38398

Revised Code, have passed an examination approved by the 38399
~~department~~ agency, and demonstrate to the ~~department~~ agency that 38400
the employee or agent is capable of complying with all applicable 38401
standards of this state, the United States environmental 38402
protection agency, and the United States occupational safety and 38403
health administration. 38404

(C) A business entity or public entity applying for an 38405
asbestos hazard abatement contractor's license shall, in addition 38406
to the other requirements of this section, provide at least one 38407
asbestos hazard abatement specialist, certified pursuant to this 38408
chapter and the rules adopted under it, for each asbestos hazard 38409
abatement project, and demonstrate to the satisfaction of the 38410
~~department~~ Ohio environmental protection agency that the 38411
applicant: 38412

(1) Has access to at least one asbestos disposal site 38413
approved by the ~~Ohio environmental protection~~ agency that is 38414
sufficient for the deposit of all asbestos waste that the 38415
applicant will generate during the term of the license; 38416

(2) Is sufficiently qualified to safely remove asbestos, 38417
demonstrated by reliability as an asbestos hazard abatement 38418
contractor, possesses a work program that prevents the 38419
contamination or recontamination of the environment and protects 38420
the public health from the hazards of exposure to asbestos, 38421
possesses evidence of certification of each individual employee or 38422
agent who will be responsible for others who may come in contact 38423
with friable asbestos-containing materials, possesses evidence of 38424
training of workers required by section 3710.07 of the Revised 38425
Code, and has prior successful experience in asbestos hazard 38426
abatement projects or equivalent qualifications as determined in 38427
accordance with rules adopted by the director of ~~health~~ 38428
environmental protection; 38429

(3) Possesses a worker protection program consistent with 38430

requirements established by the director if the contractor is a 38431
public entity, and a worker protection program consistent with the 38432
requirements of the United States occupational safety and health 38433
administration if the contractor is a business entity; 38434

(4) Is registered as a business entity with the secretary of 38435
state. 38436

(D) No applicant for licensure as an asbestos hazard 38437
abatement contractor, in order to meet the requirements of this 38438
chapter, shall list an employee of another contractor. 38439

(E) The business entity or public entity shall meet any other 38440
standards that the director, by rule, sets. 38441

(F) Nothing in this chapter or the rules adopted pursuant 38442
thereto relating to asbestos hazard abatement project designers 38443
shall be interpreted as authorizing or permitting an individual 38444
who is certified as an asbestos hazard abatement project designer 38445
to perform the services of a registered architect or professional 38446
engineer unless that person is registered under Chapter 4703. or 38447
4733. of the Revised Code to perform such services. 38448

Sec. 3710.05. (A) Except as otherwise provided in this 38449
chapter, no person shall engage in any asbestos hazard abatement 38450
activities in this state unless licensed or certified pursuant to 38451
this chapter. 38452

(B) To apply for licensure as an asbestos abatement 38453
contractor or certification as an asbestos hazard abatement 38454
specialist, an asbestos hazard evaluation specialist, an asbestos 38455
hazard abatement project designer, or an asbestos hazard abatement 38456
air-monitoring technician, a person shall do all of the following: 38457

(1) Submit a completed application to the ~~department~~ director 38458
of ~~health~~ environmental protection, on a form provided by the 38459
~~department~~ agency; 38460

(2) Pay the requisite fee as provided in division (D) of this section; 38461
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(3) Submit any other information the director ~~of health~~ by rule requires. 38463
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(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following: 38465
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(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration; 38468
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(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos; 38473
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(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year; 38478
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(4) A description of the site decontamination procedures that the business entity or public entity will use; 38480
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(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use; 38482
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(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos; 38484
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(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos; 38486
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(8) A description of the final clean-up procedures that the 38490

business entity or public entity will use;	38491
(9) A list of all partners, owners, and officers of the	38492
business entity along with their social security numbers;	38493
(10) The federal tax identification number of the business	38494
entity or the public entity.	38495
(D) The fees to be charged to each public entity, <u>except for</u>	38496
<u>the agency</u> , and <u>each</u> business entity and their employees and	38497
agents for licensure, certification, approval, and renewal of	38498
licenses, certifications, and approvals granted under this	38499
chapter, subject to division (A)(4) of section 3710.02 of the	38500
Revised Code, are:	38501
(1) Seven hundred fifty dollars for asbestos hazard abatement	38502
contractors;	38503
(2) Two hundred dollars for asbestos hazard abatement project	38504
designers;	38505
(3) Fifty dollars for asbestos hazard abatement workers;	38506
(4) Two hundred dollars for asbestos hazard abatement	38507
specialists;	38508
(5) Two hundred dollars for asbestos hazard evaluation	38509
specialists; and	38510
(6) Nine hundred dollars for approval or renewal of asbestos	38511
hazard training providers.	38512
(E) Notwithstanding division (A) of this section, no business	38513
entity which engages in asbestos hazard abatement activities	38514
solely at its own place of business is required to be licensed as	38515
an asbestos hazard abatement contractor provided that the business	38516
entity is required to and does comply with all applicable	38517
standards of the United States environmental protection agency and	38518
the United States occupational safety and health administration	38519
and provided further that all persons employed by the business	38520

entity on the activity meet the requirements of this chapter. 38521

Sec. 3710.051. No person shall enter into an agreement to 38522
perform any aspect of an asbestos hazard abatement project unless 38523
the agreement is written and contains at least all of the 38524
following: 38525

(A) A requirement that all persons working on the project are 38526
licensed or certified by the ~~department of health~~ director of 38527
environmental protection as required by this chapter; 38528

(B) A requirement that all project clearance levels and 38529
sampling be in accordance with rules adopted by the director ~~of~~ 38530
~~health~~; 38531

(C) A requirement that all clearance air-monitoring be 38532
conducted by asbestos hazard abatement air-monitoring technicians 38533
or asbestos hazard evaluation specialists certified by the 38534
~~department~~ director. 38535

Sec. 3710.06. (A) Within fifteen business days after 38536
receiving an application, the ~~department of health~~ director of 38537
environmental protection shall acknowledge receipt of the 38538
application and notify the applicant of any deficiency in the 38539
application. Within sixty calendar days after receiving a 38540
completed application, including all additional information 38541
requested by the ~~department~~ director, the ~~department~~ director 38542
shall issue a license or certificate or deny the application. The 38543
~~department~~ director shall issue only one license or certificate 38544
that is in effect at one time to a business entity and its 38545
principal officers and a public entity and its principal officers. 38546

(B)(1) The ~~department~~ director shall deny an application if 38547
it determines that the applicant has not demonstrated the ability 38548
to comply fully with all applicable federal and state requirements 38549
and all requirements, procedures, and standards established by the 38550

director ~~of health~~ in this chapter, Chapter 3704. of the Revised 38551
Code, or rules adopted under those chapters, as those chapters and 38552
rules pertain to asbestos. 38553

(2) The ~~department~~ director shall deny any application for an 38554
asbestos hazard abatement contractor's license if the applicant or 38555
an officer or employee of the applicant has been convicted of a 38556
felony under any state or federal law designed to protect the 38557
environment. 38558

(3) The ~~department~~ director shall send all denials of an 38559
application by certified mail to the applicant. If the ~~department~~ 38560
director receives a timely request for a hearing from the 38561
applicant on the proposed denial of an application, as provided in 38562
division (D) of section 3710.13 of the Revised Code, the 38563
~~department~~ director shall hold a hearing in accordance with 38564
Chapter 119. of the Revised Code, as provided in division (A) of 38565
section 3710.13 of the Revised Code. 38566

(C) In an emergency that results from a sudden, unexpected 38567
event that is not a planned asbestos hazard abatement project, the 38568
~~department~~ director may waive the requirements for a license or 38569
certificate. For the purposes of this division, "emergency" 38570
includes operations necessitated by nonroutine failures of 38571
equipment or by actions of fire and emergency medical personnel 38572
pursuant to duties within their official capacities. Any person 38573
who performs an asbestos hazard abatement activity under emergency 38574
conditions shall notify the director within three days after 38575
performance thereof. 38576

(D) Each license or certificate issued under this chapter 38577
expires one year after the date of issue, but each licensee or 38578
certificate holder may apply to the ~~department~~ environmental 38579
protection agency for the extension of the holder's license or 38580
certificate under the standard renewal procedures of Chapter 4745. 38581
of the Revised Code. 38582

To qualify for renewal of a license or certificate issued 38583
under this chapter, each licensee or certificate holder shall send 38584
the appropriate renewal fee set forth in division (D) of section 38585
3710.05 of the Revised Code or as adopted by rule by the director 38586
pursuant to division (A)(4) of section 3710.02 of the Revised 38587
Code. 38588

Certificate holders also shall successfully complete an 38589
annual renewal course approved by the ~~department~~ agency pursuant 38590
to section 3710.10 of the Revised Code. 38591

(E) The ~~department~~ director may charge a fee in addition to 38592
those specified in division (D) of section 3710.05 of the Revised 38593
Code or in rules adopted by the director pursuant to division 38594
(A)(4) of section 3710.02 of the Revised Code if the licensee or 38595
certificate holder applies for renewal after the expiration 38596
thereof or requests a reissuance of any license or certificate, 38597
provided that no such fee shall exceed the original fees by more 38598
than fifty per cent. 38599

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 38600
abatement project, an asbestos hazard abatement contractor shall 38601
do all of the following: 38602

(1) Prepare a written respiratory protection program as 38603
defined by the director of ~~health~~ environmental protection 38604
pursuant to rule, and make the program available to the ~~department~~ 38605
~~of health~~ environmental protection agency, and workers at the job 38606
site if the contractor is a public entity or prepare a written 38607
respiratory protection program, consistent with 29 C.F.R. 1910.134 38608
and make the program available to the ~~department~~ agency, and 38609
workers at the job site if the contractor is a business entity; 38610

(2) Ensure that each worker who will be involved in any 38611
asbestos hazard abatement project has been examined within the 38612
preceding year and has been declared by a physician to be 38613

physically capable of working while wearing a respirator; 38614

(3) Ensure that each of the contractor's employees or agents 38615
who will come in contact with asbestos-containing materials or 38616
will be responsible for an asbestos hazard abatement project 38617
receives the appropriate certification or licensure required by 38618
this chapter and the following training: 38619

(a) An initial course approved by the ~~department~~ agency 38620
pursuant to section 3710.10 of the Revised Code, completed before 38621
engaging in any asbestos hazard abatement project; and 38622

(b) An annual review course approved by the ~~department~~ agency 38623
pursuant to section 3710.10 of the Revised Code. 38624

(B) After obtaining or renewing a license, an asbestos hazard 38625
abatement contractor shall notify the ~~department~~ agency, on a form 38626
approved by the director ~~of health~~, at least ten days before 38627
beginning each asbestos hazard abatement project conducted during 38628
the term of the contractor's license. 38629

(C) In addition to any other fee imposed under this chapter, 38630
an asbestos hazard abatement contractor shall pay, at the time of 38631
providing notice under division (B) of this section, the 38632
~~department~~ agency a fee of sixty-five dollars for each asbestos 38633
hazard abatement project conducted. 38634

Sec. 3710.08. (A) An asbestos hazard abatement contractor 38635
engaging in any asbestos hazard abatement project shall, during 38636
the course of the project: 38637

(1) Conduct each project in a manner that is in compliance 38638
with the requirements the director of environmental protection 38639
adopts pursuant to section 3704.03 of the Revised Code and the 38640
asbestos requirements of the United States occupational safety and 38641
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 38642

(2) Comply with all applicable rules adopted by the director 38643

of ~~health~~ environmental protection pursuant to ~~section~~ sections 38644
3704.03 and 3710.02 of the Revised Code. 38645

(B) An asbestos hazard abatement contractor that is a public 38646
entity shall: 38647

(1) Provide workers with protective clothing and equipment 38648
and ensure that the workers involved in any asbestos hazard 38649
abatement project use the items properly. Protective clothing and 38650
equipment shall include: 38651

(a) Respirators approved by the national institute of 38652
occupational safety and health. These respirators shall be fit 38653
tested in accordance with requirements of the United States 38654
occupational safety and health administration set forth in 29 38655
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 38656
asbestos hazard abatement contractor shall provide the employee 38657
with a powered air purifying respirator, in which case, the 38658
testing requirements of division (B)(1)(a) of this section do not 38659
apply. 38660

(b) Items required by the director ~~of health~~ by rule as 38661
provided in division (A)(7) of section 3710.02 of the Revised 38662
Code. 38663

(2) Comply with all applicable standards of conduct and 38664
requirements adopted by the director ~~of health~~ pursuant to section 38665
3710.02 of the Revised Code. 38666

(C) An asbestos hazard abatement specialist engaging in any 38667
asbestos hazard abatement project shall, during the course of the 38668
project: 38669

(1) Conduct each project in a manner that will meet 38670
decontamination procedures, project containment procedures, and 38671
asbestos fiber dispersal methods as provided in division (A)(6) of 38672
section 3710.02 of the Revised Code; 38673

(2) Ensure that workers utilize, handle, remove, and dispose 38674
of the disposable clothing provided by abatement contractors in a 38675
manner that will prevent contamination or recontamination of the 38676
environment and protect the public health from the hazards of 38677
exposure to asbestos; 38678

(3) Ensure that workers utilize protective clothing and 38679
equipment and comply with the applicable health and safety 38680
standards set forth in division (A) of section 3710.08 of the 38681
Revised Code; 38682

(4) Ensure that there is no smoking, eating, or drinking in 38683
the work area; 38684

(5) Comply with all applicable standards of conduct and 38685
requirements adopted by the director ~~of health~~ pursuant to ~~section~~ 38686
sections 3704.03 and 3710.02 of the Revised Code. 38687

(D) An asbestos hazard evaluation specialist engaged in the 38688
identification, detection, and assessment of asbestos-containing 38689
materials, the determination of appropriate response actions, or 38690
other activities associated with an abatement project or the 38691
preparation of management plans, shall comply with the applicable 38692
standards of conduct and requirements adopted by the director ~~of~~ 38693
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 38694
Revised Code. 38695

(E) Every asbestos hazard abatement worker shall comply with 38696
all applicable standards adopted by the director ~~of health~~ 38697
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 38698
Code. 38699

(F) The ~~department~~ director may, on a case-by-case basis, 38700
approve an alternative to the worker protection requirements of 38701
divisions (A), (B), and (C) of this section for an asbestos hazard 38702
abatement project conducted by a public entity, provided that the 38703
asbestos hazard abatement contractor submits the alternative 38704

procedure to the ~~department~~ director in writing and demonstrates 38705
to the satisfaction of the ~~department~~ director that the proposed 38706
alternative procedure provides equivalent worker protection. 38707

Sec. 3710.09. (A) As a means of protecting the public, each 38708
asbestos hazard abatement contractor licensed under this chapter 38709
shall maintain records of all asbestos hazard abatement projects 38710
which the contractor performs and make these records available to 38711
the ~~department of health~~ the director of environmental protection 38712
upon request. The licensee shall maintain the records for at least 38713
thirty years. 38714

(B) The records required by this section shall include all of 38715
the following: 38716

(1) The name, social security number, and address of the 38717
person who supervised the asbestos hazard abatement project; 38718

(2) The names and social security numbers of all workers at 38719
the job site; 38720

(3) The location and description of the asbestos hazard 38721
abatement project and the amount of asbestos-containing material 38722
that was removed; 38723

(4) The starting and completion dates of each asbestos hazard 38724
abatement project; 38725

(5) A summary of the procedures that were used to comply with 38726
all applicable federal, state, and local standards; 38727

(6) The name and address of each asbestos disposal site where 38728
the waste containing asbestos was deposited; 38729

(7) Any other information that the director ~~of health~~, by 38730
rule, requires. 38731

Sec. 3710.10. (A) No person other than the ~~department of~~ 38732
~~health~~ director of environmental protection shall conduct or offer 38733

to conduct any initial or review training course or examination 38734
required by this chapter unless that person is approved to sponsor 38735
the courses and examinations under this section. In conducting any 38736
such course or examination, the ~~department~~ director and the 38737
approved person shall administer the courses and examinations 38738
according to the United States environmental protection agency 38739
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 38740
and the rules of the director ~~of health~~ adopted pursuant to 38741
division (A)(3) of section 3710.02 of the Revised Code. A person 38742
may apply for approval or renewal of a course on the health and 38743
safety aspects of asbestos hazard abatement activities which meets 38744
the requirements of division (A)(3) of section 3710.07 of the 38745
Revised Code by submitting a written application on forms provided 38746
by the ~~department~~ director. 38747

(B) In order to obtain or renew ~~department~~ approval, a person 38748
sponsoring a course shall substantially satisfy all of the 38749
following criteria: 38750

(1) Provide courses of instruction and examinations that meet 38751
the requirements of division (A) of this section; 38752

(2) Ensure that instruction is given or supervised by 38753
personnel with sufficient education and experience as determined 38754
in rules adopted by the director; 38755

(3) Maintain lists of students trained and the dates on which 38756
training occurred for at least twenty years, and make this 38757
information available to the ~~department~~ director upon request. 38758

(C) In order to obtain or renew ~~department~~ approval, a person 38759
sponsoring an initial course or a review course annually shall 38760
apply to the ~~department~~ director for approval. In applying, the 38761
person shall submit the fee set forth in division (D) of section 38762
3710.05 of the Revised Code along with any increase in fee adopted 38763
pursuant to division (A)(4) of section 3710.02 of the Revised 38764

Code.	38765
(D)(1) The ~~department~~ <u>director</u> shall act or acknowledge receipt of an application within ten working days after receiving the application.	38766 38767 38768
(2) The ~~department~~ <u>director</u> shall act on the application within ninety days after it is complete.	38769 38770
(3) The ~~department~~ <u>director</u> shall grant contingent approval of an application if the ~~department~~ <u>director</u> determines the course substantially satisfies or will substantially satisfy the criteria in this chapter and the rules adopted by the director.	38771 38772 38773 38774
(4) The ~~department~~ <u>director</u> may deny or revoke approval of a course if the ~~department~~ <u>director</u> determines the course does not or will not substantially satisfy the criteria in this chapter or the rules adopted by the director.	38775 38776 38777 38778
(5) The ~~department~~ <u>director</u> shall grant final approval of a course only after an on-site audit by the ~~department~~ <u>director</u> which reveals that the course substantially satisfies the criteria in this chapter and the rules adopted by the director. Course approvals expire one year from the date of final approval under division (D)(5) of this section.	38779 38780 38781 38782 38783 38784
(E) Each course approval issued under this section expires one year after the date of issue, but a person who received approval may apply to the ~~department~~ <u>director</u> for renewal under the standard renewal procedures of Chapter 4745. of the Revised Code. The fee prescribed in section 3710.05 of the Revised Code must accompany the application.	38785 38786 38787 38788 38789 38790
Sec. 3710.11. Persons licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of an asbestos hazard abatement contractor, asbestos hazard abatement specialist, asbestos hazard	38791 38792 38793 38794

evaluation specialist, asbestos hazard abatement project designer, 38795
or asbestos hazard abatement air-monitoring technician, may apply 38796
to the director of ~~health~~ environmental protection for licensure 38797
or certification. The director shall license or certify persons 38798
under this section upon a determination that the standards for 38799
certification, licensure, or approval in the other state are at 38800
least substantially equivalent to those established by this 38801
chapter and the rules adopted thereunder. The director may require 38802
an examination before licensure or certification under this 38803
section. 38804

Persons certified or licensed under this section are subject 38805
to the same duties and requirements for renewal as other persons 38806
certified or licensed pursuant to this chapter and the rules 38807
adopted thereunder. 38808

Sec. 3710.12. Subject to ~~the hearing provisions of this~~ 38809
~~chapter~~ section 3710.13 of the Revised Code, the ~~department of~~ 38810
~~health~~ director of environmental protection may deny, suspend, or 38811
revoke any license or certificate, or renewal thereof, if the 38812
licensee or certificate holder: 38813

(A) Fraudulently or deceptively obtains or attempts to obtain 38814
a license or certificate; 38815

(B) Fails at any time to meet the qualifications for a 38816
license or certificate; 38817

(C) Is violating or threatening to violate any provisions of 38818
any of the following: 38819

(1) This chapter, Chapters 3704. and 3745. of the Revised 38820
Code, or the rules of the director ~~of health~~ adopted pursuant 38821
~~thereto~~ to those chapters, as those chapters and rules pertain to 38822
asbestos; 38823

(2) The "National Emission Standard for Hazardous Air 38824

Pollutants" regulations of the United States environmental 38825
protection agency as the regulations pertain to asbestos; 38826

(3) The regulations of the United States occupational safety 38827
and health administration as the regulations pertain to asbestos. 38828

Sec. 3710.13. (A) ~~Except as otherwise provided in Chapter~~ 38829
~~119. of the Revised Code or this section, before~~ Before the 38830
~~department of health~~ director of environmental protection takes 38831
any action under section 3710.12 of the Revised Code, ~~it~~ the 38832
director shall give the license applicant, licensee, or 38833
certificate holder against whom action is contemplated an 38834
opportunity for a hearing. 38835

Except as otherwise provided in this section, the ~~department~~ 38836
director shall give notice and hold the hearing in accordance with 38837
Chapter 119. of the Revised Code. 38838

(B) The ~~department~~ director, without notice or hearing and in 38839
accordance with rules adopted by the director ~~of health~~, may issue 38840
an order requiring any action necessary to meet ~~a public~~ an 38841
environmental health emergency involving asbestos. Any person to 38842
whom an order is directed shall immediately comply with the order. 38843
Upon application to the director ~~of health~~, the person shall be 38844
afforded a hearing as soon as possible, but no more than twenty 38845
days after receipt of the application by the director. 38846

(C) If the director determines, pursuant to division (B) of 38847
this section, that ~~a public~~ an environmental health emergency 38848
involving asbestos exists, the director may order, without a 38849
hearing, the denial, suspension, or revocation of any license or 38850
certificate issued under this chapter of the parties involved, 38851
provided that an opportunity for a hearing is provided to the 38852
affected party as soon as reasonably possible. 38853

~~(D) All proceedings under this chapter are subject to Chapter~~ 38854

~~119. of the Revised Code, except that:~~ 38855

~~(1) Upon the request of a licensee or certificate holder, the 38856
location of an adjudicatory hearing is the county seat of the 38857
county in which the licensee or certificate holder conducts 38858
business. 38859~~

~~(2) The director shall notify, by certified mail or personal 38860
delivery, a licensee or certificate holder that the licensee or 38861
certificate holder is entitled to a hearing if the licensee or 38862
certificate holder requests it, in writing, within ten days of the 38863
time that the licensee or certificate holder receives the notice. 38864
If the licensee or certificate holder requests such a hearing, the 38865
director shall set the hearing date no later than ten days after 38866
the director receives the request. 38867~~

~~(3) The director shall not apply for or receive a 38868
postponement or continuation of an adjudication hearing. If a 38869
licensee or certificate holder requests a postponement or 38870
continuation of an adjudication hearing, the director only shall 38871
grant the request if the licensee or certificate holder 38872
demonstrates extreme hardship in complying with the hearing date. 38873
If the director grants a postponement or continuation on the 38874
grounds of extreme hardship, the director shall include in the 38875
record of the case, the nature and cause of the extreme hardship. 38876~~

~~(4) In lieu of an adjudicatory hearing required by this 38877
chapter, a licensee or certificate holder, by no later than the 38878
date set for a hearing pursuant to division (A)(3) of this 38879
section, may by written request to the director, request that the 38880
matter be resolved by the licensee or certificate holder 38881
submitting documents, papers, and other written evidence to the 38882
director to support the licensee's or certificate holder's claim. 38883~~

~~(5) If the director appoints a referee or an examiner to 38884
conduct a hearing, all of the following apply: 38885~~

~~(a) The examiner or referee shall serve, by certified mail and within three business days of the conclusion of the hearing, a copy of the written adjudication report and the referee's or examiner's recommendations, on the director and the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(b) The licensee or certificate holder, within three business days of receipt of the report under division (D)(5)(a) of this section, may file with the director written objections to the report and recommendations.~~

~~(c) The director shall consider any objections received under division (D)(5)(b) of this section prior to approving, modifying, or disapproving the report and recommendations. Within six business days of receiving the report under division (D)(5)(a) of this section, the director shall serve the director's order, by certified mail, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(6) If the director conducts an adjudicatory hearing under this chapter, the director shall serve the director's decision, by certified mail and within three business days of the conclusion of the hearing, on the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(7) If no hearing is held, the director shall issue an order, by certified mail and within three business days of the last date possible for a hearing, based upon the record available to the director, to the affected licensee or certificate holder or the licensee's or certificate holder's attorney or other representative of record.~~

~~(8) A licensee or certificate holder shall file a notice of~~

~~appeal to an adverse adjudication decision within fifteen days~~ 38917
~~after receipt of the director's order.~~ 38918

Sec. 3710.14. (A) At the request of the director of ~~health~~ 38919
environmental protection, the attorney general may commence a 38920
civil action for civil penalties and injunctions, in a court of 38921
common pleas, against any person who has violated, is violating, 38922
or is threatening to violate this chapter, any rule adopted under 38923
this chapter, or any license or certificate issued under this 38924
chapter. 38925

(B) The court of common pleas in which an action for 38926
injunctive relief is filed has jurisdiction to, and shall grant, 38927
preliminary and permanent injunctive relief upon a showing that 38928
the person against whom the action is brought has violated, is 38929
violating, or is threatening to violate any provision of this 38930
~~chapter~~ chapter, any rule adopted under this chapter, or any 38931
license or certificate issued under this chapter. 38932

(C) Upon a finding of a violation, the court shall assess a 38933
civil penalty of not more than five thousand dollars against the 38934
person. 38935

(D) Each day a violation continues is a separate violation 38936
under this section. 38937

(E) The remedies provided in Chapter 3710. of the Revised 38938
Code are in addition to remedies otherwise available under any 38939
federal, state, or local law. 38940

Sec. 3710.15. All civil and criminal penalties ordered 38941
pursuant to this chapter and paid as provided in the chapter, and 38942
all fees and other moneys collected pursuant to the chapter, shall 38943
be deposited in the ~~general operations~~ non-title V clean air fund 38944
created in section ~~3701.83~~ 3704.035 of the Revised Code and shall 38945
~~be used for the sole purpose of administering and enforcing this~~ 38946

~~chapter and the rules adopted under it.~~ 38947

Sec. 3710.17. (A) Where any person is certified or licensed 38948
by the ~~department of health~~ director of environmental protection 38949
to engage in asbestos hazard abatement or evaluation activity 38950
pursuant to this chapter, the liability of that person when 38951
performing such activity in accordance with procedures established 38952
pursuant to state or federal law for an injury to any individual 38953
or property caused or related to this activity shall be limited to 38954
acts or omissions of the person during the course of performing 38955
the activity which can be shown, based on a preponderance of the 38956
evidence, to have been negligent. For the purposes of this 38957
section, the demonstration that acts or omissions of a person 38958
performing asbestos hazard abatement or evaluation activities were 38959
in accordance with generally accepted practice and with procedures 38960
established by state or federal law at the time the abatement or 38961
evaluation activity was performed creates a rebuttable presumption 38962
that the acts or omissions were not negligent. 38963

(B) Where any person contracts with a certified asbestos 38964
hazard abatement specialist, asbestos hazard evaluation 38965
specialist, or other category of asbestos hazard specialist 38966
established by the director of health, or a licensed asbestos 38967
hazard abatement contractor, the liability of that person for 38968
asbestos-related injuries caused by the person's contractee in the 38969
performance of asbestos hazard abatement or evaluation activities 38970
shall be limited to those asbestos-related injuries arising from 38971
acts which the person knew or could reasonably have been expected 38972
to know were not in accordance with generally accepted practice or 38973
with procedures established by state or federal law at the time 38974
the abatement activity took place. 38975

(C) Notwithstanding any other provisions of the Revised Code 38976
or rules of a court to the contrary, this section governs all 38977

claims for asbestos-related injuries arising from asbestos hazard 38978
abatement or evaluation activities. 38979

Sec. 3710.19. On receipt of a notice pursuant to section 38980
3123.43 of the Revised Code, the ~~department of health~~ director of 38981
environmental protection shall comply with sections 3123.41 to 38982
3123.50 of the Revised Code and any applicable rules adopted under 38983
section 3123.63 of the Revised Code with respect to a license or 38984
certificate issued pursuant to this chapter. 38985

Sec. 3710.99. (A) At the request of the director of ~~health~~ 38986
environmental protection, a prosecuting attorney, city director of 38987
law, or similar chief legal officer may commence a criminal 38988
action, in a court of this state, against any person who violates 38989
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 38990
any rule adopted under this chapter, any license or certificate 38991
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 38992
this chapter. 38993

(B) Upon conviction, the person is subject to: 38994

(1) A fine of at least ten thousand dollars but not more than 38995
twenty-five thousand dollars or imprisonment at least one year but 38996
not more than two years, or both, for a first offense; or 38997

(2) A fine of at least twenty thousand dollars but not more 38998
than forty thousand dollars or imprisonment of at least two years 38999
but not more than four years or both for a second or subsequent 39000
offense. 39001

Sec. 3713.04. (A) In accordance with Chapter 119. of the 39002
Revised Code, the superintendent of industrial compliance shall: 39003

(1) Adopt rules pertaining to the definition, name, and 39004
description of materials necessary to carry out this chapter; 39005

(2) Determine the testing standards, fees, and charges to be 39006

paid for making any test or analysis required pursuant to section 39007
3713.08 of the Revised Code. 39008

(B) In accordance with Chapter 119. of the Revised Code, the 39009
superintendent may adopt rules regarding the following: 39010

(1) Establishing an initial application fee or an annual 39011
registration renewal fee not more than fifty per cent higher than 39012
the fees set forth in section 4713.05 of the Revised Code; 39013

(2) Establishing standards, on a reciprocal basis, for the 39014
acceptance of labels and laboratory analyses from other states 39015
where the labeling requirements and laboratory analysis standards 39016
are substantially equal to the requirements of this state, 39017
provided the other state extends similar reciprocity to labels and 39018
laboratory analysis conducted under this chapter; 39019

(3) Any other rules necessary to administer and carry out 39020
this chapter. 39021

(C) The superintendent may do any of the following: 39022

(1) Issue administrative orders, conduct hearings, and take 39023
all actions necessary under the authority of Chapter 119. of the 39024
Revised Code for the administration of this chapter. The authority 39025
granted under this division shall include the authority to 39026
suspend, revoke, or deny registration under this chapter. 39027

(2) Establish and maintain facilities within the department 39028
of commerce to make tests and analysis of materials used in the 39029
manufacture of bedding and stuffed toys. The superintendent also 39030
may designate established laboratories ~~in various sections of the~~ 39031
~~state~~ that are qualified to make these tests. These laboratories 39032
may be used for making any test or analysis of materials used in 39033
the manufacture of bedding and stuffed toys. If the superintendent 39034
exercises this authority, the superintendent shall adopt rules to 39035
determine the fees and charges to be paid for making the tests or 39036
analyses authorized under this section. 39037

(3) Exercise such other powers and duties as are necessary to 39038
carry out the purpose and intent of this chapter. 39039

Sec. 3715.041. (A)(1) As used in this section, "food 39040
processing establishment" has the same meaning as in section 39041
3715.021 of the Revised Code. 39042

(2) A person that operates a food processing establishment 39043
shall register the establishment annually with the director of 39044
agriculture. The person shall submit an application for 39045
registration or renewal on a form prescribed and provided by the 39046
director. Except as provided in division (G) of this section, an 39047
application for registration or renewal shall be accompanied by a 39048
registration fee in an amount established in rules adopted under 39049
this section. If a person files an application for registration on 39050
or after the first day of August of any year, the fee shall be 39051
one-half of the annual registration fee. 39052

(B)(1) The director shall inspect the food processing 39053
establishment for which an application for initial registration 39054
has been submitted. If, upon inspection, the director finds that 39055
the establishment is in compliance with this chapter and Chapter 39056
911., 913., 915., or 925. of the Revised Code, as applicable, or 39057
applicable rules adopted under those chapters, the director shall 39058
issue a certificate of registration to the food processing 39059
establishment. A food processing establishment registration 39060
expires on the thirty-first day of January and is valid until that 39061
date unless it is suspended or revoked under this section. 39062

(2) A person that is operating a food processing 39063
establishment ~~on the effective date of this section~~ shall apply to 39064
the director for a certificate of registration ~~not later than~~ 39065
~~ninety days after the effective date of this section~~ not later 39066
than a date specified by the director in rules adopted under this 39067
section. If an application is not filed with the director or 39068

postmarked on or before ~~ninety days after the effective date of~~ 39069
~~this section~~ that date, the director shall assess a late fee in an 39070
amount established in rules adopted under this section. 39071

(C)(1) A food processing establishment registration may be 39072
renewed by the director. A person seeking registration renewal 39073
shall submit an application for renewal to the director not later 39074
than the thirty-first day of January. The director shall issue a 39075
renewed certificate of registration on receipt of a complete 39076
renewal application except as provided in division (C)(2) of this 39077
section. 39078

(2) If a renewal application is not filed with the director 39079
or postmarked on or before the thirty-first day of January, the 39080
director shall assess a late fee in an amount established in rules 39081
adopted under this section. The director shall not renew the 39082
registration until the applicant pays the late fee. 39083

(D) A copy of the food processing establishment registration 39084
certificate shall be conspicuously displayed in an area of the 39085
establishment to which customers of the establishment have access. 39086

(E)(1) The director or the director's designee may issue an 39087
order suspending or revoking a food processing establishment 39088
registration upon determining that the registration holder is in 39089
violation of this chapter or Chapter 911., 913., 915., or 925. of 39090
the Revised Code, as applicable, or applicable rules adopted under 39091
those chapters. Except as provided in division (E)(2) of this 39092
section, a registration shall not be suspended or revoked until 39093
the registration holder is provided an opportunity to appeal the 39094
suspension or revocation in accordance with Chapter 119. of the 39095
Revised Code. 39096

(2) If the director determines that a food processing 39097
establishment presents an immediate danger to the public health, 39098
the director may issue an order immediately suspending the 39099

establishment's registration without affording the registration 39100
holder an opportunity for a hearing. The director then shall 39101
afford the registration holder a hearing in accordance with 39102
Chapter 119. of the Revised Code not later than ten days after the 39103
date of suspension. 39104

(3) If the director finds that a person is operating a food 39105
processing establishment without registering the establishment 39106
under this section, the director shall issue a letter of warning 39107
to the person giving the person ten days to register the 39108
establishment. If the person fails to register the establishment 39109
within that ten-day time period, the director may assess a civil 39110
penalty against the person. If the director assesses a civil 39111
penalty, the director shall do so as follows: 39112

(a) If, within five years of the issuance of the letter of 39113
warning to the person, the director has not previously assessed a 39114
civil penalty against the person under this section, in an amount 39115
not exceeding five hundred dollars; 39116

(b) If, within five years of the issuance of the letter of 39117
warning to the person, the director has previously assessed one 39118
civil penalty against the person under this section, in an amount 39119
not exceeding one thousand five hundred dollars; 39120

(c) If, within five years of the issuance of the letter of 39121
warning to the person, the director has previously assessed two or 39122
more civil penalties against the person under this section, in an 39123
amount not exceeding five thousand dollars. 39124

(F) The director shall adopt rules in accordance with Chapter 39125
119. of the Revised Code that establish all of the following: 39126

(1) The date by which a person that is operating a food 39127
processing establishment must submit an application for a food 39128
processing establishment registration; 39129

(2) The amount of the registration fee that must be submitted 39130

with an application for a food processing establishment	39131
registration and with an application for renewal;	39132
~~(2)~~ (3) The amount of the late fee that is required in	39133
division (B)(2) of this section;	39134
~~(3)~~ (4) The amount of the fee for the late renewal of a food	39135
processing establishment registration that is required in division	39136
(C)(2) of this section;	39137
~~(4)~~ (5) Any other procedures and requirements that are	39138
necessary to administer and enforce this section.	39139
(G) The following are not required to pay any registration	39140
fee that is otherwise required in this section:	39141
(1) ~~Home bakeries~~ <u>Bakeries</u> registered under section 911.02 of	39142
the Revised Code;	39143
(2) Canneries licensed under section 913.02 of the Revised	39144
Code;	39145
(3) Soft drink plants licensed under section 913.23 of the	39146
Revised Code;	39147
(4) Cold-storage warehouses licensed under section 915.02 of	39148
the Revised Code;	39149
(5) Persons licensed under section 915.15 of the Revised	39150
Code;	39151
(6) Persons that are engaged in egg production and that	39152
maintain annually five hundred or fewer laying hens.	39153
(H) All money that is collected under this section shall be	39154
credited to the food safety fund created in section 915.24 of the	39155
Revised Code.	39156
Sec. 3719.04. (A) A ~~licensed manufacturer or wholesaler of~~	39157
~~controlled substances~~ <u>person identified in division (B)(1)(a) of</u>	39158
<u>section 4729.52 of the Revised Code who holds a category III</u>	39159

license under that section may sell at wholesale controlled 39160
substances to any of the following persons and subject to the 39161
following conditions: 39162

(1) To ~~a licensed manufacturer or wholesaler of controlled~~ 39163
~~substances~~ another person who holds a category III license under 39164
section 4729.50 of the Revised Code, or a terminal distributor of 39165
dangerous drugs having a category III license under section 39166
4729.54 of the Revised Code; 39167

(2) To a person in the employ of the United States government 39168
or of any state, territorial, district, county, municipal, or 39169
insular government, purchasing, receiving, possessing, or 39170
dispensing controlled substances by reason of official duties; 39171

(3) To a master of a ship or a person in charge of any 39172
aircraft upon which no physician is regularly employed, for the 39173
actual medical needs of persons on board the ship or aircraft, 39174
when not in port; provided such controlled substances shall be 39175
sold to the master of the ship or person in charge of the aircraft 39176
only in pursuance of a special official written order approved by 39177
a commissioned medical officer or acting assistant surgeon of the 39178
United States public health service; 39179

(4) To a person in a foreign country, if the federal drug 39180
abuse control laws are complied with. 39181

(B) An official written order for any schedule II controlled 39182
substances shall be signed in triplicate by the person giving the 39183
order or by the person's authorized agent. The original shall be 39184
presented to the person who sells or dispenses the schedule II 39185
controlled substances named in the order and, if that person 39186
accepts the order, each party to the transaction shall preserve 39187
the party's copy of the order for a period of three years in such 39188
a way as to be readily accessible for inspection by any public 39189
officer or employee engaged in the enforcement of Chapter 3719. of 39190

the Revised Code. Compliance with the federal drug abuse control 39191
laws, respecting the requirements governing the use of a special 39192
official written order constitutes compliance with this division. 39193

Sec. 3719.07. (A) As used in this section, "description" 39194
means the dosage form, strength, and quantity, and the brand name, 39195
if any, or the generic name, of a drug or controlled substance. 39196

(B)(1) Every licensed health professional authorized to 39197
prescribe drugs shall keep a record of all controlled substances 39198
received and a record of all controlled substances administered, 39199
dispensed, or used other than by prescription. Every other person, 39200
except a pharmacist, or a manufacturer, or wholesaler, or other 39201
person licensed under section 4729.52 of the Revised Code, who is 39202
authorized to purchase and use controlled substances shall keep a 39203
record of all controlled substances purchased and used other than 39204
by prescription. The records shall be kept in accordance with 39205
division (C)(1) of this section. 39206

(2) Manufacturers and, wholesalers, and other persons 39207
licensed under section 4729.52 of the Revised Code shall keep 39208
records of all controlled substances compounded, mixed, 39209
cultivated, grown, or by any other process produced or prepared by 39210
them, and of all controlled substances received or sold by them. 39211
The records shall be kept in accordance with division (C)(2) of 39212
this section. 39213

(3) Every category III terminal distributor of dangerous 39214
drugs shall keep records of all controlled substances received or 39215
sold. The records shall be kept in accordance with division (C)(3) 39216
of this section. 39217

(4) Every person who sells or purchases for resale schedule V 39218
controlled substances exempted by section 3719.15 of the Revised 39219
Code shall keep a record showing the quantities and kinds thereof 39220
received or sold. The records shall be kept in accordance with 39221

divisions (C)(1), (2), and (3) of this section. 39222

(C)(1) The records required by divisions (B)(1) and (4) of 39223
this section shall contain the following: 39224

(a) The description of all controlled substances received, 39225
the name and address of the person from whom received, and the 39226
date of receipt; 39227

(b) The description of controlled substances administered, 39228
dispensed, purchased, sold, or used; the date of administering, 39229
dispensing, purchasing, selling, or using; the name and address of 39230
the person to whom, or for whose use, or the owner and species of 39231
the animal for which the controlled substance was administered, 39232
dispensed, purchased, sold, or used. 39233

(2) The records required by divisions (B)(2) and (4) of this 39234
section shall contain the following: 39235

(a) The description of all controlled substances produced or 39236
prepared, the name and address of the person from whom received, 39237
and the date of receipt; 39238

(b) The description of controlled substances sold, the name 39239
and address of each person to whom a controlled substance is sold, 39240
the amount of the controlled substance sold to each person, and 39241
the date it was sold. 39242

(3) The records required by divisions (B)(3) and (4) of this 39243
section shall contain the following: 39244

(a) The description of controlled substances received, the 39245
name and address of the person from whom controlled substances are 39246
received, and the date of receipt; 39247

(b) The name and place of residence of each person to whom 39248
controlled substances, including those otherwise exempted by 39249
section 3719.15 of the Revised Code, are sold, the description of 39250
the controlled substances sold to each person, and the date the 39251

controlled substances are sold to each person. 39252

(D) Every record required by this section shall be kept for a 39253
period of three years. 39254

The keeping of a record required by or under the federal drug 39255
abuse control laws, containing substantially the same information 39256
as specified in this section, constitutes compliance with this 39257
section. 39258

Every person who purchases for resale or who sells controlled 39259
substance preparations exempted by section 3719.15 of the Revised 39260
Code shall keep the record required by or under the federal drug 39261
abuse control laws. 39262

Sec. 3719.08. (A) ~~Whenever~~ As used in this division, 39263
"repackager" and "outsourcing facility" have the same meanings as 39264
in section 4729.01 of the Revised Code. 39265

Whenever a manufacturer sells a controlled substance, and 39266
whenever a wholesaler, repackager, or outsourcing facility sells a 39267
controlled substance in a package the wholesaler, repackager, or 39268
outsourcing facility has prepared, the manufacturer or the 39269
wholesaler, repackager, or outsourcing facility, as the case may 39270
be, shall securely affix to each package in which the controlled 39271
substance is contained a label showing in legible English the name 39272
and address of the vendor and the quantity, kind, and form of 39273
controlled substance contained therein. No person, except a 39274
pharmacist for the purpose of dispensing a controlled substance 39275
upon a prescription shall alter, deface, or remove any label so 39276
affixed. 39277

(B) Except as provided in division (C) of this section, when 39278
a pharmacist dispenses any controlled substance on a prescription 39279
for use by a patient, or supplies a controlled substance to a 39280
licensed health professional authorized to prescribe drugs for use 39281

by the professional in personally furnishing patients with 39282
controlled substances, the pharmacist shall affix to the container 39283
in which the controlled substance is dispensed or supplied a label 39284
showing the following: 39285

(1) The name and address of the pharmacy dispensing or 39286
supplying the controlled substance; 39287

(2) The name of the patient for whom the controlled substance 39288
is prescribed and, if the patient is an animal, the name of the 39289
owner and the species of the animal; 39290

(3) The name of the prescriber; 39291

(4) All directions for use stated on the prescription or 39292
provided by the prescriber; 39293

(5) The date on which the controlled substance was dispensed 39294
or supplied; 39295

(6) The name, quantity, and strength of the controlled 39296
substance and, if applicable, the name of the distributor or 39297
manufacturer. 39298

(C) The requirements of division (B) of this section do not 39299
apply when a controlled substance is prescribed or supplied for 39300
administration to an ultimate user who is institutionalized. 39301

(D) A licensed health professional authorized to prescribe 39302
drugs who personally furnishes a controlled substance to a patient 39303
shall comply with division (A) of section 4729.291 of the Revised 39304
Code with respect to labeling and packaging of the controlled 39305
substance. 39306

(E) No person shall alter, deface, or remove any label 39307
affixed pursuant to this section as long as any of the original 39308
contents remain. 39309

(F) Every label for a schedule II, III, or IV controlled 39310
substance shall contain the following warning: 39311

"Caution: federal law prohibits the transfer of this drug to 39312
any person other than the patient for whom it was prescribed." 39313

Sec. 3721.031. (A) The director of health may investigate any 39314
complaint the director receives concerning a home. 39315

(1) Except as required by court order, as necessary for the 39316
administration or enforcement of any statute relating to homes, or 39317
as provided in division (C) of this section, the director and any 39318
employee of the department of health shall not release any of the 39319
following information without the permission of the individual or 39320
of the individual's legal representative: 39321

(a) The identity of any patient or resident; 39322

(b) The identity of any individual who submits a complaint 39323
about a home; 39324

(c) The identity of any individual who provides the director 39325
with information about a home and has requested confidentiality; 39326

(d) Any information that reasonably would tend to disclose 39327
the identity of any individual described in division (A)(1)(a) to 39328
(c) of this section. 39329

(2) An agency or individual to whom the director is required, 39330
by court order or for the administration or enforcement of a 39331
statute relating to homes, to release information described in 39332
division (A)(1) of this section shall not release the information 39333
without the permission of the individual who would be or would 39334
reasonably tend to be identified, or of the individual's legal 39335
representative, unless the agency or individual is required to 39336
release it by division (C) of this section, by court order, or for 39337
the administration or enforcement of a statute relating to homes. 39338

(B) Except as provided in division (C) of this section, any 39339
record that identifies an individual described in division 39340
(A)(1)(a) to (c) of this section or that reasonably would tend to 39341

identify such an individual is not a public record for the 39342
purposes of section 149.43 of the Revised Code, and is not subject 39343
to inspection and copying under section 1347.08 of the Revised 39344
Code. 39345

(C)(1) If the director, or an agency or individual to whom 39346
the director is required by court order or for administration or 39347
enforcement of a statute relating to homes to release information 39348
described in division (A)(1) of this section, uses information in 39349
any administrative or judicial proceeding against a home that 39350
reasonably would tend to identify an individual described in 39351
division (A)(1)(a) to (c) of this section, the director, agency, 39352
or individual shall disclose that information to the home. 39353
However, the director, agency, or individual shall not disclose 39354
information that directly identifies an individual described in 39355
divisions (A)(1)(a) to (c) of this section, unless the individual 39356
is to testify in the proceedings. 39357

(2)(a) On the request of the director of aging or the 39358
director's designee and subject to division (C)(2)(b) of this 39359
section, the director of health may release to the department of 39360
aging the identity of a patient or resident of a home who receives 39361
assisted living services pursuant to sections 173.54 to 173.548 of 39362
the Revised Code. 39363

(b) The department of aging shall not use information 39364
obtained under division (C)(2)(a) for any purpose other than 39365
monitoring the well-being of patients or residents who receive 39366
assisted living services. 39367

(D) No person shall knowingly register a false complaint 39368
about a home with the director, or knowingly swear or affirm the 39369
truth of a false complaint, when the complaint is made for the 39370
purpose of incriminating another. 39371

(E) An individual who in good faith submits a complaint under 39372

this section or any other provision of the Revised Code regarding 39373
a violation of this chapter, or participates in any investigation, 39374
administrative proceeding, or judicial proceeding resulting from 39375
the complaint, has the full protection against retaliatory action 39376
provided by sections 4113.51 to 4113.53 of the Revised Code. 39377

Sec. 3721.033. (A) As used in this section, "real and present 39378
danger" means imminent danger of serious physical or 39379
life-threatening harm to one or more occupants of a residential 39380
care facility. 39381

(B) If the director of health finds that a residential care 39382
facility violated a provision of this chapter or a rule adopted 39383
under it, all of the following apply: 39384

(1) The director may require the facility to submit to the 39385
department of health for its approval a plan of correction that 39386
includes all of the following: 39387

(a) Detailed descriptions of the actions the facility will 39388
take to correct the violation; 39389

(b) The date by which the violation will be corrected; 39390

(c) A detailed description of an ongoing monitoring process 39391
to be used at the facility that is focused on preventing any 39392
recurrence of the violation. 39393

(2) If the violation has not resulted in actual harm and has 39394
the potential to cause more than minimal harm that does not 39395
constitute a real and present danger and the director has found 39396
that the facility has committed another violation in the preceding 39397
fifteen months, the director may impose a civil penalty of not 39398
less than one thousand dollars and not more than two thousand 39399
dollars. 39400

(3) If the violation has resulted in actual harm that does 39401
not constitute a real and present danger, the director may impose 39402

a civil penalty of not less than two thousand dollars and not more 39403
than six thousand dollars. 39404

(4) If the violation constitutes a real and present danger, 39405
the director may impose a civil penalty of not less than six 39406
thousand dollars and not more than ten thousand dollars. 39407

(C) Enforcement actions taken by the director under division 39408
(B) of this section shall be taken pursuant to an adjudication 39409
conducted under Chapter 119. of the Revised Code. 39410

(D) The enforcement actions authorized by this section are in 39411
addition to those that may be taken under section 3721.03 of the 39412
Revised Code. 39413

(E) All amounts collected from the imposition of civil 39414
penalties under this section shall be deposited into the state 39415
treasury to the credit of the general operations fund created 39416
under section 3701.83 of the Revised Code for use in the 39417
administration and enforcement of this chapter and the rules 39418
adopted under it. 39419

Sec. 3721.081. (A) If the director of health determines that 39420
immediate action is necessary to protect the health or safety of 39421
one or more residents of a home and the home has failed to act 39422
with sufficient promptness or efficiency to protect resident 39423
health or safety, the director may issue an order requiring the 39424
home to immediately address the issue. The order may specify the 39425
measures that the home must take to protect resident health or 39426
safety. 39427

(B)(1) If the director determines that a home has failed to 39428
comply with an order issued under division (A) of this section, 39429
the director may do either of the following: 39430

(a) Take any action and incur necessary expenses to protect 39431
the health or safety of the home's residents; 39432

(b) Transfer one or more residents to other homes or other 39433
appropriate care settings until the conditions giving rise to the 39434
director's order are corrected. 39435

(2) Any costs the director incurs pursuant to division (B)(1) 39436
of this section shall be the obligation of the home. The director 39437
shall issue an order requiring a home to reimburse the department 39438
of health for any expenses incurred in taking any such action. 39439

(C) If a home fails to comply with an order issued by the 39440
director pursuant to division (A) of this section, the director 39441
shall impose a civil penalty of not more than two hundred fifty 39442
thousand dollars. The department shall collect interest on the 39443
fine, at the rate per annum prescribed by section 5703.47 of the 39444
Revised Code, accruing beginning on the day the order is issued. 39445

(D) Any order issued or civil penalty imposed pursuant to 39446
this section shall be done pursuant to an adjudication conducted 39447
in accordance with Chapter 119. of the Revised Code. 39448

Notwithstanding section 119.06 of the Revised Code, the 39449
director may issue an order pursuant to this section prior to 39450
affording the home an opportunity for a hearing. If the director 39451
does so, the director shall issue the order in writing and cause 39452
it to be delivered in accordance with section 119.07 of the 39453
Revised Code. The home may request a hearing within thirty days 39454
after receiving the written order. If the home requests a hearing, 39455
the date set for the hearing shall be within thirty days but not 39456
earlier than fifteen days after the home makes the request, unless 39457
another date is agreed to by both the home and the director. The 39458
order shall remain in effect, unless reversed by the director, 39459
until a final adjudication order issued by the director pursuant 39460
to this section and Chapter 119. of the Revised Code becomes 39461
effective. The director shall issue a final adjudication order not 39462
later than ninety days after completion of the hearing. 39463

A final adjudication order issued under this section shall 39464
not be subject to suspension by the court while an appeal filed 39465
under section 119.12 of the Revised Code is pending. 39466

(E) The actions described in this section are in addition to 39467
any that may be taken under sections 3721.03 and 3721.08 of the 39468
Revised Code. 39469

(F) All amounts collected under this section shall be 39470
deposited into the state treasury to the credit of the general 39471
operations fund created under section 3701.83 of the Revised Code. 39472

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 39473
Revised Code: 39474

(A) "Long-term care facility" means either of the following: 39475

(1) A nursing home as defined in section 3721.01 of the 39476
Revised Code; 39477

(2) A facility or part of a facility that is certified as a 39478
skilled nursing facility or a nursing facility under Title XVIII 39479
or XIX of the "Social Security Act." 39480

(B) "Residential care facility" has the same meaning as in 39481
section 3721.01 of the Revised Code. 39482

(C) "Abuse" means ~~knowingly causing physical harm or~~ 39483
~~recklessly causing serious physical harm to a resident by physical~~ 39484
~~contact with the resident or by use of physical or chemical~~ 39485
~~restraint, medication, or isolation as punishment, for staff~~ 39486
~~convenience, excessively, as a substitute for treatment, or in~~ 39487
~~amounts that preclude habilitation and treatment~~ any of the 39488
following: 39489

(1) Physical abuse; 39490

(2) Psychological abuse; 39491

(3) Sexual abuse. 39492

(D) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident. "Neglect" does not include allowing a resident, at the resident's option, to receive only treatment by spiritual means through prayer in accordance with the tenets of a recognized religious denomination.

(E) "Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed.

(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

~~(F)~~(G) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility.

(H) "Physical abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident through either of the following:

(1) Physical contact with the resident;

(2) The use of physical restraint, chemical restraint, medication that does not constitute a chemical restraint, or isolation, if the restraint, medication, or isolation is excessive, for punishment, for staff convenience, a substitute for treatment, or in an amount that precludes habilitation and treatment.

(I) "Psychological abuse" means knowingly or recklessly causing psychological harm to a resident, whether verbally or by action.

(J) "Sexual abuse" means sexual conduct or sexual contact with a resident, as those terms are defined in section 2907.01 of the Revised Code. 39524
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~~(G)~~(K) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code. 39527
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~~(H)~~(L) "Chemical restraint" has the same meaning as in section 3721.10 of the Revised Code. 39529
39530

~~(I)~~(M) "Nursing and nursing-related services" means the personal care services and other services not constituting skilled nursing care that are specified in rules the director of health shall adopt in accordance with Chapter 119. of the Revised Code. 39531
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~~(J)~~(N) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code. 39535
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~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this section, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation. 39537
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(2) "Nurse aide" does not include either of the following: 39543

(a) A licensed health professional practicing within the scope of the professional's license; 39544
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(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution. 39546
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~~(L)~~(P) "Licensed health professional" means all of the following: 39552
39553

(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	39554 39555
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	39556 39557
(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or ~~podiatry~~ <u>podiatric medicine and surgery</u> ;	39558 39559 39560
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	39561 39562
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	39563 39564
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	39565 39566 39567
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	39568 39569
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	39570 39571
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	39572 39573
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	39574 39575
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	39576 39577
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	39578 39579
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	39580 39581
(14) A licensed professional counselor or licensed	39582

professional clinical counselor licensed under Chapter 4757. of 39583
the Revised Code; 39584

(15) A marriage and family therapist or independent marriage 39585
and family therapist licensed under Chapter 4757. of the Revised 39586
Code. 39587

~~(M)~~(Q) "Religious nonmedical health care institution" means 39588
an institution that meets or exceeds the conditions to receive 39589
payment under the medicare program established under Title XVIII 39590
of the "Social Security Act" for inpatient hospital services or 39591
post-hospital extended care services furnished to an individual in 39592
a religious nonmedical health care institution, as defined in 39593
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 39594
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 39595

~~(N)~~(R) "Competency evaluation program" means a program 39596
through which the competency of a nurse aide to provide nursing 39597
and nursing-related services is evaluated. 39598

~~(O)~~(S) "Training and competency evaluation program" means a 39599
program of nurse aide training and evaluation of competency to 39600
provide nursing and nursing-related services. 39601

Sec. 3721.22. (A)~~(1)~~ No licensed health professional person 39602
identified in division (P)(1) to (12), (14), or (15) of section 39603
3721.21 of the Revised Code who knows or suspects that a resident 39604
has been abused ~~or~~, neglected, or exploited, or that a resident's 39605
property has been misappropriated, by any individual used by a 39606
long-term care facility or residential care facility to provide 39607
services to residents, shall fail to report that knowledge or 39608
suspicion to the ~~director of health~~ facility. 39609

(2) No nursing home administrator licensed or temporarily 39610
licensed under Chapter 4751. of the Revised Code, and no 39611
administrator of a residential care facility, who knows or 39612

suspects that a resident has been abused, neglected, or exploited, 39613
or that a resident's property has been misappropriated, by any 39614
individual used by a long-term care facility or residential care 39615
facility to provide services to residents, shall fail to report 39616
that knowledge or suspicion to the director of health. 39617

(B) Any person, including a resident, who knows or suspects 39618
that a resident has been abused ~~or~~, neglected, or exploited, or 39619
that a resident's property has been misappropriated, by any 39620
individual used by a long-term care facility or residential care 39621
facility to provide services to residents, may report that 39622
knowledge or suspicion to the director of health. 39623

(C) Any person who in good faith reports suspected abuse, 39624
neglect, exploitation, or misappropriation to a facility or the 39625
director of health, provides information during an investigation 39626
of suspected abuse, neglect, exploitation, or misappropriation 39627
conducted by the director, or participates in a hearing conducted 39628
under section 3721.23 of the Revised Code is not subject to 39629
criminal prosecution, liable in damages in a tort or other civil 39630
action, or subject to professional disciplinary action because of 39631
injury or loss to person or property allegedly arising from the 39632
making of the report, provision of information, or participation 39633
in the hearing. 39634

(D) If the director has reason to believe that a violation of 39635
division (A) of this section has occurred, the director may report 39636
the suspected violation to the appropriate professional licensing 39637
authority and to the attorney general, county prosecutor, or other 39638
appropriate law enforcement official. 39639

(E) No person shall knowingly make a false allegation of 39640
abuse ~~or~~, neglect, or exploitation of a resident or 39641
misappropriation of a resident's property, or knowingly swear or 39642
affirm the truth of a false allegation, when the allegation is 39643
made for the purpose of incriminating another. 39644

Sec. 3721.23. (A) The director of health shall receive, 39645
review, and investigate allegations of abuse ~~or~~, neglect, or 39646
exploitation of a resident or misappropriation of the property of 39647
a resident by any individual used by a long-term care facility or 39648
residential care facility to provide services to residents. 39649

(B) The director shall make findings regarding alleged abuse, 39650
neglect, exploitation, or misappropriation of property after doing 39651
both of the following: 39652

(1) Investigating the allegation and determining that there 39653
is a reasonable basis for it; 39654

(2) Giving notice to the individual named in the allegation 39655
and affording the individual a reasonable opportunity for a 39656
hearing. 39657

Notice to the person named in an allegation shall be given 39658
and the hearing shall be conducted pursuant to rules adopted by 39659
the director under section 3721.26 of the Revised Code. For 39660
purposes of conducting a hearing under this section, the director 39661
may issue subpoenas compelling attendance of witnesses or 39662
production of documents. The subpoenas shall be served in the same 39663
manner as subpoenas and subpoenas duces tecum issued for a trial 39664
of a civil action in a court of common pleas. If a person who is 39665
served a subpoena fails to attend a hearing or to produce 39666
documents, or refuses to be sworn or to answer any questions, the 39667
director may apply to the common pleas court of the county in 39668
which the person resides, or the county in which the long-term 39669
care facility or residential care facility is located, for a 39670
contempt order, as in the case of a failure of a person who is 39671
served a subpoena issued by the court to attend or to produce 39672
documents or a refusal of such person to testify. 39673

(C)(1) If the director finds that an individual used by a 39674
long-term care facility or residential care facility has abused, 39675

neglected, or ~~abused~~ exploited a resident or misappropriated 39676
property of a resident, the director shall ~~notify~~ do both of the 39677
following: 39678

(a) Notify the individual, the facility using the individual, 39679
~~and~~ the attorney general, county prosecutor, or other appropriate 39680
law enforcement official. ~~The director also shall do the~~ 39681
~~following:~~ 39682

~~(a) If the individual is used by a long-term care facility as~~ 39683
~~a nurse aide, the director shall, in accordance with section~~ 39684
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 39685
~~established under that section a statement detailing the findings~~ 39686
~~pertaining to the individual.~~ 39687

~~(b) If the individual is a licensed health professional used~~ 39688
~~by a long-term care facility or residential care facility to~~ 39689
~~provide services to residents, the director shall notify, and, if~~ 39690
~~applicable, the appropriate professional licensing authority~~ 39691
~~established under Title XLVII of the Revised Code.~~ 39692

~~(c) If the individual is used by a long-term care facility~~ 39693
~~and is neither a nurse aide nor a licensed health professional, or~~ 39694
~~is used by a residential care facility and is not a licensed~~ 39695
~~health professional, the director shall, in,~~ 39696

(b) In accordance with section 3721.32 of the Revised Code, 39697
include in the nurse aide registry established under that section 39698
a statement detailing the findings pertaining to the individual. 39699

~~(2) A nurse aide or other~~ An individual about whom a 39700
statement is required by this division to be included in the nurse 39701
aide registry may provide the director with a statement disputing 39702
the director's findings and explaining the circumstances of the 39703
allegation. The statement shall be included in the nurse aide 39704
registry with the director's findings. 39705

(D)(1) If the director finds that alleged abuse, neglect, or 39706

~~abuse~~ exploitation of a resident or misappropriation of property 39707
of a resident cannot be substantiated, the director shall notify 39708
the individual and expunge all files and records of the 39709
investigation and the hearing by doing all of the following: 39710

(a) Removing and destroying the files and records, originals 39711
and copies, and deleting all index references; 39712

(b) Reporting to the individual the nature and extent of any 39713
information about the individual transmitted to any other person 39714
or government entity by the director of health; 39715

(c) Otherwise ensuring that any examination of files and 39716
records in question show no record whatever with respect to the 39717
individual. 39718

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of 39719
this section, the director includes in the nurse aide registry a 39720
statement of a finding of neglect, the individual found to have 39721
neglected a resident may, not earlier than one year after the date 39722
of the finding, petition the director to rescind the finding and 39723
remove the statement and any accompanying information from the 39724
nurse aide registry. The director shall consider the petition. If, 39725
in the judgment of the director, the neglect was a singular 39726
occurrence and the employment and personal history of the 39727
individual does not evidence abuse, exploitation, or any other 39728
incident of neglect of residents, the director shall notify the 39729
individual and remove the statement and any accompanying 39730
information from the nurse aide registry. The director shall 39731
expunge all files and records of the investigation and the 39732
hearing, except the petition for rescission of the finding of 39733
neglect and the director's notice that the rescission has been 39734
approved. 39735

(b) A petition for rescission of a finding of neglect and the 39736
director's notice that the rescission has been approved are not 39737

public records for the purposes of section 149.43 of the Revised Code. 39738
39739

(3) When files and records have been expunged under division 39740
(D)(1) or (2) of this section, all rights and privileges are 39741
restored, and the individual, the director, and any other person 39742
or government entity may properly reply to an inquiry that no such 39743
record exists as to the matter expunged. 39744

Sec. 3721.24. (A) No person or government entity shall 39745
retaliate against an employee or another individual used by the 39746
person or government entity to perform any work or services who, 39747
in good faith, makes or causes to be made a report of suspected 39748
abuse ~~or~~, neglect, or exploitation of a resident or 39749
misappropriation of the property of a resident; indicates an 39750
intention to make such a report; provides information during an 39751
investigation of suspected abuse, neglect, exploitation, or 39752
misappropriation conducted by the director of health; or 39753
participates in a hearing conducted under section 3721.23 of the 39754
Revised Code or in any other administrative or judicial 39755
proceedings pertaining to the suspected abuse, neglect, 39756
exploitation, or misappropriation. For purposes of this division, 39757
retaliatory actions include discharging, demoting, or transferring 39758
the employee or other person, preparing a negative work 39759
performance evaluation of the employee or other person, reducing 39760
the benefits, pay, or work privileges of the employee or other 39761
person, and any other action intended to retaliate against the 39762
employee or other person. 39763

(B)(1) No person or government entity shall retaliate against 39764
a resident who reports or causes to be reported suspected abuse, 39765
neglect, exploitation, or misappropriation; indicates an intention 39766
to make such a report; provides information during an 39767
investigation of alleged abuse, neglect, exploitation, or 39768

misappropriation conducted by the director; or participates in a 39769
hearing under section 3721.23 of the Revised Code or in any other 39770
administrative or judicial proceeding pertaining to the suspected 39771
abuse, neglect, exploitation, or misappropriation; or on whose 39772
behalf any other person or government entity takes any of those 39773
actions. ~~For~~ 39774

(2) No person or government entity shall retaliate against a 39775
resident whose family member, guardian, sponsor, or personal 39776
representative reports or causes to be reported suspected abuse, 39777
neglect, exploitation, or misappropriation; indicates an intention 39778
to make such a report; provides information during an 39779
investigation of alleged abuse, neglect, exploitation, or 39780
misappropriation conducted by the director; or participates in a 39781
hearing under section 3721.23 of the Revised Code or in any other 39782
administrative or judicial proceeding pertaining to the suspected 39783
abuse, neglect, exploitation, or misappropriation; or on whose 39784
behalf any other person or government entity takes any of those 39785
actions. 39786

(3) For purposes of this division divisions (B)(1) and (2) of 39787
this section, retaliatory actions include abuse, verbal threats or 39788
other harsh language, change of room assignment, withholding of 39789
services, failure to provide care in a timely manner, and any 39790
other action intended to retaliate against the resident. 39791

(C) Any person has a cause of action against a person or 39792
government entity for harm resulting from violation of division 39793
(A) or (B) of this section. If it finds that a violation has 39794
occurred, the court may award damages and order injunctive relief. 39795
The court may award court costs and reasonable attorney's fees to 39796
the prevailing party. 39797

Sec. 3721.25. (A)(1) Except as required by court order, as 39798
necessary for the administration or enforcement of any statute or 39799

rule relating to long-term care facilities or residential care 39800
facilities, or as provided in division (D) of this section, the 39801
director of health shall not disclose any of the following without 39802
the consent of the individual or the individual's legal 39803
representative: 39804

(a) The name of an individual who reports suspected abuse ~~or~~, 39805
neglect, or exploitation of a resident or misappropriation of a 39806
resident's property to the facility or director; 39807

(b) The name of an individual who provides information during 39808
an investigation of suspected abuse, neglect, exploitation, or 39809
misappropriation conducted by the director; 39810

(c) Any information that would tend to disclose the identity 39811
of an individual described in division (A)(1)(a) or (b) of this 39812
section. 39813

(2) An agency or individual to whom the director is required, 39814
by court order or for the administration or enforcement of a 39815
statute relating to long-term care facilities or residential care 39816
facilities, to release information described in division (A)(1) of 39817
this section shall not release the information without the 39818
permission of the individual who would be or would reasonably tend 39819
to be identified, or of the individual's legal representative, 39820
unless the agency or individual is required to release it by 39821
division (D) of this section, by court order, or for the 39822
administration or enforcement of a statute relating to long-term 39823
care facilities or residential care facilities. 39824

(B) Except as provided in division (D) of this section, any 39825
record that identifies an individual described in division 39826
(A)(1)(a) or (b) of this section, or that would tend to disclose 39827
the identity of such an individual, is not a public record for the 39828
purposes of section 149.43 of the Revised Code, and is not subject 39829
to inspection or copying under section 1347.08 of the Revised 39830

Code. 39831

(C) Except as provided in division (B) of this section and 39832
division (D) of section 3721.23 of the Revised Code, the records 39833
of a hearing conducted under section 3721.23 of the Revised Code 39834
are public records for the purposes of section 149.43 of the 39835
Revised Code and are subject to inspection and copying under 39836
section 1347.08 of the Revised Code. 39837

(D) If the director, or an agency or individual to whom the 39838
director is required by court order or for administration or 39839
enforcement of a statute relating to long-term care facilities or 39840
residential care facilities to release information described in 39841
division (A)(1) of this section, uses information in any 39842
administrative or judicial proceeding against a long-term care 39843
facility or residential care facility that reasonably would tend 39844
to identify an individual described in division (A)(1)(a) or (b) 39845
of this section, the director, agency, or individual shall 39846
disclose that information to the facility. However, the director, 39847
agency, or individual shall not disclose information that directly 39848
identifies an individual described in division (A)(1)(a) or (b) of 39849
this section, unless the individual is to testify in the 39850
proceedings. 39851

Sec. 3721.32. (A) The director of health shall establish a 39852
state nurse aide registry listing all individuals who have done 39853
any of the following: 39854

(1) Were used by a long-term care facility as nurse aides on 39855
a full-time, temporary, per diem, or other basis at any time 39856
during the period commencing July 1, 1989, and ending January 1, 39857
1990, and successfully completed, not later than October 1, 1990, 39858
a competency evaluation program approved by the director under 39859
division (A) of section 3721.31 of the Revised Code or conducted 39860
by the director under division (C) of that section; 39861

(2) Successfully completed a training and competency 39862
evaluation program approved by the director under division (A) of 39863
section 3721.31 of the Revised Code or met the conditions 39864
specified in division (F) of section 3721.28 of the Revised Code, 39865
and, if the training and competency evaluation program or the 39866
training, instruction, or education the individual completed in 39867
meeting the conditions specified in division (F) of section 39868
3721.28 of the Revised Code was conducted in or by a long-term 39869
care facility, or if the director so required pursuant to division 39870
(E) of section 3721.31 of the Revised Code, has successfully 39871
completed a competency evaluation program conducted by the 39872
director; 39873

(3) Successfully completed a training and competency 39874
evaluation program conducted by the director under division (C) of 39875
section 3721.31 of the Revised Code; 39876

(4) Successfully completed, prior to July 1, 1989, a program 39877
that the director has determined under division (B)(3) of section 39878
3721.28 of the Revised Code included a competency evaluation 39879
component no less stringent than the competency evaluation 39880
programs approved or conducted by the director under section 39881
3721.31 of the Revised Code, and was otherwise comparable to the 39882
training and competency evaluation program being approved by the 39883
director under section 3721.31 of the Revised Code; 39884

(5) Are listed in a nurse aide registry maintained by another 39885
state that certifies that its program for training and evaluation 39886
of competency of nurse aides complies with Titles XVIII and XIX of 39887
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 39888
as amended, or regulations adopted thereunder; 39889

(6) Were found competent, as provided in division (B)(5) of 39890
section 3721.28 of the Revised Code, prior to July 1, 1989, after 39891
the completion of a course of nurse aide training of at least one 39892
hundred hours' duration; 39893

(7) Are enrolled in a prelicensure program of nursing 39894
education approved by the board of nursing or by an agency of 39895
another state that regulates nursing education, have provided the 39896
long-term care facility with a certificate from the program 39897
indicating that the individual has successfully completed the 39898
courses that teach basic nursing skills including infection 39899
control, safety and emergency procedures, and personal care, and 39900
have successfully completed a competency evaluation program 39901
conducted by the director under division (A) of section 3721.31 of 39902
the Revised Code; 39903

(8) Have the equivalent of twelve months or more of full-time 39904
employment in the five years preceding listing in the registry as 39905
a hospital aide or orderly and have successfully completed a 39906
competency evaluation program conducted by the director under 39907
division (C) of section 3721.31 of the Revised Code. 39908

(B) ~~The~~ In addition to the list of individuals required by 39909
division (A) of this section, the registry shall include both of 39910
the following: 39911

(1) The statement required by section 3721.23 of the Revised 39912
Code detailing findings by the director under that section 39913
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 39914
or misappropriation of resident property; 39915

(2) Any statement provided by an individual under section 39916
3721.23 of the Revised Code disputing the director's findings. 39917

Whenever an inquiry is received as to the information 39918
contained in the registry concerning an individual about whom a 39919
statement required by section 3721.23 of the Revised Code is 39920
included in the registry, the director shall disclose the 39921
statement or a summary of the statement together with any 39922
statement provided by the individual under section 3721.23 or a 39923
clear and accurate summary of that statement. 39924

(C) The director may by rule specify additional information 39925
that must be provided to the registry by long-term care facilities 39926
and persons or government agencies conducting approved competency 39927
evaluation programs and training and competency evaluation 39928
programs. 39929

(D) Information contained in the registry is a public record 39930
for the purposes of section 149.43 of the Revised Code, and is 39931
subject to inspection and copying under section 1347.08 of the 39932
Revised Code. 39933

Sec. 3727.45. The director of health may apply to the court 39934
of common pleas of the county in which a hospital is located for a 39935
temporary or permanent injunction restraining the hospital from 39936
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 39937
3727.42 of the Revised Code. 39938

Sec. 3734.02. (A) The director of environmental protection, 39939
in accordance with Chapter 119. of the Revised Code, shall adopt 39940
and may amend, suspend, or rescind rules having uniform 39941
application throughout the state governing solid waste facilities 39942
and the inspections of and issuance of permits and licenses for 39943
all solid waste facilities in order to ensure that the facilities 39944
will be located, maintained, and operated, and will undergo 39945
closure and post-closure care, in a sanitary manner so as not to 39946
create a nuisance, cause or contribute to water pollution, create 39947
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 39948
257.3-8, as amended. The rules may include, without limitation, 39949
financial assurance requirements for closure and post-closure care 39950
and corrective action and requirements for taking corrective 39951
action in the event of the surface or subsurface discharge or 39952
migration of explosive gases or leachate from a solid waste 39953
facility, or of ground water contamination resulting from the 39954
transfer or disposal of solid wastes at a facility, beyond the 39955

boundaries of any area within a facility that is operating or is 39956
undergoing closure or post-closure care where solid wastes were 39957
disposed of or are being disposed of. The rules shall not concern 39958
or relate to personnel policies, salaries, wages, fringe benefits, 39959
or other conditions of employment of employees of persons owning 39960
or operating solid waste facilities. The director, in accordance 39961
with Chapter 119. of the Revised Code, shall adopt and may amend, 39962
suspend, or rescind rules governing the issuance, modification, 39963
revocation, suspension, or denial of variances from the director's 39964
solid waste rules, including, without limitation, rules adopted 39965
under this chapter governing the management of scrap tires. 39966

Variances shall be issued, modified, revoked, suspended, or 39967
rescinded in accordance with this division, rules adopted under 39968
it, and Chapter 3745. of the Revised Code. The director may order 39969
the person to whom a variance is issued to take such action within 39970
such time as the director may determine to be appropriate and 39971
reasonable to prevent the creation of a nuisance or a hazard to 39972
the public health or safety or the environment. Applications for 39973
variances shall contain such detail plans, specifications, and 39974
information regarding objectives, procedures, controls, and other 39975
pertinent data as the director may require. The director shall 39976
grant a variance only if the applicant demonstrates to the 39977
director's satisfaction that construction and operation of the 39978
solid waste facility in the manner allowed by the variance and any 39979
terms or conditions imposed as part of the variance will not 39980
create a nuisance or a hazard to the public health or safety or 39981
the environment. In granting any variance, the director shall 39982
state the specific provision or provisions whose terms are to be 39983
varied and also shall state specific terms or conditions imposed 39984
upon the applicant in place of the provision or provisions. 39985

The director may hold a public hearing on an application for 39986
a variance or renewal of a variance at a location in the county 39987

where the operations that are the subject of the application for 39988
the variance are conducted. The director shall give not less than 39989
twenty days' notice of the hearing to the applicant by certified 39990
mail or by another type of mail accompanied by a receipt and shall 39991
publish at least one notice of the hearing in a newspaper with 39992
general circulation in the county where the hearing is to be held. 39993
The director shall make available for public inspection at the 39994
principal office of the environmental protection agency a current 39995
list of pending applications for variances and a current schedule 39996
of pending variance hearings. The director shall make a complete 39997
stenographic record of testimony and other evidence submitted at 39998
the hearing. 39999

Within ten days after the hearing, the director shall make a 40000
written determination to issue, renew, or deny the variance and 40001
shall enter the determination and the basis for it into the record 40002
of the hearing. The director shall issue, renew, or deny an 40003
application for a variance or renewal of a variance within six 40004
months of the date upon which the director receives a complete 40005
application with all pertinent information and data required. No 40006
variance shall be issued, revoked, modified, or denied until the 40007
director has considered the relative interests of the applicant, 40008
other persons and property affected by the variance, and the 40009
general public. Any variance granted under this division shall be 40010
for a period specified by the director and may be renewed from 40011
time to time on such terms and for such periods as the director 40012
determines to be appropriate. No application shall be denied and 40013
no variance shall be revoked or modified without a written order 40014
stating the findings upon which the denial, revocation, or 40015
modification is based. A copy of the order shall be sent to the 40016
applicant or variance holder by certified mail or by another type 40017
of mail accompanied by a receipt. 40018

(B) The director shall prescribe and furnish the forms 40019

necessary to administer and enforce this chapter. The director may
cooperate with and enter into agreements with other state, local,
or federal agencies to carry out the purposes of this chapter. The
director may exercise all incidental powers necessary to carry out
the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2)
and (3) of this section, no person shall establish a new solid
waste facility or infectious waste treatment facility, or modify
an existing solid waste facility or infectious waste treatment
facility, without submitting an application for a permit with
accompanying detail plans, specifications, and information
regarding the facility and method of operation and receiving a
permit issued by the director, except that no permit shall be
required under this division to install or operate a solid waste
facility for sewage sludge treatment or disposal when the
treatment or disposal is authorized by a current permit issued
under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility
for which the director ~~has denied a permit for which an~~
~~application was required under division (A)(3) of section 3734.05~~
~~of the Revised Code, or for which the director~~ has disapproved
plans and specifications required to be filed by an order issued
under division (A)(5)(3) of ~~that~~ section 3734.05 of the Revised
Code, after the date prescribed for commencement of closure of the
facility in the order issued under division (A)(6)(4) of that
~~section 3734.05 of the Revised Code~~ denying the permit application
or approval.

On and after the effective date of the rules adopted under
division (A) of this section and division (D) of section 3734.12
of the Revised Code governing solid waste transfer facilities, no
person shall establish a new, or modify an existing, solid waste
transfer facility without first submitting an application for a

permit with accompanying engineering detail plans, specifications, 40052
and information regarding the facility and its method of operation 40053
to the director and receiving a permit issued by the director. 40054

No person shall establish a new compost facility or continue 40055
to operate an existing compost facility that accepts exclusively 40056
source separated yard wastes without submitting a completed 40057
registration for the facility to the director in accordance with 40058
rules adopted under divisions (A) and (N)(3) of this section. 40059

This division does not apply to a generator of infectious 40060
wastes that does any of the following: 40061

(1) Treats, by methods, techniques, and practices established 40062
by rules adopted under division (B)(2)(a) of section 3734.021 of 40063
the Revised Code, any of the following: 40064

(a) Infectious wastes that are generated on any premises that 40065
are owned or operated by the generator; 40066

(b) Infectious wastes that are generated by a generator who 40067
has staff privileges at a hospital as defined in section 3727.01 40068
of the Revised Code; 40069

(c) Infectious wastes that are generated in providing care to 40070
a patient by an emergency medical services organization as defined 40071
in section 4765.01 of the Revised Code. 40072

(2) Holds a license or renewal of a license to operate a 40073
crematory facility issued under Chapter 4717. and a permit issued 40074
under Chapter 3704. of the Revised Code; 40075

(3) Treats or disposes of dead animals or parts thereof, or 40076
the blood of animals, and is subject to any of the following: 40077

(a) Inspection under the "Federal Meat Inspection Act," 81 40078
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 40079

(b) Chapter 918. of the Revised Code; 40080

(c) Chapter 953. of the Revised Code. 40081

(D) Neither this chapter nor any rules adopted under it apply 40082
to single-family residential premises; to infectious wastes 40083
generated by individuals for purposes of their own care or 40084
treatment; to the temporary storage of solid wastes, other than 40085
scrap tires, prior to their collection for disposal; to the 40086
storage of one hundred or fewer scrap tires unless they are stored 40087
in such a manner that, in the judgment of the director or the 40088
board of health of the health district in which the scrap tires 40089
are stored, the storage causes a nuisance, a hazard to public 40090
health or safety, or a fire hazard; or to the collection of solid 40091
wastes, other than scrap tires, by a political subdivision or a 40092
person holding a franchise or license from a political subdivision 40093
of the state; to composting, as defined in section 1511.01 of the 40094
Revised Code, conducted in accordance with section 1511.022 of the 40095
Revised Code; or to any person who is licensed to transport raw 40096
rendering material to a compost facility pursuant to section 40097
953.23 of the Revised Code. 40098

(E)(1) As used in this division: 40099

(a) "On-site facility" means a facility that stores, treats, 40100
or disposes of hazardous waste that is generated on the premises 40101
of the facility. 40102

(b) "Off-site facility" means a facility that stores, treats, 40103
or disposes of hazardous waste that is generated off the premises 40104
of the facility and includes such a facility that is also an 40105
on-site facility. 40106

(c) "Satellite facility" means any of the following: 40107

(i) An on-site facility that also receives hazardous waste 40108
from other premises owned by the same person who generates the 40109
waste on the facility premises; 40110

(ii) An off-site facility operated so that all of the 40111
hazardous waste it receives is generated on one or more premises 40112

owned by the person who owns the facility; 40113

(iii) An on-site facility that also receives hazardous waste 40114
that is transported uninterruptedly and directly to the facility 40115
through a pipeline from a generator who is not the owner of the 40116
facility. 40117

(2) Except as provided in division (E)(3) of this section, no 40118
person shall establish or operate a hazardous waste facility, or 40119
use a solid waste facility for the storage, treatment, or disposal 40120
of any hazardous waste, without a hazardous waste facility 40121
installation and operation permit issued in accordance with 40122
section 3734.05 of the Revised Code and subject to the payment of 40123
an application fee not to exceed one thousand five hundred 40124
dollars, payable upon application for a hazardous waste facility 40125
installation and operation permit and upon application for a 40126
renewal permit issued under division (H) of section 3734.05 of the 40127
Revised Code, to be credited to the hazardous waste facility 40128
management fund created in section 3734.18 of the Revised Code. 40129
The term of a hazardous waste facility installation and operation 40130
permit shall not exceed ten years. 40131

In addition to the application fee, there is hereby levied an 40132
annual permit fee to be paid by the permit holder upon the 40133
anniversaries of the date of issuance of the hazardous waste 40134
facility installation and operation permit and of any subsequent 40135
renewal permits and to be credited to the hazardous waste facility 40136
management fund. Annual permit fees totaling forty thousand 40137
dollars or more for any one facility may be paid on a quarterly 40138
basis with the first quarterly payment each year being due on the 40139
anniversary of the date of issuance of the hazardous waste 40140
facility installation and operation permit and of any subsequent 40141
renewal permits. The annual permit fee shall be determined for 40142
each permit holder by the director in accordance with the 40143
following schedule: 40144

TYPE OF BASIC			40145
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	40146
Storage facility using:			40147
Containers	On-site, off-site, and		40148
	satellite	\$ 500	40149
Tanks	On-site, off-site, and		40150
	satellite	500	40151
Waste pile	On-site, off-site, and		40152
	satellite	3,000	40153
Surface impoundment	On-site and satellite	8,000	40154
	Off-site	10,000	40155
Disposal facility using:			40156
Deep well injection	On-site and satellite	15,000	40157
	Off-site	25,000	40158
Landfill	On-site and satellite	25,000	40159
	Off-site	40,000	40160
Land application	On-site and satellite	2,500	40161
	Off-site	5,000	40162
Surface impoundment	On-site and satellite	10,000	40163
	Off-site	20,000	40164
Treatment facility using:			40165
Tanks	On-site, off-site, and		40166
	satellite	700	40167
Surface impoundment	On-site and satellite	8,000	40168
	Off-site	10,000	40169
Incinerator	On-site and satellite	5,000	40170
	Off-site	10,000	40171
Other forms			40172
of treatment	On-site, off-site, and		40173
	satellite	1,000	40174

A hazardous waste disposal facility that disposes of 40175
hazardous waste by deep well injection and that pays the annual 40176
permit fee established in section 6111.046 of the Revised Code is 40177

not subject to the permit fee established in this division for 40178
disposal facilities using deep well injection unless the director 40179
determines that the facility is not in compliance with applicable 40180
requirements established under this chapter and rules adopted 40181
under it. 40182

In determining the annual permit fee required by this 40183
section, the director shall not require additional payments for 40184
multiple units of the same method of storage, treatment, or 40185
disposal or for individual units that are used for both storage 40186
and treatment. A facility using more than one method of storage, 40187
treatment, or disposal shall pay the permit fee indicated by the 40188
schedule for each such method. 40189

The director shall not require the payment of that portion of 40190
an annual permit fee of any permit holder that would apply to a 40191
hazardous waste management unit for which a permit has been 40192
issued, but for which construction has not yet commenced. Once 40193
construction has commenced, the director shall require the payment 40194
of a part of the appropriate fee indicated by the schedule that 40195
bears the same relationship to the total fee that the number of 40196
days remaining until the next anniversary date at which payment of 40197
the annual permit fee is due bears to three hundred sixty-five. 40198

The director, by rules adopted in accordance with Chapters 40199
119. and 3745. of the Revised Code, shall prescribe procedures for 40200
collecting the annual permit fee established by this division and 40201
may prescribe other requirements necessary to carry out this 40202
division. 40203

(3) The prohibition against establishing or operating a 40204
hazardous waste facility without a hazardous waste facility 40205
installation and operation permit does not apply to either of the 40206
following: 40207

(a) A facility that is operating in accordance with a permit 40208

renewal issued under division (H) of section 3734.05 of the 40209
Revised Code, a revision issued under division (I) of that section 40210
as it existed prior to August 20, 1996, or a modification issued 40211
by the director under division (I) of that section on and after 40212
August 20, 1996; 40213

(b) Except as provided in division (J) of section 3734.05 of 40214
the Revised Code, a facility that will operate or is operating in 40215
accordance with a permit by rule, or that is not subject to permit 40216
requirements, under rules adopted by the director. In accordance 40217
with Chapter 119. of the Revised Code, the director shall adopt, 40218
and subsequently may amend, suspend, or rescind, rules for the 40219
purposes of division (E)(3)(b) of this section. Any rules so 40220
adopted shall be consistent with and equivalent to regulations 40221
pertaining to interim status adopted under the "Resource 40222
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 40223
6921, as amended, except as otherwise provided in this chapter. 40224

If a modification is requested or proposed for a facility 40225
described in division (E)(3)(a) or (b) of this section, division 40226
(I)(7) of section 3734.05 of the Revised Code applies. 40227

(F) No person shall store, treat, or dispose of hazardous 40228
waste identified or listed under this chapter and rules adopted 40229
under it, regardless of whether generated on or off the premises 40230
where the waste is stored, treated, or disposed of, or transport 40231
or cause to be transported any hazardous waste identified or 40232
listed under this chapter and rules adopted under it to any other 40233
premises, except at or to any of the following: 40234

(1) A hazardous waste facility operating under a permit 40235
issued in accordance with this chapter; 40236

(2) A facility in another state operating under a license or 40237
permit issued in accordance with the "Resource Conservation and 40238
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 40239

amended; 40240

(3) A facility in another nation operating in accordance with 40241
the laws of that nation; 40242

(4) A facility holding a permit issued pursuant to Title I of 40243
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 40244
Stat. 1052, 33 U.S.C.A. 1401, as amended; 40245

(5) A hazardous waste facility as described in division 40246
(E)(3)(a) or (b) of this section. 40247

(G) The director, by order, may exempt any person generating, 40248
collecting, storing, treating, disposing of, or transporting solid 40249
wastes, infectious wastes, or hazardous waste, or processing solid 40250
wastes that consist of scrap tires, in such quantities or under 40251
such circumstances that, in the determination of the director, are 40252
unlikely to adversely affect the public health or safety or the 40253
environment from any requirement to obtain a registration 40254
certificate, permit, or license or comply with the manifest system 40255
or other requirements of this chapter. Such an exemption shall be 40256
consistent with and equivalent to any regulations adopted by the 40257
administrator of the United States environmental protection agency 40258
under the "Resource Conservation and Recovery Act of 1976," 90 40259
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 40260
provided in this chapter. 40261

(H) No person shall engage in filling, grading, excavating, 40262
building, drilling, or mining on land where a hazardous waste 40263
facility, or a solid waste facility, was operated without prior 40264
authorization from the director, who shall establish the procedure 40265
for granting such authorization by rules adopted in accordance 40266
with Chapter 119. of the Revised Code. 40267

A public utility that has main or distribution lines above or 40268
below the land surface located on an easement or right-of-way 40269
across land where a solid waste facility was operated may engage 40270

in any such activity within the easement or right-of-way without 40271
prior authorization from the director for purposes of performing 40272
emergency repair or emergency replacement of its lines; of the 40273
poles, towers, foundations, or other structures supporting or 40274
sustaining any such lines; or of the appurtenances to those 40275
structures, necessary to restore or maintain existing public 40276
utility service. A public utility may enter upon any such easement 40277
or right-of-way without prior authorization from the director for 40278
purposes of performing necessary or routine maintenance of those 40279
portions of its existing lines; of the existing poles, towers, 40280
foundations, or other structures sustaining or supporting its 40281
lines; or of the appurtenances to any such supporting or 40282
sustaining structure, located on or above the land surface on any 40283
such easement or right-of-way. Within twenty-four hours after 40284
commencing any such emergency repair, replacement, or maintenance 40285
work, the public utility shall notify the director or the 40286
director's authorized representative of those activities and shall 40287
provide such information regarding those activities as the 40288
director or the director's representative may request. Upon 40289
completion of the emergency repair, replacement, or maintenance 40290
activities, the public utility shall restore any land of the solid 40291
waste facility disturbed by those activities to the condition 40292
existing prior to the commencement of those activities. 40293

(I) No owner or operator of a hazardous waste facility, in 40294
the operation of the facility, shall cause, permit, or allow the 40295
emission therefrom of any particulate matter, dust, fumes, gas, 40296
mist, smoke, vapor, or odorous substance that, in the opinion of 40297
the director, unreasonably interferes with the comfortable 40298
enjoyment of life or property by persons living or working in the 40299
vicinity of the facility, or that is injurious to public health. 40300
Any such action is hereby declared to be a public nuisance. 40301

(J) Notwithstanding any other provision of this chapter, in 40302

the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;	40335
(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;	40336 40337
(4) Persons who successfully complete the course shall be certified by the director;	40338 40339
(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;	40340 40341 40342 40343 40344 40345
(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;	40346 40347 40348 40349 40350 40351
(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.	40352 40353 40354 40355 40356 40357 40358 40359
No person shall fail to obtain the certification required under this division.	40360 40361
(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic	40362 40363 40364 40365

area covered by the facility, that is or is to be located within 40366
the boundaries of a state park established or dedicated under 40367
Chapter 1546. of the Revised Code, a state park purchase area 40368
established under section 1546.06 of the Revised Code, any unit of 40369
the national park system, or any property that lies within the 40370
boundaries of a national park or recreation area, but that has not 40371
been acquired or is not administered by the secretary of the 40372
United States department of the interior, located in this state, 40373
or any candidate area located in this state and identified for 40374
potential inclusion in the national park system in the edition of 40375
the "national park system plan" submitted under paragraph (b) of 40376
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 40377
U.S.C.A. 1a-5, as amended, current at the time of filing of the 40378
application for the permit, unless the facility or proposed 40379
facility is or is to be used exclusively for the disposal of solid 40380
wastes generated within the park or recreation area and the 40381
director determines that the facility or proposed facility will 40382
not degrade any of the natural or cultural resources of the park 40383
or recreation area. The director shall not issue a variance under 40384
division (A) of this section and rules adopted under it, or issue 40385
an exemption order under division (G) of this section, that would 40386
authorize any such establishment or expansion of a solid waste 40387
facility within the boundaries of any such park or recreation 40388
area, state park purchase area, or candidate area, other than a 40389
solid waste facility exclusively for the disposal of solid wastes 40390
generated within the park or recreation area when the director 40391
determines that the facility will not degrade any of the natural 40392
or cultural resources of the park or recreation area. 40393

(N)(1) The rules adopted under division (A) of this section, 40394
other than those governing variances, do not apply to scrap tire 40395
collection, storage, monocell, monofill, and recovery facilities. 40396
Those facilities are subject to and governed by rules adopted 40397
under sections 3734.70 to 3734.73 of the Revised Code, as 40398

applicable. 40399

(2) Division (C) of this section does not apply to scrap tire 40400
collection, storage, monocell, monofill, and recovery facilities. 40401
The establishment and modification of those facilities are subject 40402
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 40403
Code, as applicable. 40404

(3) The director may adopt, amend, suspend, or rescind rules 40405
under division (A) of this section creating an alternative system 40406
for authorizing the establishment, operation, or modification of a 40407
solid waste compost facility in lieu of the requirement that a 40408
person seeking to establish, operate, or modify a solid waste 40409
compost facility apply for and receive a permit under division (C) 40410
of this section and section 3734.05 of the Revised Code and a 40411
license under division (A)(1) of that section. The rules may 40412
include requirements governing, without limitation, the 40413
classification of solid waste compost facilities, the submittal of 40414
operating records for solid waste compost facilities, and the 40415
creation of a registration or notification system in lieu of the 40416
issuance of permits and licenses for solid waste compost 40417
facilities. The rules shall specify the applicability of divisions 40418
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 40419
Code to a solid waste compost facility. 40420

(0)(1) As used in this division, "secondary aluminum waste" 40421
means waste material or byproducts, when disposed of, containing 40422
aluminum generated from secondary aluminum smelting operations and 40423
consisting of dross, salt cake, baghouse dust associated with 40424
aluminum recycling furnace operations, or dry-milled wastes. 40425

(2) The owner or operator of a sanitary landfill shall not 40426
dispose of municipal solid waste that has been commingled with 40427
secondary aluminum waste. 40428

(3) The owner or operator of a sanitary landfill may dispose 40429

of secondary aluminum waste, but only in a monocell or monofill 40430
that has been permitted for that purpose in accordance with this 40431
chapter and rules adopted under it. 40432

(P)(1) As used in divisions (P) and (Q) of this section: 40433

(a) "Natural background" means two picocuries per gram or the 40434
actual number of picocuries per gram as measured at an individual 40435
solid waste facility, subject to verification by the director of 40436
health. 40437

(b) "Drilling operation" includes a production operation as 40438
defined in section 1509.01 of the Revised Code. 40439

(2) The owner or operator of a solid waste facility shall not 40440
accept for transfer or disposal technologically enhanced naturally 40441
occurring radioactive material if that material contains or is 40442
contaminated with radium-226, radium-228, or any combination of 40443
radium-226 and radium-228 at concentrations equal to or greater 40444
than five picocuries per gram above natural background. 40445

(3) The owner or operator of a solid waste facility may 40446
receive and process for purposes other than transfer or disposal 40447
technologically enhanced naturally occurring radioactive material 40448
that contains or is contaminated with radium-226, radium-228, or 40449
any combination of radium-226 and radium-228 at concentrations 40450
equal to or greater than five picocuries per gram above natural 40451
background, provided that the owner or operator has obtained and 40452
maintains all other necessary authorizations, including any 40453
authorization required by rules adopted by the director of health 40454
under section 3748.04 of the Revised Code. 40455

(4) The director of environmental protection may adopt rules 40456
in accordance with Chapter 119. of the Revised Code governing the 40457
receipt, acceptance, processing, handling, management, and 40458
disposal by solid waste facilities of material that contains or is 40459
contaminated with radioactive material, including, without 40460

limitation, technologically enhanced naturally occurring 40461
radioactive material that contains or is contaminated with 40462
radium-226, radium-228, or any combination of radium-226 and 40463
radium-228 at concentrations less than five picocuries per gram 40464
above natural background. Rules adopted by the director may 40465
include at a minimum both of the following: 40466

(a) Requirements in accordance with which the owner or 40467
operator of a solid waste facility must monitor leachate and 40468
ground water for radium-226, radium-228, and other radionuclides; 40469

(b) Requirements in accordance with which the owner or 40470
operator of a solid waste facility must develop procedures to 40471
ensure that technologically enhanced naturally occurring 40472
radioactive material accepted at the facility neither contains nor 40473
is contaminated with radium-226, radium-228, or any combination of 40474
radium-226 and radium-228 at concentrations equal to or greater 40475
than five picocuries per gram above natural background. 40476

(Q) Notwithstanding any other provision of this section, the 40477
owner or operator of a solid waste facility shall not receive, 40478
accept, process, handle, manage, or dispose of technologically 40479
enhanced naturally occurring radioactive material associated with 40480
drilling operations without first obtaining representative 40481
analytical results to determine compliance with divisions (P)(2) 40482
and (3) of this section and rules adopted under it. 40483

Sec. 3734.041. (A) The owner or operator holding a license 40484
issued under division (A) of section 3734.05 of the Revised Code 40485
for a sanitary landfill that is so situated that a residence or 40486
other occupied structure off the premises of the landfill is 40487
located within one thousand feet horizontal distance from the 40488
exterior boundary of the landfill, and the owner or operator of 40489
any closed landfill that is so situated and for which a license 40490
was issued under division (A) of section 3734.05 of the Revised 40491

Code, or the subsequent owner, lessee, or other person who has 40492
control of the land on which the closed landfill is located, 40493
shall, within sixty days after the effective date of the rules 40494
adopted under division (F) of this section, submit an explosive 40495
gas monitoring plan for the landfill or closed landfill to the 40496
director of environmental protection for approval for compliance 40497
with those rules. After approval of the plan, the owner ~~or,~~ 40498
~~operator of the landfill, or, in the instance of a closed~~ 40499
~~landfill, the owner or operator of the closed landfill, or the,~~ 40500
subsequent owner, lessee, or other person ~~who has control of the~~ 40501
~~land on which the closed landfill is located~~ shall conduct 40502
monitoring of explosive gas levels at the landfill or closed 40503
landfill, and submit written reports of the results of the 40504
monitoring to the director and the board of health of the health 40505
district in which the landfill is located in accordance with the 40506
approved plan and the schedule for implementation contained in the 40507
approved plan. 40508

No person shall violate or fail to perform a duty imposed by 40509
a plan approved under this section. 40510

(B) Division (A) of this section does not apply to a sanitary 40511
landfill or closed sanitary landfill that exclusively disposes, or 40512
disposed, of solid wastes generated on the premises where the 40513
landfill or closed landfill is located; to a sanitary landfill or 40514
closed sanitary landfill that exclusively disposes, or disposed, 40515
of solid wastes generated on one or more premises owned by the 40516
person who owns the landfill or closed landfill; or to a sanitary 40517
landfill or closed sanitary landfill owned or operated by a person 40518
other than the generator of the wastes that exclusively disposes, 40519
or disposed, of nonputrescible solid wastes or nonputrescible 40520
wastes generated by a single generator at one or more premises 40521
owned by the generator. 40522

(C) ~~When~~ As used in this division and division (D) of this 40523

section, "responsible party" includes the owner or operator of a 40524
solid waste disposal facility; any current or former owner of a 40525
closed solid waste disposal facility; any person who was 40526
responsible for the operations of a closed solid waste disposal 40527
facility; any lessee or other person who has control of the 40528
property on which a closed solid waste disposal facility is 40529
located; a receiver appointed pursuant to Chapter 2735. of the 40530
Revised Code with respect to a solid waste disposal facility or 40531
closed solid waste disposal facility; and a trustee in bankruptcy. 40532

Notwithstanding division (B) of this section, if the director 40533
determines that, due to the types of wastes disposed of, the 40534
engineering design, the hydrogeological setting, the period of 40535
time since the commencement of operation, and the proximity of 40536
residential or other occupied structures located off the premises 40537
of the landfill a solid waste disposal facility to the exterior 40538
boundaries, of or information related to concentrations of 40539
explosive gas at or surrounding a sanitary landfill licensed under 40540
division (A) of section 3734.05 of the Revised Code facility or 40541
closed sanitary landfill for which a license was issued under that 40542
division facility, the potential exists for the formation and 40543
subsurface migration of explosive gases in such quantities and 40544
under such conditions as to endanger threaten human health or 40545
safety or the environment, the director shall may issue to the 40546
owner or operator of the sanitary landfill, or, in the instance of 40547
a closed sanitary landfill, the owner or operator of the sanitary 40548
landfill, or the subsequent owner, lessee, or other person who has 40549
control of the property on which the closed landfill is located, 40550
any responsible party an order directing such owner the 40551
responsible party to prepare, obtain approval of, and implement an 40552
and submit a new or revised explosive gas monitoring and reporting 40553
plan, in accordance with division (A) of that complies with 40554
division (A) of this section and provides for the adequate 40555
evaluation of explosive gas generation at and migration from the 40556

solid waste disposal facility or closed solid waste disposal 40557
facility. A plan so submitted shall be approved in accordance with 40558
division (A) of this section. After approval of the plan, the 40559
responsible party shall conduct monitoring of explosive gas levels 40560
at the facility or closed facility and submit written reports of 40561
the results of the monitoring in accordance with the plan approved 40562
under this section. For the purposes of this division and division 40563
(D) of this section, explosive gases shall be considered to 40564
endanger threaten human health or safety or the environment if 40565
concentrations of methane generated by the landfill a facility in 40566
landfill occupied structures, excluding gas control or recovery 40567
system components, exceed twenty-five per cent of the lower 40568
explosive limit or if concentrations of methane generated by the 40569
landfill facility at the landfill facility boundary exceed the 40570
lower explosive limit. As used in this division, "lower explosive 40571
limit" means the lowest per cent by volume of methane that will 40572
produce a flame in air at twenty-five degrees centigrade and 40573
atmospheric pressure. 40574

(D) If a report submitted pursuant to a plan approved under 40575
division (A) of this section indicates that the formation of 40576
explosive gases at, and migration of explosive gases from, a 40577
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 40578
~~landfill~~ solid waste disposal facility threatens human health or 40579
safety or the environment, the director or his authorized 40580
representative ~~shall promptly~~ may conduct an evaluation of the 40581
levels of explosive gases on the premises of the ~~landfill facility~~ 40582
and in occupied structures located in proximity to the boundaries 40583
of the ~~landfill facility~~ to determine whether the formation of 40584
explosive gases at, and migration of those gases from, the 40585
~~landfill facility~~ or closed landfill facility constitutes such a 40586
threat. In addition, the director or the director's authorized 40587
representative, on their own initiative, may conduct an evaluation 40588
in accordance with division (G) of this section. Based upon the 40589

findings of ~~the~~ an evaluation, ~~or of an evaluation conducted by~~ 40590
~~the director, or his authorized representative, on his own~~ 40591
~~initiative,~~ the director ~~shall~~ may issue an order under division 40592
(A) or (B) of section 3734.13 of the Revised Code, as the director 40593
considers necessary or appropriate, directing ~~the owner or~~ 40594
~~operator of the landfill, or, in the instance of a closed~~ 40595
~~landfill, the owner or operator of the landfill, or the subsequent~~ 40596
~~owner, lessee, or other person who has control of the land on~~ 40597
~~which the closed landfill is located,~~ any responsible party to 40598
perform such measures as the director considers necessary or 40599
appropriate, to abate or minimize the formation of explosive gases 40600
or their migration off the premises of the landfill facility, to 40601
abate or remedy any conditions caused by the formation and 40602
migration of such gases that ~~endanger~~ threaten human health or 40603
safety or the environment and to take such actions as the director 40604
finds necessary or appropriate to prevent recurrence of the 40605
migration of explosive gases or decrease their concentration to 40606
levels set forth in division (C) of this section. 40607

After the issuance of an order under this division, the 40608
director shall inspect the ~~landfill at least once each week, or~~ 40609
facility at such ~~other~~ intervals as the director or ~~his~~ an 40610
authorized representative of the director considers necessary or 40611
appropriate, to ascertain compliance with the order until such 40612
time as the director determines that full compliance with those 40613
terms and conditions has been achieved. 40614

If a report submitted pursuant to a plan approved under 40615
division (A) of this section indicates that the formation of 40616
explosive gases at, and migration of explosive gases from, a 40617
~~landfill~~ solid waste disposal facility that is subject to an order 40618
issued under division (D) of this section has recurred in such 40619
quantities or under such conditions as to threaten human health or 40620
safety or the environment, or if the director determines from an 40621

inspection of any such ~~landfill facility~~ that the ~~owner or~~ 40622
~~operator of the landfill, or, in the instance of a closed~~ 40623
~~landfill, the owner or operator of the landfill, or the subsequent~~ 40624
~~owner, lessee, or other person who has control of the land on~~ 40625
~~which the closed landfill is located,~~ responsible party has 40626
violated or is violating a term or condition of the order or that 40627
measures in addition to those prescribed by the order are 40628
necessary or appropriate under the circumstances, the director 40629
shall take such actions under division (A), (B), or (C) of section 40630
3734.13 of the Revised Code as ~~he~~ the director considers necessary 40631
or appropriate to protect human health or safety or the 40632
environment. 40633

(E) The director shall conduct random inspections of licensed 40634
and closed sanitary landfills for explosive gas levels and to 40635
monitor the accuracy of the reports submitted pursuant to plans 40636
approved under division (A) of this section. 40637

(F) The director shall adopt rules under Chapter 119. of the 40638
Revised Code prescribing standards for conducting the explosive 40639
gas monitoring required by division (A) of this section including, 40640
without limitation, standards governing the numbers, locations, 40641
and design and construction of monitoring wells; quality control 40642
procedures to be followed by persons conducting those evaluations 40643
to ensure the accuracy of the monitoring; the frequency for 40644
sampling the monitoring wells, which shall be at least quarterly, 40645
except as otherwise provided in this division; and the frequency 40646
of reporting monitoring results to the director and board of 40647
health. The rules shall require that, in the instance of closed 40648
sanitary landfills, explosive gas monitoring be conducted for the 40649
period of twenty years after closure or for such other period as 40650
the director considers necessary or appropriate. Such explosive 40651
gas monitoring shall be conducted quarterly during each of the 40652
five years immediately following closure of the landfills and 40653

semiannually thereafter. If such semiannual sampling shows that 40654
the methane limits set in division (C) of this section are 40655
exceeded, sampling may be resumed at a frequency determined by the 40656
director. 40657

(G) The director or the director's authorized representative 40658
may enter upon a solid waste disposal facility or a closed solid 40659
waste disposal facility to conduct an evaluation of the 40660
concentration of explosive gas generated at or migrating from the 40661
facility. The owner or operator of a solid waste disposal facility 40662
or closed solid waste disposal facility shall allow the director 40663
or representative to conduct such an evaluation of the facility, 40664
any structures within the boundary of the facility, and any 40665
occupied structures in close proximity to the boundary of the 40666
facility that are owned or controlled by the owner or operator. 40667

(H) The remedy provided by division (D) of this section is 40668
cumulative and concurrent with any other remedy provided in this 40669
chapter or Chapter 3704. of the Revised Code, and the existence or 40670
exercise of one remedy does not prevent the exercise of any other. 40671

Sec. 3734.05. (A)(1) Except as provided in divisions (A)~~(4)~~, 40672
~~(8)~~, ~~(6)~~ and ~~(9)~~(7) of this section, no person shall operate or 40673
maintain a solid waste facility without a license issued under 40674
this division by the board of health of the health district in 40675
which the facility is located or by the director of environmental 40676
protection when the health district in which the facility is 40677
located is not on the approved list under section 3734.08 of the 40678
Revised Code. 40679

During the month of December, but before the first day of 40680
January of the next year, every person proposing to continue to 40681
operate an existing solid waste facility shall procure a license 40682
under this division to operate the facility for that year from the 40683
board of health of the health district in which the facility is 40684

located or, if the health district is not on the approved list 40685
under section 3734.08 of the Revised Code, from the director. The 40686
application for such a license shall be submitted to the board of 40687
health or to the director, as appropriate, on or before the last 40688
day of September of the year preceding that for which the license 40689
is sought. In addition to the application fee prescribed in 40690
division (A)(2) of this section, a person who submits an 40691
application after that date shall pay an additional ten per cent 40692
of the amount of the application fee for each week that the 40693
application is late. Late payment fees accompanying an application 40694
submitted to the board of health shall be credited to the special 40695
fund of the health district created in division (B) of section 40696
3734.06 of the Revised Code, and late payment fees accompanying an 40697
application submitted to the director shall be credited to the 40698
general revenue fund. A person who has received a license, upon 40699
sale or disposition of a solid waste facility, and upon consent of 40700
the board of health and the director, may have the license 40701
transferred to another person. The board of health or the director 40702
may include such terms and conditions in a license or revision to 40703
a license as are appropriate to ensure compliance with this 40704
chapter and rules adopted under it. The terms and conditions may 40705
establish the authorized maximum daily waste receipts for the 40706
facility. Limitations on maximum daily waste receipts shall be 40707
specified in cubic yards of volume for the purpose of regulating 40708
the design, construction, and operation of solid waste facilities. 40709
Terms and conditions included in a license or revision to a 40710
license by a board of health shall be consistent with, and pertain 40711
only to the subjects addressed in, the rules adopted under 40712
division (A) of section 3734.02 and division (D) of section 40713
3734.12 of the Revised Code. 40714

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 40715
~~(9)(7)~~ of this section, each person proposing to open a new solid 40716
waste facility or to modify an existing solid waste facility shall 40717

submit an application for a permit with accompanying detail plans 40718
and specifications to the environmental protection agency for 40719
required approval under the rules adopted by the director pursuant 40720
to division (A) of section 3734.02 of the Revised Code and 40721
applicable rules adopted under division (D) of section 3734.12 of 40722
the Revised Code at least two hundred seventy days before proposed 40723
operation of the facility and shall concurrently make application 40724
for the issuance of a license under division (A)(1) of this 40725
section with the board of health of the health district in which 40726
the proposed facility is to be located. 40727

(b) On and after the effective date of the rules adopted 40728
under division (A) of section 3734.02 of the Revised Code and 40729
division (D) of section 3734.12 of the Revised Code governing 40730
solid waste transfer facilities, each person proposing to open a 40731
new solid waste transfer facility or to modify an existing solid 40732
waste transfer facility shall submit an application for a permit 40733
with accompanying engineering detail plans, specifications, and 40734
information regarding the facility and its method of operation to 40735
the environmental protection agency for required approval under 40736
those rules at least two hundred seventy days before commencing 40737
proposed operation of the facility and concurrently shall make 40738
application for the issuance of a license under division (A)(1) of 40739
this section with the board of health of the health district in 40740
which the facility is located or proposed. 40741

(c) Each application for a permit under division (A)(2)(a) or 40742
(b) of this section shall be accompanied by a nonrefundable 40743
application fee of four hundred dollars that shall be credited to 40744
the general revenue fund. Each application for an annual license 40745
under division (A)(1) or (2) of this section shall be accompanied 40746
by a nonrefundable application fee of one hundred dollars. If the 40747
application for an annual license is submitted to a board of 40748
health on the approved list under section 3734.08 of the Revised 40749

Code, the application fee shall be credited to the special fund of 40750
the health district created in division (B) of section 3734.06 of 40751
the Revised Code. If the application for an annual license is 40752
submitted to the director, the application fee shall be credited 40753
to the general revenue fund. If a permit or license is issued, the 40754
amount of the application fee paid shall be deducted from the 40755
amount of the permit fee due under division (Q) of section 3745.11 40756
of the Revised Code or the amount of the license fee due under 40757
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 40758
Revised Code. 40759

(d) As used in divisions (A)(2)(d), (e), and (f) of this 40760
section, "modify" means any of the following: 40761

(i) Any increase of more than ten per cent in the total 40762
capacity of a solid waste facility; 40763

(ii) Any expansion of the limits of solid waste placement at 40764
a solid waste facility; 40765

(iii) Any increase in the depth of excavation at a solid 40766
waste facility; 40767

(iv) Any change in the technique of waste receipt or type of 40768
waste received at a solid waste facility that may endanger human 40769
health, as determined by the director by rules adopted in 40770
accordance with Chapter 119. of the Revised Code. 40771

Not later than forty-five days after submitting an 40772
application under division (A)(2)(a) or (b) of this section for a 40773
permit to open a new or modify an existing solid waste facility, 40774
the applicant, in conjunction with an officer or employee of the 40775
environmental protection agency, shall hold a public meeting on 40776
the application within the county in which the new or modified 40777
solid waste facility is or is proposed to be located or within a 40778
contiguous county. Not less than thirty days before holding the 40779
public meeting on the application, the applicant shall publish 40780

notice of the meeting in each newspaper of general circulation 40781
that is published in the county in which the facility is or is 40782
proposed to be located. If no newspaper of general circulation is 40783
published in the county, the applicant shall publish the notice in 40784
a newspaper of general circulation in the county. The notice shall 40785
contain the date, time, and location of the public meeting and a 40786
general description of the proposed new or modified facility. Not 40787
later than five days after publishing the notice, the applicant 40788
shall send by certified mail a copy of the notice and the date the 40789
notice was published to the director and the legislative authority 40790
of each municipal corporation, township, and county, and to the 40791
chief executive officer of each municipal corporation, in which 40792
the facility is or is proposed to be located. At the public 40793
meeting, the applicant shall provide information and describe the 40794
application and respond to comments or questions concerning the 40795
application, and the officer or employee of the agency shall 40796
describe the permit application process. At the public meeting, 40797
any person may submit written or oral comments on or objections to 40798
the application. Not more than thirty days after the public 40799
meeting, the applicant shall provide the director with a copy of a 40800
transcript of the full meeting, copies of any exhibits, displays, 40801
or other materials presented by the applicant at the meeting, and 40802
the original copy of any written comments submitted at the 40803
meeting. 40804

(e) Except as provided in division (A)(2)(f) of this section, 40805
prior to taking an action, other than a proposed or final denial, 40806
upon an application submitted under division (A)(2)(a) of this 40807
section for a permit to open a new or modify an existing solid 40808
waste facility, the director shall hold a public information 40809
session and a public hearing on the application within the county 40810
in which the new or modified solid waste facility is or is 40811
proposed to be located or within a contiguous county. If the 40812
application is for a permit to open a new solid waste facility, 40813

the director shall hold the hearing not less than fourteen days 40814
after the information session. If the application is for a permit 40815
to modify an existing solid waste facility, the director may hold 40816
both the information session and the hearing on the same day 40817
unless any individual affected by the application requests in 40818
writing that the information session and the hearing not be held 40819
on the same day, in which case the director shall hold the hearing 40820
not less than fourteen days after the information session. The 40821
director shall publish notice of the public information session or 40822
public hearing not less than thirty days before holding the 40823
information session or hearing, as applicable. The notice shall be 40824
published in each newspaper of general circulation that is 40825
published in the county in which the facility is or is proposed to 40826
be located. If no newspaper of general circulation is published in 40827
the county, the director shall publish the notice in a newspaper 40828
of general circulation in the county. The notice shall contain the 40829
date, time, and location of the information session or hearing, as 40830
applicable, and a general description of the proposed new or 40831
modified facility. At the public information session, an officer 40832
or employee of the environmental protection agency shall describe 40833
the status of the permit application and be available to respond 40834
to comments or questions concerning the application. At the public 40835
hearing, any person may submit written or oral comments on or 40836
objections to the approval of the application. The applicant, or a 40837
representative of the applicant who has knowledge of the location, 40838
construction, and operation of the facility, shall attend the 40839
information session and public hearing to respond to comments or 40840
questions concerning the facility directed to the applicant or 40841
representative by the officer or employee of the environmental 40842
protection agency presiding at the information session and 40843
hearing. 40844

(f) The solid waste management policy committee of a county 40845
or joint solid waste management district may adopt a resolution 40846

requesting expeditious consideration of a specific application 40847
submitted under division (A)(2)(a) of this section for a permit to 40848
modify an existing solid waste facility within the district. The 40849
resolution shall make the finding that expedited consideration of 40850
the application without the public information session and public 40851
hearing under division (A)(2)(e) of this section is in the public 40852
interest and will not endanger human health, as determined by the 40853
director by rules adopted in accordance with Chapter 119. of the 40854
Revised Code. Upon receiving such a resolution, the director, at 40855
the director's discretion, may issue a final action upon the 40856
application without holding a public information session or public 40857
hearing pursuant to division (A)(2)(e) of this section. 40858

~~(3) Except as provided in division (A)(10) of this section, 40859
and unless the owner or operator of any solid waste facility, 40860
other than a solid waste transfer facility or a compost facility 40861
that accepts exclusively source separated yard wastes, that 40862
commenced operation on or before July 1, 1968, has obtained an 40863
exemption from the requirements of division (A)(3) of this section 40864
in accordance with division (G) of section 3734.02 of the Revised 40865
Code, the owner or operator shall submit to the director an 40866
application for a permit with accompanying engineering detail 40867
plans, specifications, and information regarding the facility and 40868
its method of operation for approval under rules adopted under 40869
division (A) of section 3734.02 of the Revised Code and applicable 40870
rules adopted under division (D) of section 3734.12 of the Revised 40871
Code in accordance with the following schedule: 40872~~

~~(a) Not later than September 24, 1988, if the facility is 40873
located in the city of Garfield Heights or Parma in Cuyahoga 40874
county; 40875~~

~~(b) Not later than December 24, 1988, if the facility is 40876
located in Delaware, Greene, Guernsey, Hamilton, Madison, 40877
Mahoning, Ottawa, or Vinton county; 40878~~

~~(c) Not later than March 24, 1989, if the facility is located 40879
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 40880
Washington county, or is located in the city of Brooklyn or 40881
Cuyahoga Heights in Cuyahoga county; 40882~~

~~(d) Not later than June 24, 1989, if the facility is located 40883
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 40884
Summit county or is located in Cuyahoga county outside the cities 40885
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 40886~~

~~(e) Not later than September 24, 1989, if the facility is 40887
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 40888
county; 40889~~

~~(f) Not later than December 24, 1989, if the facility is 40890
located in a county not listed in divisions (A)(3)(a) to (e) of 40891
this section; 40892~~

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this 40893
section, not later than December 31, 1990, if the facility is a 40894
solid waste facility owned by a generator of solid wastes when the 40895
solid waste facility exclusively disposes of solid wastes 40896
generated at one or more premises owned by the generator 40897
regardless of whether the facility is located on a premises where 40898
the wastes are generated and if the facility disposes of more than 40899
one hundred thousand tons of solid wastes per year, provided that 40900
any such facility shall be subject to division (A)(5) of this 40901
section. 40902~~

~~(4) Except as provided in divisions (A)(8), (9), and (10) of 40903
this section, unless the owner or operator of any solid waste 40904
facility for which a permit was issued after July 1, 1968, but 40905
before January 1, 1980, has obtained an exemption from the 40906
requirements of division (A)(4) of this section under division (G) 40907
of section 3734.02 of the Revised Code, the owner or operator 40908
shall submit to the director an application for a permit with 40909~~

~~accompanying engineering detail plans, specifications, and~~ 40910
~~information regarding the facility and its method of operation for~~ 40911
~~approval under those rules.~~ 40912

(5) The director may issue an order in accordance with 40913
Chapter 3745. of the Revised Code to the owner or operator of a 40914
solid waste facility requiring the person to submit to the 40915
director updated engineering detail plans, specifications, and 40916
information regarding the facility and its method of operation for 40917
approval under rules adopted under division (A) of section 3734.02 40918
of the Revised Code and applicable rules adopted under division 40919
(D) of section 3734.12 of the Revised Code if, in the director's 40920
judgment, conditions at the facility constitute a substantial 40921
threat to public health or safety or are causing or contributing 40922
to or threatening to cause or contribute to air or water pollution 40923
or soil contamination. Any person who receives such an order shall 40924
submit the updated engineering detail plans, specifications, and 40925
information to the director within one hundred eighty days after 40926
the effective date of the order. 40927

~~(6)(4) The director shall act upon an application submitted~~ 40928
~~under division (A)(3) or (4) of this section and any updated~~ 40929
engineering plans, specifications, and information submitted under 40930
division (A)~~(5)(3)~~ of this section within one hundred eighty days 40931
after receiving them. If the director ~~denies any such permit~~ 40932
~~application, the~~ issues an order ~~denying the application or~~ 40933
disapproving the plans, specifications, and information submitted 40934
under division (A)(3) of this section, the order shall include all 40935
of the following requirements ~~that:~~ 40936

(a) That the owner or operator submit a plan for closure and 40937
post-closure care of the facility to the director for approval 40938
within six months after issuance of the order~~;~~ 40939

(b) That the owner or operator cease accepting solid wastes 40940
for disposal or transfer at the facility~~;~~ and 40941

(c) The owner or operator commence closure of the facility 40942
not later than one year after issuance of the order. ~~If~~ 40943

If the director determines that closure of the facility 40944
within that one-year period would result in the unavailability of 40945
sufficient solid waste management facility capacity within the 40946
county or joint solid waste management district in which the 40947
facility is located to dispose of or transfer the solid waste 40948
generated within the district, the director in the order of ~~denial~~ 40949
~~or~~ disapproval may postpone commencement of closure of the 40950
facility for such period of time as the director finds necessary 40951
for the board of county commissioners or directors of the district 40952
to secure access to or for there to be constructed within the 40953
district sufficient solid waste management facility capacity to 40954
meet the needs of the district, provided that the director shall 40955
certify in the director's order that postponing the date for 40956
commencement of closure will not endanger ground water or any 40957
property surrounding the facility, allow methane gas migration to 40958
occur, or cause or contribute to any other type of environmental 40959
damage. 40960

If an emergency need for disposal capacity that may affect 40961
public health and safety exists as a result of closure of a 40962
facility under division (A)~~(6)~~(4) of this section, the director 40963
may issue an order designating another solid waste facility to 40964
accept the wastes that would have been disposed of at the facility 40965
to be closed. 40966

~~(7)~~(5) If the director determines that standards more 40967
stringent than those applicable in rules adopted under division 40968
(A) of section 3734.02 of the Revised Code and division (D) of 40969
section 3734.12 of the Revised Code, or standards pertaining to 40970
subjects not specifically addressed by those rules, are necessary 40971
to ensure that a solid waste facility constructed at the proposed 40972
location will not cause a nuisance, cause or contribute to water 40973

pollution, or endanger public health or safety, the director may 40974
issue a permit for the facility with such terms and conditions as 40975
the director finds necessary to protect public health and safety 40976
and the environment. If a permit is issued, the director shall 40977
state in the order issuing it the specific findings supporting 40978
each such term or condition. 40979

~~(8)(6)~~ Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 40980
section do not apply to a solid waste compost facility that 40981
accepts exclusively source separated yard wastes and that is 40982
registered under division (C) of section 3734.02 of the Revised 40983
Code or, unless otherwise provided in rules adopted under division 40984
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 40985
compost facility if the director has adopted rules establishing an 40986
alternative system for authorizing the establishment, operation, 40987
or modification of a solid waste compost facility under that 40988
division. 40989

~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 40990
apply to scrap tire collection, storage, monocell, monofill, and 40991
recovery facilities. The approval of plans and specifications, as 40992
applicable, and the issuance of registration certificates, 40993
permits, and licenses for those facilities are subject to sections 40994
3734.75 to 3734.78 of the Revised Code, as applicable, and section 40995
3734.81 of the Revised Code. 40996

~~(10) Divisions (A)(3) and (4) of this section do not apply to~~ 40997
~~a solid waste incinerator that was placed into operation on or~~ 40998
~~before October 12, 1994, and that is not authorized to accept and~~ 40999
~~treat infectious wastes pursuant to division (B) of this section.~~ 41000

(B)(1) No person shall operate or maintain an infectious 41001
waste treatment facility without a license issued by the board of 41002
health of the health district in which the facility is located or 41003
by the director when the health district in which the facility is 41004
located is not on the approved list under section 3734.08 of the 41005

Revised Code. 41006

(2)(a) During the month of December, but before the first day 41007
of January of the next year, every person proposing to continue to 41008
operate an existing infectious waste treatment facility shall 41009
procure a license to operate the facility for that year from the 41010
board of health of the health district in which the facility is 41011
located or, if the health district is not on the approved list 41012
under section 3734.08 of the Revised Code, from the director. The 41013
application for such a license shall be submitted to the board of 41014
health or to the director, as appropriate, on or before the last 41015
day of September of the year preceding that for which the license 41016
is sought. In addition to the application fee prescribed in 41017
division (B)(2)(c) of this section, a person who submits an 41018
application after that date shall pay an additional ten per cent 41019
of the amount of the application fee for each week that the 41020
application is late. Late payment fees accompanying an application 41021
submitted to the board of health shall be credited to the special 41022
infectious waste fund of the health district created in division 41023
(C) of section 3734.06 of the Revised Code, and late payment fees 41024
accompanying an application submitted to the director shall be 41025
credited to the general revenue fund. A person who has received a 41026
license, upon sale or disposition of an infectious waste treatment 41027
facility and upon consent of the board of health and the director, 41028
may have the license transferred to another person. The board of 41029
health or the director may include such terms and conditions in a 41030
license or revision to a license as are appropriate to ensure 41031
compliance with the infectious waste provisions of this chapter 41032
and rules adopted under them. 41033

(b) Each person proposing to open a new infectious waste 41034
treatment facility or to modify an existing infectious waste 41035
treatment facility shall submit an application for a permit with 41036
accompanying detail plans and specifications to the environmental 41037

protection agency for required approval under the rules adopted by 41038
the director pursuant to section 3734.021 of the Revised Code two 41039
hundred seventy days before proposed operation of the facility and 41040
concurrently shall make application for a license with the board 41041
of health of the health district in which the facility is or is 41042
proposed to be located. Not later than ninety days after receiving 41043
a complete application under division (B)(2)(b) of this section 41044
for a permit to open a new infectious waste treatment facility or 41045
modify an existing infectious waste treatment facility to expand 41046
its treatment capacity, or receiving a complete application under 41047
division (A)(2)(a) of this section for a permit to open a new 41048
solid waste incineration facility, or modify an existing solid 41049
waste incineration facility to also treat infectious wastes or to 41050
increase its infectious waste treatment capacity, that pertains to 41051
a facility for which a notation authorizing infectious waste 41052
treatment is included or proposed to be included in the solid 41053
waste incineration facility's license pursuant to division (B)(3) 41054
of this section, the director shall hold a public hearing on the 41055
application within the county in which the new or modified 41056
infectious waste or solid waste facility is or is proposed to be 41057
located or within a contiguous county. Not less than thirty days 41058
before holding the public hearing on the application, the director 41059
shall publish notice of the hearing in each newspaper that has 41060
general circulation and that is published in the county in which 41061
the facility is or is proposed to be located. If there is no 41062
newspaper that has general circulation and that is published in 41063
the county, the director shall publish the notice in a newspaper 41064
of general circulation in the county. The notice shall contain the 41065
date, time, and location of the public hearing and a general 41066
description of the proposed new or modified facility. At the 41067
public hearing, any person may submit written or oral comments on 41068
or objections to the approval or disapproval of the application. 41069
The applicant, or a representative of the applicant who has 41070

knowledge of the location, construction, and operation of the 41071
facility, shall attend the public hearing to respond to comments 41072
or questions concerning the facility directed to the applicant or 41073
representative by the officer or employee of the environmental 41074
protection agency presiding at the hearing. 41075

(c) Each application for a permit under division (B)(2)(b) of 41076
this section shall be accompanied by a nonrefundable application 41077
fee of four hundred dollars that shall be credited to the general 41078
revenue fund. Each application for an annual license under 41079
division (B)(2)(a) of this section shall be accompanied by a 41080
nonrefundable application fee of one hundred dollars. If the 41081
application for an annual license is submitted to a board of 41082
health on the approved list under section 3734.08 of the Revised 41083
Code, the application fee shall be credited to the special 41084
infectious waste fund of the health district created in division 41085
(C) of section 3734.06 of the Revised Code. If the application for 41086
an annual license is submitted to the director, the application 41087
fee shall be credited to the general revenue fund. If a permit or 41088
license is issued, the amount of the application fee paid shall be 41089
deducted from the amount of the permit fee due under division (Q) 41090
of section 3745.11 of the Revised Code or the amount of the 41091
license fee due under division (C) of section 3734.06 of the 41092
Revised Code. 41093

(d) The director may issue an order in accordance with 41094
Chapter 3745. of the Revised Code to the owner or operator of an 41095
infectious waste treatment facility requiring the person to submit 41096
to the director updated engineering detail plans, specifications, 41097
and information regarding the facility and its method of operation 41098
for approval under rules adopted under section 3734.021 of the 41099
Revised Code if, in the director's judgment, conditions at the 41100
facility constitute a substantial threat to public health or 41101
safety or are causing or contributing to or threatening to cause 41102

or contribute to air or water pollution or soil contamination. Any 41103
person who receives such an order shall submit the updated 41104
engineering detail plans, specifications, and information to the 41105
director within one hundred eighty days after the effective date 41106
of the order. 41107

(e) The director shall act on any updated engineering plans, 41108
specifications, and information submitted under division (B)(2)(d) 41109
of this section within one hundred eighty days after receiving 41110
them. If the director disapproves any such updated engineering 41111
plans, specifications, and information, the director shall include 41112
in the order disapproving the plans the requirement that the owner 41113
or operator cease accepting infectious wastes for treatment at the 41114
facility. 41115

(3) Division (B) of this section does not apply to a 41116
generator of infectious wastes that meets any of the following 41117
conditions: 41118

(a) Treats, by methods, techniques, and practices established 41119
by rules adopted under division (B)(2)(a) of section 3734.021 of 41120
the Revised Code, any of the following wastes: 41121

(i) Infectious wastes that are generated on any premises that 41122
are owned or operated by the generator; 41123

(ii) Infectious wastes that are generated by a generator who 41124
has staff privileges at a hospital as defined in section 3727.01 41125
of the Revised Code; 41126

(iii) Infectious wastes that are generated in providing care 41127
to a patient by an emergency medical services organization as 41128
defined in section 4765.01 of the Revised Code. 41129

(b) Holds a license or renewal of a license to operate a 41130
crematory facility issued under Chapter 4717. and a permit issued 41131
under Chapter 3704. of the Revised Code; 41132

(c) Treats or disposes of dead animals or parts thereof, or	41133
the blood of animals, and is subject to any of the following:	41134
(i) Inspection under the "Federal Meat Inspection Act," 81	41135
Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	41136
(ii) Chapter 918. of the Revised Code;	41137
(iii) Chapter 953. of the Revised Code.	41138
Nothing in division (B) of this section requires a facility	41139
that holds a license issued under division (A) of this section as	41140
a solid waste facility and that also treats infectious wastes by	41141
the same method, technique, or process to obtain a license under	41142
division (B) of this section as an infectious waste treatment	41143
facility. However, the solid waste facility license for the	41144
facility shall include the notation that the facility also treats	41145
infectious wastes.	41146
The director shall not issue a permit to open a new solid	41147
waste incineration facility unless the proposed facility complies	41148
with the requirements for the location of new infectious waste	41149
incineration facilities established in rules adopted under	41150
division (B)(2)(b) of section 3734.021 of the Revised Code.	41151
(C) Except for a facility or activity described in division	41152
(E)(3) of section 3734.02 of the Revised Code, a person who	41153
proposes to establish or operate a hazardous waste facility shall	41154
submit a complete application for a hazardous waste facility	41155
installation and operation permit and accompanying detail plans,	41156
specifications, and such information as the director may require	41157
to the environmental protection agency at least one hundred eighty	41158
days before the proposed beginning of operation of the facility.	41159
The applicant shall notify by certified mail the legislative	41160
authority of each municipal corporation, township, and county in	41161
which the facility is proposed to be located of the submission of	41162
the application within ten days after the submission or at such	41163

earlier time as the director may establish by rule. If the 41164
application is for a proposed new hazardous waste disposal or 41165
thermal treatment facility, the applicant also shall give actual 41166
notice of the general design and purpose of the facility to the 41167
legislative authority of each municipal corporation, township, and 41168
county in which the facility is proposed to be located at least 41169
ninety days before the permit application is submitted to the 41170
environmental protection agency. 41171

In accordance with rules adopted under section 3734.12 of the 41172
Revised Code, prior to the submission of a complete application 41173
for a hazardous waste facility installation and operation permit, 41174
the applicant shall hold at least one meeting in the township or 41175
municipal corporation in which the facility is proposed to be 41176
located, whichever is geographically closer to the proposed 41177
location of the facility. The meeting shall be open to the public 41178
and shall be held to inform the community of the proposed 41179
hazardous waste management activities and to solicit questions 41180
from the community concerning the activities. 41181

(D)(1) Except as provided in section 3734.123 of the Revised 41182
Code, upon receipt of a complete application for a hazardous waste 41183
facility installation and operation permit under division (C) of 41184
this section, the director shall consider the application and 41185
accompanying information to determine whether the application 41186
complies with agency rules and the requirements of division (D)(2) 41187
of this section. After making a determination, the director shall 41188
issue either a draft permit or a notice of intent to deny the 41189
permit. The director, in accordance with rules adopted under 41190
section 3734.12 of the Revised Code or with rules adopted to 41191
implement Chapter 3745. of the Revised Code, shall provide public 41192
notice of the application and the draft permit or the notice of 41193
intent to deny the permit, provide an opportunity for public 41194
comments, and, if significant interest is shown, schedule a public 41195

meeting in the county in which the facility is proposed to be 41196
located and give public notice of the date, time, and location of 41197
the public meeting in a newspaper of general circulation in that 41198
county. 41199

(2) The director shall not approve an application for a 41200
hazardous waste facility installation and operation permit or an 41201
application for a modification under division (I)(3) of this 41202
section unless the director finds and determines as follows: 41203

(a) The nature and volume of the waste to be treated, stored, 41204
or disposed of at the facility; 41205

(b) That the facility complies with the director's hazardous 41206
waste standards adopted pursuant to section 3734.12 of the Revised 41207
Code; 41208

(c) That the facility represents the minimum adverse 41209
environmental impact, considering the state of available 41210
technology and the nature and economics of various alternatives, 41211
and other pertinent considerations; 41212

(d) That the facility represents the minimum risk of all of 41213
the following: 41214

(i) Fires or explosions from treatment, storage, or disposal 41215
methods; 41216

(ii) Release of hazardous waste during transportation of 41217
hazardous waste to or from the facility; 41218

(iii) Adverse impact on the public health and safety. 41219

(e) That the facility will comply with this chapter and 41220
Chapters 3704. and 6111. of the Revised Code and all rules and 41221
standards adopted under them; 41222

(f) That if the owner of the facility, the operator of the 41223
facility, or any other person in a position with the facility from 41224
which the person may influence the installation and operation of 41225

the facility has been involved in any prior activity involving 41226
transportation, treatment, storage, or disposal of hazardous 41227
waste, that person has a history of compliance with this chapter 41228
and Chapters 3704. and 6111. of the Revised Code and all rules and 41229
standards adopted under them, the "Resource Conservation and 41230
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41231
amended, and all regulations adopted under it, and similar laws 41232
and rules of other states if any such prior operation was located 41233
in another state that demonstrates sufficient reliability, 41234
expertise, and competency to operate a hazardous waste facility 41235
under the applicable provisions of this chapter and Chapters 3704. 41236
and 6111. of the Revised Code, the applicable rules and standards 41237
adopted under them, and terms and conditions of a hazardous waste 41238
facility installation and operation permit, given the potential 41239
for harm to the public health and safety and the environment that 41240
could result from the irresponsible operation of the facility. For 41241
off-site facilities, as defined in section 3734.41 of the Revised 41242
Code, the director may use the investigative reports of the 41243
attorney general prepared pursuant to section 3734.42 of the 41244
Revised Code as a basis for making a finding and determination 41245
under division (D)(2)(f) of this section. 41246

(g) That the active areas within a new hazardous waste 41247
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 41248
(e), as amended, or organic waste that is toxic and is listed 41249
under 40 C.F.R. 261, as amended, is being stored, treated, or 41250
disposed of and where the aggregate of the storage design capacity 41251
and the disposal design capacity of all hazardous waste in those 41252
areas is greater than two hundred fifty thousand gallons, are not 41253
located or operated within any of the following: 41254

(i) Two thousand feet of any residence, school, hospital, 41255
jail, or prison; 41256

(ii) Any naturally occurring wetland; 41257

(iii) Any flood hazard area if the applicant cannot show that 41258
the facility will be designed, constructed, operated, and 41259
maintained to prevent washout by a one-hundred-year flood. 41260

Division (D)(2)(g) of this section does not apply to the 41261
facility of any applicant who demonstrates to the director that 41262
the limitations specified in that division are not necessary 41263
because of the nature or volume of the waste and the manner of 41264
management applied, the facility will impose no substantial danger 41265
to the health and safety of persons occupying the structures 41266
listed in division (D)(2)(g)(i) of this section, and the facility 41267
is to be located or operated in an area where the proposed 41268
hazardous waste activities will not be incompatible with existing 41269
land uses in the area. 41270

(h) That the facility will not be located within the 41271
boundaries of a state park established or dedicated under Chapter 41272
1546. of the Revised Code, a state park purchase area established 41273
under section 1546.06 of the Revised Code, any unit of the 41274
national park system, or any property that lies within the 41275
boundaries of a national park or recreation area, but that has not 41276
been acquired or is not administered by the secretary of the 41277
United States department of the interior, located in this state, 41278
or any candidate area located in this state identified for 41279
potential inclusion in the national park system in the edition of 41280
the "national park system plan" submitted under paragraph (b) of 41281
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 41282
U.S.C.A. 1a-5, as amended, current at the time of filing of the 41283
application for the permit, unless the facility will be used 41284
exclusively for the storage of hazardous waste generated within 41285
the park or recreation area in conjunction with the operation of 41286
the park or recreation area. Division (D)(2)(h) of this section 41287
does not apply to the facility of any applicant for modification 41288
of a permit unless the modification application proposes to 41289

increase the land area included in the facility or to increase the 41290
quantity of hazardous waste that will be treated, stored, or 41291
disposed of at the facility. 41292

(3) Not later than one hundred eighty days after the end of 41293
the public comment period, the director, without prior hearing, 41294
shall issue or deny the permit in accordance with Chapter 3745. of 41295
the Revised Code. If the director approves an application for a 41296
hazardous waste facility installation and operation permit, the 41297
director shall issue the permit, upon such terms and conditions as 41298
the director finds are necessary to ensure the construction and 41299
operation of the hazardous waste facility in accordance with the 41300
standards of this section. 41301

(E) No political subdivision of this state shall require any 41302
additional zoning or other approval, consent, permit, certificate, 41303
or condition for the construction or operation of a hazardous 41304
waste facility authorized by a hazardous waste facility 41305
installation and operation permit issued pursuant to this chapter, 41306
nor shall any political subdivision adopt or enforce any law, 41307
ordinance, or rule that in any way alters, impairs, or limits the 41308
authority granted in the permit. 41309

(F) The director may issue a single hazardous waste facility 41310
installation and operation permit to a person who operates two or 41311
more adjoining facilities where hazardous waste is stored, 41312
treated, or disposed of if the application includes detail plans, 41313
specifications, and information on all facilities. For the 41314
purposes of this section, "adjoining" means sharing a common 41315
boundary, separated only by a public road, or in such proximity 41316
that the director determines that the issuance of a single permit 41317
will not create a hazard to the public health or safety or the 41318
environment. 41319

(G) No person shall falsify or fail to keep or submit any 41320
plans, specifications, data, reports, records, manifests, or other 41321

information required to be kept or submitted to the director by 41322
this chapter or the rules adopted under it. 41323

(H)(1) Each person who holds an installation and operation 41324
permit issued under this section and who wishes to obtain a permit 41325
renewal shall submit a completed application for an installation 41326
and operation permit renewal and any necessary accompanying 41327
general plans, detail plans, specifications, and such information 41328
as the director may require to the director no later than one 41329
hundred eighty days prior to the expiration date of the existing 41330
permit or upon a later date prior to the expiration of the 41331
existing permit if the permittee can demonstrate good cause for 41332
the late submittal. The director shall consider the application 41333
and accompanying information, inspection reports of the facility, 41334
results of performance tests, a report regarding the facility's 41335
compliance or noncompliance with the terms and conditions of its 41336
permit and rules adopted by the director under this chapter, and 41337
such other information as is relevant to the operation of the 41338
facility and shall issue a draft renewal permit or a notice of 41339
intent to deny the renewal permit. The director, in accordance 41340
with rules adopted under this section or with rules adopted to 41341
implement Chapter 3745. of the Revised Code, shall give public 41342
notice of the application and draft renewal permit or notice of 41343
intent to deny the renewal permit, provide for the opportunity for 41344
public comments within a specified time period, schedule a public 41345
meeting in the county in which the facility is located if 41346
significant interest is shown, and give public notice of the 41347
public meeting. 41348

(2) Within sixty days after the public meeting or close of 41349
the public comment period, the director, without prior hearing, 41350
shall issue or deny the renewal permit in accordance with Chapter 41351
3745. of the Revised Code. The director shall not issue a renewal 41352
permit unless the director determines that the facility under the 41353

existing permit has a history of compliance with this chapter, 41354
rules adopted under it, the existing permit, or orders entered to 41355
enforce such requirements that demonstrates sufficient 41356
reliability, expertise, and competency to operate the facility 41357
henceforth under this chapter, rules adopted under it, and the 41358
renewal permit. If the director approves an application for a 41359
renewal permit, the director shall issue the permit subject to the 41360
payment of the annual permit fee required under division (E) of 41361
section 3734.02 of the Revised Code and upon such terms and 41362
conditions as the director finds are reasonable to ensure that 41363
continued operation, maintenance, closure, and post-closure care 41364
of the hazardous waste facility are in accordance with the rules 41365
adopted under section 3734.12 of the Revised Code. 41366

(3) An installation and operation permit renewal application 41367
submitted to the director that also contains or would constitute 41368
an application for a modification shall be acted upon by the 41369
director in accordance with division (I) of this section in the 41370
same manner as an application for a modification. In approving or 41371
disapproving the renewal portion of a permit renewal application 41372
containing an application for a modification, the director shall 41373
apply the criteria established under division (H)(2) of this 41374
section. 41375

(4) An application for renewal or modification of a permit 41376
that does not contain an application for a modification as 41377
described in divisions (I)(3)(a) to (d) of this section shall not 41378
be subject to division (D)(2) of this section. 41379

(I)(1) As used in this section, "modification" means a change 41380
or alteration to a hazardous waste facility or its operations that 41381
is inconsistent with or not authorized by its existing permit or 41382
authorization to operate. Modifications shall be classified as 41383
Class 1, 2, or 3 modifications in accordance with rules adopted 41384
under division (K) of this section. Modifications classified as 41385

Class 3 modifications, in accordance with rules adopted under that 41386
division, shall be further classified by the director as either 41387
Class 3 modifications that are to be approved or disapproved by 41388
the director under divisions (I)(3)(a) to (d) of this section or 41389
as Class 3 modifications that are to be approved or disapproved by 41390
the director under division (I)(5) of this section. Not later than 41391
thirty days after receiving a request for a modification under 41392
division (I)(4) of this section that is not listed in Appendix I 41393
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 41394
section, the director shall classify the modification and shall 41395
notify the owner or operator of the facility requesting the 41396
modification of the classification. Notwithstanding any other law 41397
to the contrary, a modification that involves the transfer of a 41398
hazardous waste facility installation and operation permit to a 41399
new owner or operator for any off-site facility as defined in 41400
section 3734.41 of the Revised Code shall be classified as a Class 41401
3 modification. The transfer of a hazardous waste facility 41402
installation and operation permit to a new owner or operator for a 41403
facility that is not an off-site facility shall be classified as a 41404
Class 1 modification requiring prior approval of the director. 41405

(2) Except as provided in section 3734.123 of the Revised 41406
Code, a hazardous waste facility installation and operation permit 41407
may be modified at the request of the director or upon the written 41408
request of the permittee only if any of the following applies: 41409

(a) The permittee desires to accomplish alterations, 41410
additions, or deletions to the permitted facility or to undertake 41411
alterations, additions, deletions, or activities that are 41412
inconsistent with or not authorized by the existing permit; 41413

(b) New information or data justify permit conditions in 41414
addition to or different from those in the existing permit; 41415

(c) The standards, criteria, or rules upon which the existing 41416
permit is based have been changed by new, amended, or rescinded 41417

standards, criteria, or rules, or by judicial decision after the 41418
existing permit was issued, and the change justifies permit 41419
conditions in addition to or different from those in the existing 41420
permit; 41421

(d) The permittee proposes to transfer the permit to another 41422
person. 41423

(3) The director shall approve or disapprove an application 41424
for a modification in accordance with division (D)(2) of this 41425
section and rules adopted under division (K) of this section for 41426
all of the following categories of Class 3 modifications: 41427

(a) Authority to conduct treatment, storage, or disposal at a 41428
site, location, or tract of land that has not been authorized for 41429
the proposed category of treatment, storage, or disposal activity 41430
by the facility's permit; 41431

(b) Modification or addition of a hazardous waste management 41432
unit, as defined in rules adopted under section 3734.12 of the 41433
Revised Code, that results in an increase in a facility's storage 41434
capacity of more than twenty-five per cent over the capacity 41435
authorized by the facility's permit, an increase in a facility's 41436
treatment rate of more than twenty-five per cent over the rate so 41437
authorized, or an increase in a facility's disposal capacity over 41438
the capacity so authorized. The authorized disposal capacity for a 41439
facility shall be calculated from the approved design plans for 41440
the disposal units at that facility. In no case during a five-year 41441
period shall a facility's storage capacity or treatment rate be 41442
modified to increase by more than twenty-five per cent in the 41443
aggregate without the director's approval in accordance with 41444
division (D)(2) of this section. Notwithstanding any provision of 41445
division (I) of this section to the contrary, a request for 41446
modification of a facility's annual total waste receipt limit 41447
shall be classified and approved or disapproved by the director 41448
under division (I)(5) of this section. 41449

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance

with this section and rules adopted under it. 41482

(5) Class 1 modification applications that require prior 41483
approval of the director, as provided in division (I)(1) of this 41484
section or as determined in accordance with rules adopted under 41485
division (K) of this section, Class 2 modification applications, 41486
and Class 3 modification applications that are not described in 41487
divisions (I)(3)(a) to (d) of this section shall be approved or 41488
disapproved by the director in accordance with rules adopted under 41489
division (K) of this section. The board of county commissioners of 41490
the county, the board of township trustees of the township, and 41491
the city manager or mayor of the municipal corporation in which a 41492
hazardous waste facility is located shall receive notification of 41493
any application for a modification for that facility and shall be 41494
considered as interested persons with respect to the director's 41495
consideration of the application. 41496

As used in division (I) of this section: 41497

(a) "Owner" means the person who owns a majority or 41498
controlling interest in a facility. 41499

(b) "Operator" means the person who is responsible for the 41500
overall operation of a facility. 41501

The director shall approve or disapprove an application for a 41502
Class 1 modification that requires the director's approval within 41503
sixty days after receiving the request for modification. The 41504
director shall approve or disapprove an application for a Class 2 41505
modification within three hundred days after receiving the request 41506
for modification. The director shall approve or disapprove an 41507
application for a Class 3 modification within three hundred 41508
sixty-five days after receiving the request for modification. 41509

(6) The approval or disapproval by the director of a Class 1 41510
modification application is not a final action that is appealable 41511
under Chapter 3745. of the Revised Code. The approval or 41512

disapproval by the director of a Class 2 modification or a Class 3 41513
modification is a final action that is appealable under that 41514
chapter. In approving or disapproving a request for a 41515
modification, the director shall consider all comments pertaining 41516
to the request that are received during the public comment period 41517
and the public meetings. The administrative record for appeal of a 41518
final action by the director in approving or disapproving a 41519
request for a modification shall include all comments received 41520
during the public comment period relating to the request for 41521
modification, written materials submitted at the public meetings 41522
relating to the request, and any other documents related to the 41523
director's action. 41524

(7) Notwithstanding any other provision of law to the 41525
contrary, a change or alteration to a hazardous waste facility 41526
described in division (E)(3)(a) or (b) of section 3734.02 of the 41527
Revised Code, or its operations, is a modification for the 41528
purposes of this section. An application for a modification at 41529
such a facility shall be submitted, classified, and approved or 41530
disapproved in accordance with divisions (I)(1) to (6) of this 41531
section in the same manner as a modification to a hazardous waste 41532
facility installation and operation permit. 41533

(J)(1) Except as provided in division (J)(2) of this section, 41534
an owner or operator of a hazardous waste facility that is 41535
operating in accordance with a permit by rule under rules adopted 41536
by the director under division (E)(3)(b) of section 3734.02 of the 41537
Revised Code shall submit either a hazardous waste facility 41538
installation and operation permit application for the facility or 41539
a modification application, whichever is required under division 41540
(J)(1)(a) or (b) of this section, within one hundred eighty days 41541
after the director has requested the application or upon a later 41542
date if the owner or operator demonstrates to the director good 41543
cause for the late submittal. 41544

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later

date if the owner or operator demonstrates to the director good 41577
cause for the late submittal. The application shall be accompanied 41578
by information necessary to support the request. The director 41579
shall approve or disapprove an application for a hazardous waste 41580
facility installation and operation permit in accordance with 41581
division (D) of this section and approve or disapprove an 41582
application for a modification in accordance with division (I)(3) 41583
of this section, except that the director shall not disapprove an 41584
application for the thermal treatment activities on the basis of 41585
the criteria set forth in division (D)(2)(g) or (h) of this 41586
section. 41587

(3) As used in division (J) of this section: 41588

(a) "Modification application" means a request for a 41589
modification submitted in accordance with division (I) of this 41590
section. 41591

(b) "Thermal treatment," "boiler," and "industrial furnace" 41592
have the same meanings as in rules adopted under section 3734.12 41593
of the Revised Code. 41594

(K) The director shall adopt, and may amend, suspend, or 41595
rescind, rules in accordance with Chapter 119. of the Revised Code 41596
in order to implement divisions (H) and (I) of this section. 41597
Except when in actual conflict with this section, rules governing 41598
the classification of and procedures for the modification of 41599
hazardous waste facility installation and operation permits shall 41600
be substantively and procedurally identical to the regulations 41601
governing hazardous waste facility permitting and permit 41602
modifications adopted under the "Resource Conservation and 41603
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41604
amended. 41605

Sec. 3734.06. (A)(1) Except as provided in divisions (A)(2), 41606
(3), (4), and (5) of this section and in section 3734.82 of the 41607

Revised Code, the annual fee for a solid waste facility license 41608
shall be in accordance with the following schedule: 41609

AUTHORIZED MAXIMUM	ANNUAL	41610
DAILY WASTE	LICENSE	41611
RECEIPT (TONS)	FEE	41612
100 or less	\$ 5,000	41613
101 to 200	12,500	41614
201 to 500	30,000	41615
501 or more	60,000	41616

For the purpose of determining the applicable license fee 41617
under divisions (A)(1), (2), and (3) of this section, the 41618
authorized maximum daily waste receipt shall be the maximum amount 41619
of wastes the facility is authorized to receive daily that is 41620
established in the permit for the facility, and any modifications 41621
to that permit, issued under division (A)(2) ~~or (3)~~ of section 41622
3734.05 of the Revised Code; the annual license for the facility, 41623
and any revisions to that license, issued under division (A)(1) of 41624
section 3734.05 of the Revised Code; the approved operating plan 41625
or operational report for which submission and approval are 41626
required by rules adopted by the director of environmental 41627
protection under section 3734.02 of the Revised Code; or an order 41628
issued by the director as authorized by rule; ~~or the updated~~ 41629
~~engineering plans, specifications, and facility and operation~~ 41630
~~information approved under division (A)(4) of section 3734.05 of~~ 41631
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 41632
so established, the annual license fee is sixty thousand dollars 41633
under division (A)(1) of this section and thirty thousand dollars 41634
under divisions (A)(2) and (3) of this section. 41635

The authorized maximum daily waste receipt set forth in any 41636
such document shall be stated in terms of cubic yards of volume 41637
for the purpose of regulating the design, construction, and 41638
operation of a solid waste facility. For the purpose of 41639

determining applicable license fees under this section, the 41640
authorized maximum daily waste receipt so stated shall be 41641
converted from cubic yards to tons as the unit of measurement 41642
based upon a conversion factor of three cubic yards per ton for 41643
compacted wastes generally and one cubic yard per ton for baled 41644
wastes. 41645

(2) The annual license fee for a facility that is an 41646
incinerator facility is one-half the amount shown in division 41647
(A)(1) of this section. When a municipal corporation, county, or 41648
township owns and operates more than one incinerator within its 41649
boundaries, the municipal corporation, county, or township shall 41650
pay one fee for the licenses for all of its incinerators. The fee 41651
shall be determined on the basis of the aggregate maximum daily 41652
waste receipt for all the incinerators owned and operated by the 41653
municipal corporation, county, or township in an amount that is 41654
one-half the amount shown in division (A)(1) of this section. 41655

(3) The annual fee for a solid waste compost facility license 41656
shall be in accordance with the following schedule: 41657

AUTHORIZED MAXIMUM	ANNUAL	41658
DAILY WASTE	LICENSE	41659
RECEIPT (TONS)	FEE	41660
12 or less	\$ 300	41661
13 to 25	600	41662
26 to 50	1,200	41663
51 to 75	1,800	41664
76 to 100	2,500	41665
101 to 150	3,750	41666
151 to 200	5,000	41667
201 to 250	6,250	41668
251 to 300	7,500	41669
301 to 400	10,000	41670
401 to 500	12,500	41671

501 or more

30,000

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(4) The annual license fee for a solid waste facility,
regardless of its authorized maximum daily waste receipt, is five
thousand dollars for a facility meeting either of the following
qualifications:

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(a) The facility is owned by a generator of solid wastes when
the solid waste facility exclusively disposes of solid wastes
generated at one or more premises owned by the generator
regardless of whether the facility is located on a premises where
the wastes are generated.

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(b) The facility exclusively disposes of wastes that are
generated from the combustion of coal, or from the combustion of
primarily coal in combination with scrap tires, that is not
combined in any way with garbage at one or more premises owned by
the generator.

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(5) The annual license fee for a facility that is a transfer
facility is seven hundred fifty dollars.

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(6) The same fees shall apply to private operators and to the
state and its political subdivisions and shall be paid within
thirty days after issuance of a license. The fee includes the cost
of licensing, all inspections, and other costs associated with the
administration of the solid waste provisions of this chapter and
rules adopted under them, excluding the provisions governing scrap
tires. Each such license shall specify that it is conditioned upon
payment of the applicable fee to the board of health or the
director, as appropriate, within thirty days after issuance of the
license.

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(B) The board of health shall retain two thousand five
hundred dollars of each license fee collected by the board under
divisions (A)(1), (2), (3), and (4) of this section or the entire
amount of any such fee that is less than two thousand five hundred

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dollars. The moneys retained shall be paid into a special fund, 41703
which is hereby created in each health district, and used solely 41704
to administer and enforce the solid waste provisions of this 41705
chapter and the rules adopted under them, excluding the provisions 41706
governing scrap tires. The remainder of each license fee collected 41707
by the board shall be transmitted to the director within 41708
forty-five days after receipt of the fee. The director shall 41709
transmit these moneys to the treasurer of state to be credited to 41710
the general revenue fund. The board of health shall retain the 41711
entire amount of each fee collected under division (A)(5) of this 41712
section, which moneys shall be paid into the special fund of the 41713
health district. 41714

(C)(1) Except as provided in divisions (C)(2) and (3) of this 41715
section, the annual fee for an infectious waste treatment facility 41716
license shall be in accordance with the following schedule: 41717

MAXIMUM	ANNUAL	41718
DAILY WASTE	LICENSE	41719
RECEIPT (TONS)	FEE	41720
100 or less	\$ 5,000	41721
101 to 200	12,500	41722
201 to 500	30,000	41723
501 or more	60,000	41724

For the purpose of determining the applicable license fee 41725
under divisions (C)(1) and (2) of this section, the maximum daily 41726
waste receipt shall be the maximum amount of infectious wastes the 41727
facility is authorized to receive daily that is established in the 41728
permit for the facility, and any modifications to that permit, 41729
issued under division (B)(2)(b) of section 3734.05 of the Revised 41730
Code; or the annual license for the facility, and any revisions to 41731
that license, issued under division (B)(2)(a) of section 3734.05 41732
of the Revised Code. If no maximum daily waste receipt is so 41733
established, the annual license fee is sixty thousand dollars 41734

under division (C)(1) of this section and thirty thousand dollars 41735
under division (C)(2) of this section. 41736

(2) The annual license fee for an infectious waste treatment 41737
facility that is an incinerator is one-half the amount shown in 41738
division (C)(1) of this section. 41739

(3) Fees levied under divisions (C)(1) and (2) of this 41740
section shall apply to private operators and to the state and its 41741
political subdivisions and shall be paid within thirty days after 41742
issuance of a license. The fee includes the cost of licensing, all 41743
inspections, and other costs associated with the administration of 41744
the infectious waste provisions of this chapter and rules adopted 41745
under them. Each such license shall specify that it is conditioned 41746
upon payment of the applicable fee to the board of health or the 41747
director, as appropriate, within thirty days after issuance of the 41748
license. 41749

(4) The board of health shall retain two thousand five 41750
hundred dollars of each license fee collected by the board under 41751
divisions (C)(1) and (2) of this section. The moneys retained 41752
shall be paid into a special infectious waste fund, which is 41753
hereby created in each health district, and used solely to 41754
administer and enforce the infectious waste provisions of this 41755
chapter and the rules adopted under them. The remainder of each 41756
license fee collected by the board shall be transmitted to the 41757
director within forty-five days after receipt of the fee. The 41758
director shall transmit these moneys to the treasurer of state to 41759
be credited to the general revenue fund. 41760

Sec. 3734.15. (A) No person shall transport hazardous waste 41761
anywhere in this state unless the person has first ~~registered~~ 41762
filed an annual registration statement with, and ~~obtained a~~ 41763
uniform permit from the public utilities commission ~~paid an annual~~ 41764
registration fee to, the United States department of 41765

transportation in accordance with Chapter 4921. of the Revised 41766
Code 49 C.F.R. 107.601 to 107.620. 41767

For the purposes of this section, "registered transporter" 41768
means any person who ~~is registered~~ has filed an annual 41769
registration statement with and has received a uniform permit from 41770
the public utilities commission pursuant to Chapter 4921. of the 41771
Revised Code, and paid an annual registration fee to, the United 41772
States department of transportation in accordance with 49 C.F.R. 41773
107.601 to 107.620. 41774

(B) A registered transporter of hazardous waste shall be 41775
responsible for the safe delivery of any hazardous waste that the 41776
registered transporter transports from such time as the registered 41777
transporter obtains the waste until the registered transporter 41778
delivers it to a treatment, storage, or disposal facility 41779
specified in division (F) of section 3734.02 of the Revised Code, 41780
as recorded on the manifest required in division (B) of section 41781
3734.12 of the Revised Code. Any registered transporter who 41782
violates this chapter or any rule adopted under the chapter while 41783
transporting hazardous waste shall be liable for any damage or 41784
injury caused by the violation and for the costs of rectifying the 41785
violation and conditions caused by the violation. 41786

(C) No person who generates hazardous waste shall cause the 41787
waste to be transported by any person who is not a registered 41788
transporter. No person shall accept for treatment, storage, or 41789
disposal any hazardous waste from an unregistered transporter. Any 41790
person who is requested to accept such waste for treatment, 41791
storage, or disposal shall notify the director, the board of 41792
health in the person's location, and the public utilities 41793
commission of the request. 41794

If a generator causes an unregistered transporter to 41795
transport the hazardous waste, the generator of the waste, the 41796
transporter, and any person who accepts the waste for treatment, 41797

storage, or disposal shall be jointly and severally liable for any 41798
damage or injury caused by the handling of the waste and for the 41799
costs of rectifying their violation and conditions caused by their 41800
violation. 41801

Sec. 3734.57. (A) The following fees are hereby levied on the 41802
transfer or disposal of solid wastes in this state: 41803

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 41804
cents of the proceeds of which shall be deposited in the state 41805
treasury to the credit of the hazardous waste facility management 41806
fund created in section 3734.18 of the Revised Code and seventy 41807
cents of the proceeds of which shall be deposited in the state 41808
treasury to the credit of the hazardous waste clean-up fund 41809
created in section 3734.28 of the Revised Code; 41810

(2) An additional seventy-five cents per ton through June 30, 41811
~~2018~~ 2020, the proceeds of which shall be deposited in the state 41812
treasury to the credit of the waste management fund created in 41813
section 3734.061 of the Revised Code. 41814

(3) An additional two dollars and eighty-five cents per ton 41815
through June 30, ~~2018~~ 2020, the proceeds of which shall be 41816
deposited in the state treasury to the credit of the environmental 41817
protection fund created in section 3745.015 of the Revised Code; 41818

(4) An additional twenty-five cents per ton through June 30, 41819
~~2018~~ 2020, the proceeds of which shall be deposited in the state 41820
treasury to the credit of the soil and water conservation district 41821
assistance fund created in section 940.15 of the Revised Code. 41822

In the case of solid wastes that are taken to a solid waste 41823
transfer facility located in this state prior to being transported 41824
for disposal at a solid waste disposal facility located in this 41825
state or outside of this state, the fees levied under this 41826
division shall be collected by the owner or operator of the 41827

transfer facility as a trustee for the state. The amount of fees 41828
required to be collected under this division at such a transfer 41829
facility shall equal the total tonnage of solid wastes received at 41830
the facility multiplied by the fees levied under this division. In 41831
the case of solid wastes that are not taken to a solid waste 41832
transfer facility located in this state prior to being transported 41833
to a solid waste disposal facility, the fees shall be collected by 41834
the owner or operator of the solid waste disposal facility as a 41835
trustee for the state. The amount of fees required to be collected 41836
under this division at such a disposal facility shall equal the 41837
total tonnage of solid wastes received at the facility that was 41838
not previously taken to a solid waste transfer facility located in 41839
this state multiplied by the fees levied under this division. Fees 41840
levied under this division do not apply to materials separated 41841
from a mixed waste stream for recycling by a generator or 41842
materials removed from the solid waste stream through recycling, 41843
as "recycling" is defined in rules adopted under section 3734.02 41844
of the Revised Code. 41845

The owner or operator of a solid waste transfer facility or 41846
disposal facility, as applicable, shall prepare and file with the 41847
director of environmental protection each month a return 41848
indicating the total tonnage of solid wastes received at the 41849
facility during that month and the total amount of the fees 41850
required to be collected under this division during that month. In 41851
addition, the owner or operator of a solid waste disposal facility 41852
shall indicate on the return the total tonnage of solid wastes 41853
received from transfer facilities located in this state during 41854
that month for which the fees were required to be collected by the 41855
transfer facilities. The monthly returns shall be filed on a form 41856
prescribed by the director. Not later than thirty days after the 41857
last day of the month to which a return applies, the owner or 41858
operator shall mail to the director the return for that month 41859
together with the fees required to be collected under this 41860

division during that month as indicated on the return or may 41861
submit the return and fees electronically in a manner approved by 41862
the director. If the return is filed and the amount of the fees 41863
due is paid in a timely manner as required in this division, the 41864
owner or operator may retain a discount of three-fourths of one 41865
per cent of the total amount of the fees that are required to be 41866
paid as indicated on the return. 41867

The owner or operator may request an extension of not more 41868
than thirty days for filing the return and remitting the fees, 41869
provided that the owner or operator has submitted such a request 41870
in writing to the director together with a detailed description of 41871
why the extension is requested, the director has received the 41872
request not later than the day on which the return is required to 41873
be filed, and the director has approved the request. If the fees 41874
are not remitted within thirty days after the last day of the 41875
month to which the return applies or are not remitted by the last 41876
day of an extension approved by the director, the owner or 41877
operator shall not retain the three-fourths of one per cent 41878
discount and shall pay an additional ten per cent of the amount of 41879
the fees for each month that they are late. For purposes of 41880
calculating the late fee, the first month in which fees are late 41881
begins on the first day after the deadline has passed for timely 41882
submitting the return and fees, and one additional month shall be 41883
counted every thirty days thereafter. 41884

The owner or operator of a solid waste facility may request a 41885
refund or credit of fees levied under this division and remitted 41886
to the director that have not been paid to the owner or operator. 41887
Such a request shall be made only if the fees have not been 41888
collected by the owner or operator, have become a debt that has 41889
become worthless or uncollectable for a period of six months or 41890
more, and may be claimed as a deduction, including a deduction 41891
claimed if the owner or operator keeps accounts on an accrual 41892

basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 41893
U.S.C. 166, as amended, and regulations adopted under it. Prior to 41894
making a request for a refund or credit, an owner or operator 41895
shall make reasonable efforts to collect the applicable fees. A 41896
request for a refund or credit shall not include any costs 41897
resulting from those efforts to collect unpaid fees. 41898

A request for a refund or credit of fees shall be made in 41899
writing, on a form prescribed by the director, and shall be 41900
supported by evidence that may be required in rules adopted by the 41901
director under this chapter. After reviewing the request, and if 41902
the request and evidence submitted with the request indicate that 41903
a refund or credit is warranted, the director shall grant a refund 41904
to the owner or operator or shall permit a credit to be taken by 41905
the owner or operator on a subsequent monthly return submitted by 41906
the owner or operator. The amount of a refund or credit shall not 41907
exceed an amount that is equal to ninety days' worth of fees owed 41908
to an owner or operator by a particular debtor of the owner or 41909
operator. A refund or credit shall not be granted by the director 41910
to an owner or operator more than once in any twelve-month period 41911
for fees owed to the owner or operator by a particular debtor. 41912

If, after receiving a refund or credit from the director, an 41913
owner or operator receives payment of all or part of the fees, the 41914
owner or operator shall remit the fees with the next monthly 41915
return submitted to the director together with a written 41916
explanation of the reason for the submittal. 41917

For purposes of computing the fees levied under this division 41918
or division (B) of this section, any solid waste transfer or 41919
disposal facility that does not use scales as a means of 41920
determining gate receipts shall use a conversion factor of three 41921
cubic yards per ton of solid waste or one cubic yard per ton for 41922
baled waste, as applicable. 41923

The fees levied under this division and divisions (B) and (C) 41924

of this section are in addition to all other applicable fees and 41925
taxes and shall be paid by the customer or a political subdivision 41926
to the owner or operator of a solid waste transfer or disposal 41927
facility. In the alternative, the fees shall be paid by a customer 41928
or political subdivision to a transporter of waste who 41929
subsequently transfers the fees to the owner or operator of such a 41930
facility. The fees shall be paid notwithstanding the existence of 41931
any provision in a contract that the customer or a political 41932
subdivision may have with the owner or operator or with a 41933
transporter of waste to the facility that would not require or 41934
allow such payment regardless of whether the contract was entered 41935
prior to or after October 16, 2009. For those purposes, "customer" 41936
means a person who contracts with, or utilizes the solid waste 41937
services of, the owner or operator of a solid waste transfer or 41938
disposal facility or a transporter of solid waste to such a 41939
facility. 41940

(B) For the purposes specified in division (G) of this 41941
section, the solid waste management policy committee of a county 41942
or joint solid waste management district may levy fees upon the 41943
following activities: 41944

(1) The disposal at a solid waste disposal facility located 41945
in the district of solid wastes generated within the district; 41946

(2) The disposal at a solid waste disposal facility within 41947
the district of solid wastes generated outside the boundaries of 41948
the district, but inside this state; 41949

(3) The disposal at a solid waste disposal facility within 41950
the district of solid wastes generated outside the boundaries of 41951
this state. 41952

The solid waste management plan of the county or joint 41953
district approved under section 3734.521 or 3734.55 of the Revised 41954
Code and any amendments to it, or the resolution adopted under 41955

this division, as appropriate, shall establish the rates of the 41956
fees levied under divisions (B)(1), (2), and (3) of this section, 41957
if any, and shall specify whether the fees are levied on the basis 41958
of tons or cubic yards as the unit of measurement. A solid waste 41959
management district that levies fees under this division on the 41960
basis of cubic yards shall do so in accordance with division (A) 41961
of this section. 41962

The fee levied under division (B)(1) of this section shall be 41963
not less than one dollar per ton nor more than two dollars per 41964
ton, the fee levied under division (B)(2) of this section shall be 41965
not less than two dollars per ton nor more than four dollars per 41966
ton, and the fee levied under division (B)(3) of this section 41967
shall be not more than the fee levied under division (B)(1) of 41968
this section. 41969

Prior to the approval of the solid waste management plan of a 41970
district under section 3734.55 of the Revised Code, the solid 41971
waste management policy committee of a district may levy fees 41972
under this division by adopting a resolution establishing the 41973
proposed amount of the fees. Upon adopting the resolution, the 41974
committee shall deliver a copy of the resolution to the board of 41975
county commissioners of each county forming the district and to 41976
the legislative authority of each municipal corporation and 41977
township under the jurisdiction of the district and shall prepare 41978
and publish the resolution and a notice of the time and location 41979
where a public hearing on the fees will be held. Upon adopting the 41980
resolution, the committee shall deliver written notice of the 41981
adoption of the resolution; of the amount of the proposed fees; 41982
and of the date, time, and location of the public hearing to the 41983
director and to the fifty industrial, commercial, or institutional 41984
generators of solid wastes within the district that generate the 41985
largest quantities of solid wastes, as determined by the 41986
committee, and to their local trade associations. The committee 41987

shall make good faith efforts to identify those generators within 41988
the district and their local trade associations, but the 41989
nonprovision of notice under this division to a particular 41990
generator or local trade association does not invalidate the 41991
proceedings under this division. The publication shall occur at 41992
least thirty days before the hearing. After the hearing, the 41993
committee may make such revisions to the proposed fees as it 41994
considers appropriate and thereafter, by resolution, shall adopt 41995
the revised fee schedule. Upon adopting the revised fee schedule, 41996
the committee shall deliver a copy of the resolution doing so to 41997
the board of county commissioners of each county forming the 41998
district and to the legislative authority of each municipal 41999
corporation and township under the jurisdiction of the district. 42000
Within sixty days after the delivery of a copy of the resolution 42001
adopting the proposed revised fees by the policy committee, each 42002
such board and legislative authority, by ordinance or resolution, 42003
shall approve or disapprove the revised fees and deliver a copy of 42004
the ordinance or resolution to the committee. If any such board or 42005
legislative authority fails to adopt and deliver to the policy 42006
committee an ordinance or resolution approving or disapproving the 42007
revised fees within sixty days after the policy committee 42008
delivered its resolution adopting the proposed revised fees, it 42009
shall be conclusively presumed that the board or legislative 42010
authority has approved the proposed revised fees. The committee 42011
shall determine if the resolution has been ratified in the same 42012
manner in which it determines if a draft solid waste management 42013
plan has been ratified under division (B) of section 3734.55 of 42014
the Revised Code. 42015

The committee may amend the schedule of fees levied pursuant 42016
to a resolution adopted and ratified under this division by 42017
adopting a resolution establishing the proposed amount of the 42018
amended fees. The committee may repeal the fees levied pursuant to 42019
such a resolution by adopting a resolution proposing to repeal 42020

them. Upon adopting such a resolution, the committee shall proceed 42021
to obtain ratification of the resolution in accordance with this 42022
division. 42023

Not later than fourteen days after declaring the new fees to 42024
be ratified or the fees to be repealed under this division, the 42025
committee shall notify by certified mail the owner or operator of 42026
each solid waste disposal facility that is required to collect the 42027
fees of the ratification and the amount of the fees or of the 42028
repeal of the fees. Collection of any fees shall commence or 42029
collection of repealed fees shall cease on the first day of the 42030
second month following the month in which notification is sent to 42031
the owner or operator. 42032

Fees levied under this division also may be established, 42033
amended, or repealed by a solid waste management policy committee 42034
through the adoption of a new district solid waste management 42035
plan, the adoption of an amended plan, or the amendment of the 42036
plan or amended plan in accordance with sections 3734.55 and 42037
3734.56 of the Revised Code or the adoption or amendment of a 42038
district plan in connection with a change in district composition 42039
under section 3734.521 of the Revised Code. 42040

Not later than fourteen days after the director issues an 42041
order approving a district's solid waste management plan, amended 42042
plan, or amendment to a plan or amended plan that establishes, 42043
amends, or repeals a schedule of fees levied by the district, the 42044
committee shall notify by certified mail the owner or operator of 42045
each solid waste disposal facility that is required to collect the 42046
fees of the approval of the plan or amended plan, or the amendment 42047
to the plan, as appropriate, and the amount of the fees, if any. 42048
In the case of an initial or amended plan approved under section 42049
3734.521 of the Revised Code in connection with a change in 42050
district composition, other than one involving the withdrawal of a 42051
county from a joint district, the committee, within fourteen days 42052

after the change takes effect pursuant to division (G) of that 42053
section, shall notify by certified mail the owner or operator of 42054
each solid waste disposal facility that is required to collect the 42055
fees that the change has taken effect and of the amount of the 42056
fees, if any. Collection of any fees shall commence or collection 42057
of repealed fees shall cease on the first day of the second month 42058
following the month in which notification is sent to the owner or 42059
operator. 42060

If, in the case of a change in district composition involving 42061
the withdrawal of a county from a joint district, the director 42062
completes the actions required under division (G)(1) or (3) of 42063
section 3734.521 of the Revised Code, as appropriate, forty-five 42064
days or more before the beginning of a calendar year, the policy 42065
committee of each of the districts resulting from the change that 42066
obtained the director's approval of an initial or amended plan in 42067
connection with the change, within fourteen days after the 42068
director's completion of the required actions, shall notify by 42069
certified mail the owner or operator of each solid waste disposal 42070
facility that is required to collect the district's fees that the 42071
change is to take effect on the first day of January immediately 42072
following the issuance of the notice and of the amount of the fees 42073
or amended fees levied under divisions (B)(1) to (3) of this 42074
section pursuant to the district's initial or amended plan as so 42075
approved or, if appropriate, the repeal of the district's fees by 42076
that initial or amended plan. Collection of any fees set forth in 42077
such a plan or amended plan shall commence on the first day of 42078
January immediately following the issuance of the notice. If such 42079
an initial or amended plan repeals a schedule of fees, collection 42080
of the fees shall cease on that first day of January. 42081

If, in the case of a change in district composition involving 42082
the withdrawal of a county from a joint district, the director 42083
completes the actions required under division (G)(1) or (3) of 42084

section 3734.521 of the Revised Code, as appropriate, less than 42085
forty-five days before the beginning of a calendar year, the 42086
director, on behalf of each of the districts resulting from the 42087
change that obtained the director's approval of an initial or 42088
amended plan in connection with the change proceedings, shall 42089
notify by certified mail the owner or operator of each solid waste 42090
disposal facility that is required to collect the district's fees 42091
that the change is to take effect on the first day of January 42092
immediately following the mailing of the notice and of the amount 42093
of the fees or amended fees levied under divisions (B)(1) to (3) 42094
of this section pursuant to the district's initial or amended plan 42095
as so approved or, if appropriate, the repeal of the district's 42096
fees by that initial or amended plan. Collection of any fees set 42097
forth in such a plan or amended plan shall commence on the first 42098
day of the second month following the month in which notification 42099
is sent to the owner or operator. If such an initial or amended 42100
plan repeals a schedule of fees, collection of the fees shall 42101
cease on the first day of the second month following the month in 42102
which notification is sent to the owner or operator. 42103

If the schedule of fees that a solid waste management 42104
district is levying under divisions (B)(1) to (3) of this section 42105
is amended or repealed, the fees in effect immediately prior to 42106
the amendment or repeal shall continue to be collected until 42107
collection of the amended fees commences or collection of the 42108
repealed fees ceases, as applicable, as specified in this 42109
division. In the case of a change in district composition, money 42110
so received from the collection of the fees of the former 42111
districts shall be divided among the resulting districts in 42112
accordance with division (B) of section 343.012 of the Revised 42113
Code and the agreements entered into under division (B) of section 42114
343.01 of the Revised Code to establish the former and resulting 42115
districts and any amendments to those agreements. 42116

For the purposes of the provisions of division (B) of this 42117
section establishing the times when newly established or amended 42118
fees levied by a district are required to commence and the 42119
collection of fees that have been amended or repealed is required 42120
to cease, "fees" or "schedule of fees" includes, in addition to 42121
fees levied under divisions (B)(1) to (3) of this section, those 42122
levied under section 3734.573 or 3734.574 of the Revised Code. 42123

(C) For the purposes of defraying the added costs to a 42124
municipal corporation or township of maintaining roads and other 42125
public facilities and of providing emergency and other public 42126
services, and compensating a municipal corporation or township for 42127
reductions in real property tax revenues due to reductions in real 42128
property valuations resulting from the location and operation of a 42129
solid waste disposal facility within the municipal corporation or 42130
township, a municipal corporation or township in which such a 42131
solid waste disposal facility is located may levy a fee of not 42132
more than twenty-five cents per ton on the disposal of solid 42133
wastes at a solid waste disposal facility located within the 42134
boundaries of the municipal corporation or township regardless of 42135
where the wastes were generated. 42136

The legislative authority of a municipal corporation or 42137
township may levy fees under this division by enacting an 42138
ordinance or adopting a resolution establishing the amount of the 42139
fees. Upon so doing the legislative authority shall mail a 42140
certified copy of the ordinance or resolution to the board of 42141
county commissioners or directors of the county or joint solid 42142
waste management district in which the municipal corporation or 42143
township is located or, if a regional solid waste management 42144
authority has been formed under section 343.011 of the Revised 42145
Code, to the board of trustees of that regional authority, the 42146
owner or operator of each solid waste disposal facility in the 42147
municipal corporation or township that is required to collect the 42148

fee by the ordinance or resolution, and the director of 42149
environmental protection. Although the fees levied under this 42150
division are levied on the basis of tons as the unit of 42151
measurement, the legislative authority, in its ordinance or 42152
resolution levying the fees under this division, may direct that 42153
the fees be levied on the basis of cubic yards as the unit of 42154
measurement based upon a conversion factor of three cubic yards 42155
per ton generally or one cubic yard per ton for baled wastes. 42156

Not later than five days after enacting an ordinance or 42157
adopting a resolution under this division, the legislative 42158
authority shall so notify by certified mail the owner or operator 42159
of each solid waste disposal facility that is required to collect 42160
the fee. Collection of any fee levied on or after March 24, 1992, 42161
shall commence on the first day of the second month following the 42162
month in which notification is sent to the owner or operator. 42163

(D)(1) The fees levied under divisions (A), (B), and (C) of 42164
this section do not apply to the disposal of solid wastes that: 42165

(a) Are disposed of at a facility owned by the generator of 42166
the wastes when the solid waste facility exclusively disposes of 42167
solid wastes generated at one or more premises owned by the 42168
generator regardless of whether the facility is located on a 42169
premises where the wastes are generated; 42170

(b) Are generated from the combustion of coal, or from the 42171
combustion of primarily coal, regardless of whether the disposal 42172
facility is located on the premises where the wastes are 42173
generated; 42174

(c) Are asbestos or asbestos-containing materials or products 42175
disposed of at a construction and demolition debris facility that 42176
is licensed under Chapter 3714. of the Revised Code or at a solid 42177
waste facility that is licensed under this chapter. 42178

(2) Except as provided in section 3734.571 of the Revised 42179

Code, any fees levied under division (B)(1) of this section apply 42180
to solid wastes originating outside the boundaries of a county or 42181
joint district that are covered by an agreement for the joint use 42182
of solid waste facilities entered into under section 343.02 of the 42183
Revised Code by the board of county commissioners or board of 42184
directors of the county or joint district where the wastes are 42185
generated and disposed of. 42186

(3) When solid wastes, other than solid wastes that consist 42187
of scrap tires, are burned in a disposal facility that is an 42188
incinerator or energy recovery facility, the fees levied under 42189
divisions (A), (B), and (C) of this section shall be levied upon 42190
the disposal of the fly ash and bottom ash remaining after burning 42191
of the solid wastes and shall be collected by the owner or 42192
operator of the sanitary landfill where the ash is disposed of. 42193

(4) When solid wastes are delivered to a solid waste transfer 42194
facility, the fees levied under divisions (B) and (C) of this 42195
section shall be levied upon the disposal of solid wastes 42196
transported off the premises of the transfer facility for disposal 42197
and shall be collected by the owner or operator of the solid waste 42198
disposal facility where the wastes are disposed of. 42199

(5) The fees levied under divisions (A), (B), and (C) of this 42200
section do not apply to sewage sludge that is generated by a waste 42201
water treatment facility holding a national pollutant discharge 42202
elimination system permit and that is disposed of through 42203
incineration, land application, or composting or at another 42204
resource recovery or disposal facility that is not a landfill. 42205

(6) The fees levied under divisions (A), (B), and (C) of this 42206
section do not apply to solid wastes delivered to a solid waste 42207
composting facility for processing. When any unprocessed solid 42208
waste or compost product is transported off the premises of a 42209
composting facility and disposed of at a landfill, the fees levied 42210
under divisions (A), (B), and (C) of this section shall be 42211

collected by the owner or operator of the landfill where the 42212
unprocessed waste or compost product is disposed of. 42213

(7) When solid wastes that consist of scrap tires are 42214
processed at a scrap tire recovery facility, the fees levied under 42215
divisions (A), (B), and (C) of this section shall be levied upon 42216
the disposal of the fly ash and bottom ash or other solid wastes 42217
remaining after the processing of the scrap tires and shall be 42218
collected by the owner or operator of the solid waste disposal 42219
facility where the ash or other solid wastes are disposed of. 42220

(8) The director of environmental protection may issue an 42221
order exempting from the fees levied under this section solid 42222
wastes, including, but not limited to, scrap tires, that are 42223
generated, transferred, or disposed of as a result of a contract 42224
providing for the expenditure of public funds entered into by the 42225
administrator or regional administrator of the United States 42226
environmental protection agency, the director of environmental 42227
protection, or the director of administrative services on behalf 42228
of the director of environmental protection for the purpose of 42229
remediating conditions at a hazardous waste facility, solid waste 42230
facility, or other location at which the administrator or regional 42231
administrator or the director of environmental protection has 42232
reason to believe that there is a substantial threat to public 42233
health or safety or the environment or that the conditions are 42234
causing or contributing to air or water pollution or soil 42235
contamination. An order issued by the director of environmental 42236
protection under division (D)(8) of this section shall include a 42237
determination that the amount of the fees not received by a solid 42238
waste management district as a result of the order will not 42239
adversely impact the implementation and financing of the 42240
district's approved solid waste management plan and any approved 42241
amendments to the plan. Such an order is a final action of the 42242
director of environmental protection. 42243

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of

that regional authority under division (E) of this section shall 42276
be kept by the board in a separate and distinct fund to the credit 42277
of the district. Moneys in the special fund of the county or joint 42278
district arising from the fees levied under division (B) of this 42279
section and the fee levied under division (A) of section 3734.573 42280
of the Revised Code shall be expended by the board of county 42281
commissioners or directors of the district in accordance with the 42282
district's solid waste management plan or amended plan approved 42283
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 42284
exclusively for the following purposes: 42285

(1) Preparation of the solid waste management plan of the 42286
district under section 3734.54 of the Revised Code, monitoring 42287
implementation of the plan, and conducting the periodic review and 42288
amendment of the plan required by section 3734.56 of the Revised 42289
Code by the solid waste management policy committee; 42290

(2) Implementation of the approved solid waste management 42291
plan or amended plan of the district, including, without 42292
limitation, the development and implementation of solid waste 42293
recycling or reduction programs; 42294

(3) Providing financial assistance to boards of health within 42295
the district, if solid waste facilities are located within the 42296
district, for enforcement of this chapter and rules, orders, and 42297
terms and conditions of permits, licenses, and variances adopted 42298
or issued under it, other than the hazardous waste provisions of 42299
this chapter and rules adopted and orders and terms and conditions 42300
of permits issued under those provisions; 42301

(4) Providing financial assistance to each county within the 42302
district to defray the added costs of maintaining roads and other 42303
public facilities and of providing emergency and other public 42304
services resulting from the location and operation of a solid 42305
waste facility within the county under the district's approved 42306
solid waste management plan or amended plan; 42307

(5) Pursuant to contracts entered into with boards of health 42308
within the district, if solid waste facilities contained in the 42309
district's approved plan or amended plan are located within the 42310
district, for paying the costs incurred by those boards of health 42311
for collecting and analyzing samples from public or private water 42312
wells on lands adjacent to those facilities; 42313

(6) Developing and implementing a program for the inspection 42314
of solid wastes generated outside the boundaries of this state 42315
that are disposed of at solid waste facilities included in the 42316
district's approved solid waste management plan or amended plan; 42317

(7) Providing financial assistance to boards of health within 42318
the district for the enforcement of section 3734.03 of the Revised 42319
Code or to local law enforcement agencies having jurisdiction 42320
within the district for enforcing anti-littering laws and 42321
ordinances; 42322

(8) Providing financial assistance to boards of health of 42323
health districts within the district that are on the approved list 42324
under section 3734.08 of the Revised Code to defray the costs to 42325
the health districts for the participation of their employees 42326
responsible for enforcement of the solid waste provisions of this 42327
chapter and rules adopted and orders and terms and conditions of 42328
permits, licenses, and variances issued under those provisions in 42329
the training and certification program as required by rules 42330
adopted under division (L) of section 3734.02 of the Revised Code; 42331

(9) Providing financial assistance to individual municipal 42332
corporations and townships within the district to defray their 42333
added costs of maintaining roads and other public facilities and 42334
of providing emergency and other public services resulting from 42335
the location and operation within their boundaries of a 42336
composting, energy or resource recovery, incineration, or 42337
recycling facility that either is owned by the district or is 42338
furnishing solid waste management facility or recycling services 42339

to the district pursuant to a contract or agreement with the board 42340
of county commissioners or directors of the district; 42341

(10) Payment of any expenses that are agreed to, awarded, or 42342
ordered to be paid under section 3734.35 of the Revised Code and 42343
of any administrative costs incurred pursuant to that section. In 42344
the case of a joint solid waste management district, if the board 42345
of county commissioners of one of the counties in the district is 42346
negotiating on behalf of affected communities, as defined in that 42347
section, in that county, the board shall obtain the approval of 42348
the board of directors of the district in order to expend moneys 42349
for administrative costs incurred. 42350

Prior to the approval of the district's solid waste 42351
management plan under section 3734.55 of the Revised Code, moneys 42352
in the special fund of the district arising from the fees shall be 42353
expended for those purposes in the manner prescribed by the solid 42354
waste management policy committee by resolution. 42355

Notwithstanding division (G)(6) of this section as it existed 42356
prior to October 29, 1993, or any provision in a district's solid 42357
waste management plan prepared in accordance with division 42358
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 42359
prior to that date, any moneys arising from the fees levied under 42360
division (B)(3) of this section prior to January 1, 1994, may be 42361
expended for any of the purposes authorized in divisions (G)(1) to 42362
(10) of this section. 42363

(H) The director shall adopt rules in accordance with Chapter 42364
119. of the Revised Code prescribing procedures for collecting and 42365
forwarding the fees levied under divisions (B) and (C) of this 42366
section to the boards of county commissioners or directors of 42367
county or joint solid waste management districts and to the 42368
treasurers or other officers of municipal corporations and the 42369
fiscal officers of townships. The rules also shall prescribe the 42370
dates for forwarding the fees to the boards and officials and may 42371

prescribe any other requirements the director considers necessary 42372
or appropriate to implement and administer divisions (A), (B), and 42373
(C) of this section. 42374

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 42375
facility license issued under section 3734.81 of the Revised Code 42376
shall be in accordance with the following schedule: 42377

Daily Design	Annual	42378
Input Capacity	License	42379
(Tons)	Fee	42380
1 or less	\$ 100	42381
2 to 25	500	42382
26 to 50	1,000	42383
51 to 100	1,500	42384
101 to 200	2,500	42385
201 to 500	3,500	42386
501 or more	5,500	42387

For the purpose of determining the applicable license fee 42388
under this division, the daily design input capacity shall be the 42389
quantity of scrap tires the facility is designed to process daily 42390
as set forth in the registration certificate or permit for the 42391
facility, and any modifications to the permit, if applicable, 42392
issued under section 3734.78 of the Revised Code. 42393

(B) The annual fee for a scrap tire monocell or monofill 42394
facility license shall be in accordance with the following 42395
schedule: 42396

Authorized Maximum	Annual	42397
Daily Waste Receipt	License	42398
(Tons)	Fee	42399
100 or less	\$ 5,000	42400
101 to 200	12,500	42401
201 to 500	30,000	42402

501 or more

60,000

42403

For the purpose of determining the applicable license fee 42404
under this division, the authorized maximum daily waste receipt 42405
shall be the maximum amount of scrap tires the facility is 42406
authorized to receive daily that is established in the permit for 42407
the facility, and any modification to that permit, issued under 42408
section 3734.77 of the Revised Code. 42409

(C)(1) Except as otherwise provided in division (C)(2) of 42410
this section, the annual fee for a scrap tire storage facility 42411
license shall equal one thousand dollars times the number of acres 42412
on which scrap tires are to be stored at the facility during the 42413
license year, as set forth on the application for the annual 42414
license, except that the total annual license fee for any such 42415
facility shall not exceed three thousand dollars. 42416

(2) The annual fee for a scrap tire storage facility license 42417
for a storage facility that is owned or operated by a motor 42418
vehicle salvage dealer licensed under Chapter 4738. of the Revised 42419
Code is one hundred dollars. 42420

(D)(1) Except as otherwise provided in division (D)(2) of 42421
this section, the annual fee for a scrap tire collection facility 42422
license is two hundred dollars. 42423

(2) The annual fee for a scrap tire collection facility 42424
license for a collection facility that is owned or operated by a 42425
motor vehicle salvage dealer licensed under Chapter 4738. of the 42426
Revised Code is fifty dollars. 42427

(E) Except as otherwise provided in divisions (C)(2) and 42428
(D)(2) of this section, the same fees apply to private operators 42429
and to the state and its political subdivisions and shall be paid 42430
within thirty days after the issuance of a license. The fees 42431
include the cost of licensing, all inspections, and other costs 42432
associated with the administration of the scrap tire provisions of 42433

this chapter and rules adopted under them. Each license shall 42434
specify that it is conditioned upon payment of the applicable fee 42435
to the board of health or the director of environmental 42436
protection, as appropriate, within thirty days after the issuance 42437
of the license. 42438

(F) The board of health shall retain fifteen thousand dollars 42439
of each license fee collected by the board under division (B) of 42440
this section, or the entire amount of any such fee that is less 42441
than fifteen thousand dollars, and the entire amount of each 42442
license fee collected by the board under divisions (A), (C), and 42443
(D) of this section. The moneys retained shall be paid into a 42444
special fund, which is hereby created in each health district, and 42445
used solely to administer and enforce the scrap tire provisions of 42446
this chapter and rules adopted under them. The remainder, if any, 42447
of each license fee collected by the board under division (B) of 42448
this section shall be transmitted to the director within 42449
forty-five days after receipt of the fee. 42450

(G) The director shall transmit the moneys received by the 42451
director from license fees collected under division (B) of this 42452
section to the treasurer of state to be credited to the scrap tire 42453
management fund, which is hereby created in the state treasury. 42454
The fund shall consist of all federal moneys received by the 42455
environmental protection agency for the scrap tire management 42456
program; all grants, gifts, and contributions made to the director 42457
for that program; and all other moneys that may be provided by law 42458
for that program. The director shall use moneys in the fund as 42459
follows: 42460

(1) Expend amounts determined necessary by the director to 42461
implement, administer, and enforce the scrap tire provisions of 42462
this chapter and rules adopted under them; 42463

(2) During each fiscal year, if the director of environmental 42464
protection determines it to be appropriate and advisable, request 42465

the director of budget and management to, and the director of 42466
budget and management ~~shall~~ may, transfer up to one million 42467
dollars to the scrap tire grant fund created in section 3734.822 42468
of the Revised Code for supporting market development activities 42469
for scrap tires and synthetic rubber from tire manufacturing 42470
processes and tire recycling processes. In addition, during a 42471
fiscal year, the director of environmental protection may request 42472
the director of budget and management to, and the director of 42473
budget and management shall, transfer up to an additional five 42474
hundred thousand dollars to the scrap tire grant fund for scrap 42475
tire amnesty events and scrap tire cleanup events. 42476

(3) After the expenditures and transfers are made under 42477
divisions (G)(1) and (2) of this section, expend the balance of 42478
the money in the scrap tire management fund remaining in each 42479
fiscal year to conduct removal actions under section 3734.85 of 42480
the Revised Code and to provide grants to boards of health under 42481
section 3734.042 of the Revised Code. 42482

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 42483
defray the cost of administering and enforcing the scrap tire 42484
provisions of this chapter, rules adopted under those provisions, 42485
and terms and conditions of orders, variances, and licenses issued 42486
under those provisions; to abate accumulations of scrap tires; to 42487
make grants supporting market development activities for scrap 42488
tires and synthetic rubber from tire manufacturing processes and 42489
tire recycling processes and to support scrap tire amnesty and 42490
cleanup events; to make loans to promote the recycling or recovery 42491
of energy from scrap tires; and to defray the costs of 42492
administering and enforcing sections 3734.90 to 3734.9014 of the 42493
Revised Code, a fee of fifty cents per tire is hereby levied on 42494
the sale of tires. The proceeds of the fee shall be deposited in 42495
the state treasury to the credit of the scrap tire management fund 42496
created in section 3734.82 of the Revised Code. The fee is levied 42497

from the first day of the calendar month that begins next after 42498
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 42499

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 42500
2020, there is hereby levied an additional fee of fifty cents per 42501
tire on the sale of tires the proceeds of which shall be deposited 42502
in the state treasury to the credit of the soil and water 42503
conservation district assistance fund created in section 940.15 of 42504
the Revised Code. 42505

(B) Only one sale of the same article shall be used in 42506
computing the amount of the fee due. 42507

Sec. 3734.9011. (A) No wholesale distributor or other person 42508
shall sell tires to a retail dealer within this state, and no 42509
retail dealer or other person shall import or otherwise acquire 42510
tires for sale at retail within this state from a person who is 42511
not a registered wholesale distributor, without having a 42512
registration therefor. 42513

(B) Each wholesale distributor and each retail dealer 42514
required to be registered under division (A) of this section shall 42515
apply for registration ~~on or before the date that is two months~~ 42516
~~after the effective date of this section,~~ or on or before the 42517
first day of doing business that ~~required~~ requires the 42518
registration. The application shall be filed with the tax 42519
commissioner, in a form and providing such information as 42520
prescribed by the commissioner. The commissioner shall assign an 42521
account number to each registration and shall so notify the 42522
registrant. ~~The~~ An unrevoked registration shall remain in effect 42523
until canceled by the wholesale distributor or retail dealer upon 42524
the cessation of business. 42525

(C) The tax commissioner shall not accept a registration 42526
under division (B) of this section or may suspend or revoke the 42527
registration of a wholesale distributor or retail dealer if the 42528

wholesale distributor or retail dealer has failed to file any 42529
returns, submit any information, or pay any outstanding taxes, 42530
charges, or fees as required for any tax, charge, or fee 42531
administered by the commissioner, to the extent that the 42532
commissioner is aware of such failure at the time of the 42533
application. 42534

Sec. 3735.66. The legislative authorities of municipal 42535
corporations and counties may survey the housing within their 42536
jurisdictions and, after the survey, may adopt resolutions 42537
describing the boundaries of community reinvestment areas which 42538
contain the conditions required for the finding under division (B) 42539
of section 3735.65 of the Revised Code. The findings resulting 42540
from the survey shall be incorporated in the resolution describing 42541
the boundaries of an area. The legislative authority may stipulate 42542
in the resolution that only new structures or remodeling 42543
classified as to use as commercial, industrial, or residential, or 42544
some combination thereof, and otherwise satisfying the 42545
requirements of section 3735.67 of the Revised Code are eligible 42546
for exemption from taxation under that section. If the resolution 42547
does not include such a stipulation, all new structures and 42548
remodeling satisfying the requirements of section 3735.67 of the 42549
Revised Code are eligible for exemption from taxation regardless 42550
of classification. Whether or not the resolution includes such a 42551
stipulation, the classification of the structures or remodeling 42552
eligible for exemption in the area shall at all times be 42553
consistent with zoning restrictions applicable to the area. For 42554
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 42555
whether a structure or remodeling composed of multiple units is 42556
classified as commercial or residential shall be determined by 42557
resolution or ordinance of the legislative authority or, in the 42558
absence of such a determination, by the classification of the use 42559
of the structure or remodeling under the applicable zoning 42560

regulations. 42561

If construction or remodeling classified as residential is 42562
eligible for exemption from taxation, the resolution shall specify 42563
a percentage, not to exceed one hundred per cent, of the assessed 42564
valuation of such property to be exempted. The percentage 42565
specified shall apply to all residential construction or 42566
remodeling for which exemption is granted. 42567

The resolution adopted pursuant to this section shall be 42568
published in a newspaper of general circulation in the municipal 42569
corporation, if the resolution is adopted by the legislative 42570
authority of a municipal corporation, or in a newspaper of general 42571
circulation in the county, if the resolution is adopted by the 42572
legislative authority of the county, once a week for two 42573
consecutive weeks or as provided in section 7.16 of the Revised 42574
Code, immediately following its adoption. 42575

Each legislative authority adopting a resolution pursuant to 42576
this section shall designate a housing officer. In addition, each 42577
such legislative authority, not later than ~~fifteen~~ sixty days 42578
after the adoption of the resolution, shall petition the director 42579
of development services for the director to confirm the findings 42580
described in the resolution. The petition shall be accompanied by 42581
a copy of the resolution and by a map of the community 42582
reinvestment area in sufficient detail to denote the specific 42583
boundaries of the area and to indicate zoning restrictions 42584
applicable to the area. The director shall determine whether the 42585
findings contained in the resolution are valid, and whether the 42586
classification of structures or remodeling eligible for exemption 42587
under the resolution is consistent with zoning restrictions 42588
applicable to the area as indicated on the map. Within thirty days 42589
of receiving the petition, the director shall forward the 42590
director's determination to the legislative authority. The 42591
legislative authority or housing officer shall not grant any 42592

exemption from taxation under section 3735.67 of the Revised Code 42593
until the director forwards the director's determination to the 42594
legislative authority. The director shall assign to each community 42595
reinvestment area a unique designation by which the area shall be 42596
identified for purposes of sections 3735.65 to 3735.70 of the 42597
Revised Code. 42598

If zoning restrictions in any part of a community 42599
reinvestment area are changed at any time after the legislative 42600
authority petitions the director under this section, the 42601
legislative authority shall notify the director and shall submit a 42602
map of the area indicating the new zoning restrictions in the 42603
area. 42604

Sec. 3735.672. (A) On or before the thirty-first day of March 42605
each year, a legislative authority that has entered into an 42606
agreement with a party under section 3735.671 of the Revised Code 42607
shall submit to the director of development services and the board 42608
of education of each school district of which a municipal 42609
corporation or township to which such an agreement applies is a 42610
part a report on all such agreements in effect during the 42611
preceding calendar year. The report shall include the following 42612
information: 42613

(1) The designation, assigned by the director of development 42614
services, of each community reinvestment area within the municipal 42615
corporation or county, and the total population of each area 42616
according to the most recent data available; 42617

(2) The number of agreements and the number of full-time 42618
employees subject to those agreements within each area, each 42619
according to the most recent data available and identified and 42620
categorized by the appropriate standard industrial code, and the 42621
rate of unemployment in the municipal corporation or county in 42622
which the area is located for each year since the area was 42623

certified; 42624

(3) The number of agreements approved and executed during the 42625
calendar year for which the report is submitted, the total number 42626
of agreements in effect on the thirty-first day of December of the 42627
preceding calendar year, the number of agreements that expired 42628
during the calendar year for which the report is submitted, and 42629
the number of agreements scheduled to expire during the calendar 42630
year in which the report is submitted. For each agreement that 42631
expired during the calendar year for which the report is 42632
submitted, the legislative authority shall include the amount of 42633
taxes exempted under the agreement. 42634

(4) The number of agreements receiving compliance reviews by 42635
the tax incentive review council in the municipal corporation or 42636
county during the calendar year for which the report is submitted, 42637
including all of the following information: 42638

(a) The number of agreements the terms of which the party has 42639
complied with, indicating separately for each such agreement the 42640
value of the real property exempted pursuant to the agreement and 42641
a comparison of the stipulated and actual schedules for hiring new 42642
employees, for retaining existing employees, and for the amount of 42643
payroll of the party attributable to these employees; 42644

(b) The number of agreements the terms of which a party has 42645
failed to comply with, indicating separately for each such 42646
agreement the value of the real and personal property exempted 42647
pursuant to the agreement and a comparison of the stipulated and 42648
actual schedules for hiring new employees, for retaining existing 42649
employees, and for the amount of payroll of the enterprise 42650
attributable to these employees; 42651

(c) The number of agreements about which the tax incentive 42652
review council made recommendations to the legislative authority, 42653
and the number of such recommendations that have not been 42654

followed; 42655

(d) The number of agreements rescinded during the calendar 42656
year for which the report is submitted. 42657

(5) The number of parties subject to agreements that expanded 42658
within each area, including the number of new employees hired and 42659
existing employees retained by that party, and the number of new 42660
parties subject to agreements that established within each area, 42661
including the number of new employees hired by each party; 42662

(6) For each agreement in effect during any part of the 42663
preceding year, the number of employees employed by the party at 42664
the property that is the subject of the agreement immediately 42665
prior to formal approval of the agreement, the number of employees 42666
employed by the party at that property on the thirty-first day of 42667
December of the preceding year, the payroll of the party for the 42668
preceding year, the amount of taxes paid on real property that was 42669
exempted under the agreement, and the amount of such taxes that 42670
were not paid because of the exemption. 42671

(B) Upon the failure of a municipal corporation or county to 42672
comply with division (A) of this section: 42673

(1) Beginning on the first day of April of the calendar year 42674
in which the municipal corporation or county fails to comply with 42675
that division, the municipal corporation or county shall not enter 42676
into any agreements under section 3735.671 of the Revised Code 42677
until the municipal corporation or county has complied with 42678
division (A) of this section. 42679

(2) On the first day of each ensuing calendar month until the 42680
municipal corporation or county complies with that division, the 42681
director of development services shall either order the proper 42682
county auditor to deduct from the next succeeding payment of taxes 42683
to the municipal corporation or county under section 321.31, 42684
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 42685

five hundred dollars for each calendar month the municipal 42686
corporation or county fails to comply with that division, or order 42687
the county auditor to deduct such an amount from the next 42688
succeeding payment to the municipal corporation or county from the 42689
undivided local government fund under section 5747.51 of the 42690
Revised Code. At the time such a payment is made, the county 42691
auditor shall comply with the director's order by issuing a 42692
warrant, drawn on the fund from which such money would have been 42693
paid, to the director of development services, who shall deposit 42694
the warrant into the state community reinvestment area program 42695
administration fund created in division (C) of this section. 42696

(C) The director, by rule, shall establish the state's 42697
application fee for applications submitted to a municipal 42698
corporation or county to enter into an agreement under section 42699
3735.671 of the Revised Code. In establishing the amount of the 42700
fee, the director shall consider the state's cost of administering 42701
the community reinvestment area program, including the cost of 42702
reviewing the reports required under division (A) of this section. 42703
The director may change the amount of the fee at such times and in 42704
such increments as the director considers necessary. Any municipal 42705
corporation or county that receives an application shall collect 42706
the application fee and remit the fee for deposit in the state 42707
treasury to the credit of the ~~business assistance~~ tax incentives 42708
operating fund created in section 122.174 of the Revised Code. 42709

Sec. 3737.21. (A) The director of the department of commerce 42710
shall appoint, from names submitted to the director by the state 42711
fire council, a state fire marshal, who shall serve at the 42712
pleasure of the director and shall possess the following 42713
qualifications: 42714

(1) A degree from an accredited college or university with 42715
specialized study in either the field of fire protection or fire 42716

protection engineering, or the equivalent qualifications 42717
determined from training, experience, and duties in a fire 42718
service; 42719

(2) Five years of recent, progressively more responsible 42720
experience in fire inspection, fire code enforcement, fire 42721
investigation, fire protection engineering, teaching of fire 42722
safety engineering, or fire fighting. 42723

(B) When a vacancy occurs in the position of state fire 42724
marshal, the director shall notify the state fire council. ~~The~~ 42725
~~council shall communicate the fact of the vacancy by regular mail~~ 42726
~~to all fire chiefs and fire protection engineers known to the~~ 42727
~~council, or whose identity may be ascertained by the council by~~ 42728
~~the exercise of due diligence. The council, no earlier than thirty~~ 42729
~~days after mailing the notification, shall compile a list of all~~ 42730
~~applicants for the position of fire marshal who are qualified~~ 42731
~~under this section.~~ The council shall submit the names of at least 42732
three persons on the list for the position of state fire marshal 42733
who are qualified under this section to the director. The director 42734
shall appoint the state fire marshal from the list of at least 42735
three names or may request the council to submit additional names. 42736

Sec. 3742.01. As used in this chapter: 42737

(A) "Board of health" means the board of health of a city or 42738
general health district or the authority having the duties of a 42739
board of health under section 3709.05 of the Revised Code. 42740

(B) "Child care facility" means each area of any of the 42741
following in which child care, as defined in section 5104.01 of 42742
the Revised Code, is provided to children under six years of age: 42743

(1) A child day-care center, type A family day-care home, or 42744
type B family day-care home as defined in section 5104.01 of the 42745
Revised Code; 42746

(2) A preschool program or school child program as defined in 42747
section 3301.52 of the Revised Code. 42748

(C) "Clearance examination" means an examination to determine 42749
whether the lead hazards in a residential unit, child care 42750
facility, or school have been sufficiently controlled. A clearance 42751
examination includes a visual assessment, collection, and analysis 42752
of environmental samples. 42753

(D) "Clearance technician" means a person, other than a 42754
licensed lead inspector or licensed lead risk assessor, who 42755
performs a clearance examination. 42756

(E) "Clinical laboratory" means a facility for the 42757
biological, microbiological, serological, chemical, 42758
immunohematological, hematological, biophysical, cytological, 42759
pathological, or other examination of substances derived from the 42760
human body for the purpose of providing information for the 42761
diagnosis, prevention, or treatment of any disease, or in the 42762
assessment or impairment of the health of human beings. "Clinical 42763
laboratory" does not include a facility that only collects or 42764
prepares specimens, or serves as a mailing service, and does not 42765
perform testing. 42766

(F) "Encapsulation" means the coating and sealing of surfaces 42767
with durable surface coating specifically formulated to be 42768
elastic, able to withstand sharp and blunt impacts, long-lasting, 42769
and resilient, while also resistant to cracking, peeling, algae, 42770
fungus, and ultraviolet light, so as to prevent any part of 42771
lead-containing paint from becoming part of house dust or 42772
otherwise accessible to children. 42773

(G) "Enclosure" means the resurfacing or covering of surfaces 42774
with durable materials such as wallboard or paneling, and the 42775
sealing or caulking of edges and joints, so as to prevent or 42776
control chalking, flaking, peeling, scaling, or loose 42777

lead-containing substances from becoming part of house dust or 42778
otherwise accessible to children. 42779

(H) "Environmental lead analytical laboratory" means a 42780
facility that analyzes air, dust, soil, water, paint, film, or 42781
other substances, other than substances derived from the human 42782
body, for the presence and concentration of lead. 42783

(I) "HEPA" means the designation given to a product, device, 42784
or system that has been equipped with a high-efficiency 42785
particulate air filter, which is a filter capable of removing 42786
particles of 0.3 microns or larger from air at 99.97 per cent or 42787
greater efficiency. 42788

(J) "Interim controls" means a set of measures designed to 42789
reduce temporarily human exposure or likely human exposure to lead 42790
hazards. Interim controls include specialized cleaning, repairs, 42791
painting, temporary containment, ongoing lead hazard maintenance 42792
activities, and the establishment and operation of management and 42793
resident education programs. 42794

(K)(1) "Lead abatement" means a measure or set of measures 42795
designed for the single purpose of permanently eliminating lead 42796
hazards. "Lead abatement" includes all of the following: 42797

- (a) Removal of lead-based paint and lead-contaminated dust; 42798
- (b) Permanent enclosure or encapsulation of lead-based paint; 42799
- (c) Replacement of surfaces or fixtures painted with 42800
lead-based paint; 42801
- (d) Removal or permanent covering of lead-contaminated soil; 42802
- (e) Preparation, cleanup, and disposal activities associated 42803
with lead abatement. 42804

(2) "Lead abatement" does not include any of the following: 42805

- (a) ~~Preventive treatments~~ Residential rental unit lead-safe 42806
maintenance practices performed pursuant to ~~section~~ sections 42807

3742.41 and <u>3742.42</u> of the Revised Code;	42808
(b) Implementation of interim controls;	42809
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	42810 42811
(i) It is a freestanding single-family home used as the property owner's private residence.	42812 42813
(ii) No child under six years of age who has lead poisoning resides in the unit.	42814 42815
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	42816 42817 42818 42819 42820
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	42821 42822 42823
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	42824 42825 42826
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	42827 42828 42829
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section ~~3742.50~~ <u>3742.45</u> of the Revised Code.	42830 42831 42832 42833 42834
(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules	42835 42836 42837

adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 42838

(R) "Lead-contaminated soil" means soil that contains lead at 42839
or in excess of the level that is hazardous to human health, as 42840
that level is established in rules adopted under section ~~3742.50~~ 42841
3742.45 of the Revised Code. 42842

(S) "~~Lead hazard free~~" means no lead-based paint is present 42843
in any area referenced in division (B) of section 3742.42 of the 42844
Revised Code. 42845

(T) "Lead hazard" means material that is likely to cause lead 42846
exposure and endanger an individual's health as determined by the 42847
director of health in rules adopted under section ~~3742.50~~ 3742.45 42848
of the Revised Code. "Lead hazard" includes lead-based paint, 42849
lead-contaminated dust, lead-contaminated soil, and 42850
lead-contaminated water pipes. 42851

~~(T)~~(U) "Lead inspection" means a surface-by-surface 42852
investigation to determine the presence of lead-based paint. The 42853
inspection shall use a sampling or testing technique approved by 42854
the director in rules adopted under section 3742.03 of the Revised 42855
Code. A licensed lead inspector or laboratory approved under 42856
section 3742.09 of the Revised Code shall certify in writing the 42857
precise results of the inspection. 42858

~~(U)~~(V) "Lead inspector" means any individual who conducts a 42859
lead inspection, provides professional advice regarding a lead 42860
inspection, or prepares a report explaining the results of a lead 42861
inspection. 42862

~~(V)~~(W) "Lead poisoning" means the level of lead in human 42863
blood that is hazardous to human health, as specified in rules 42864
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 42865

~~(W)~~(X) "Lead risk assessment" means an on-site investigation 42866
to determine and report the existence, nature, severity, and 42867
location of lead hazards in a residential unit, child care 42868

facility, or school, including information gathering from the 42869
unit, facility, or school's current owner's knowledge regarding 42870
the age and painting history of the unit, facility, or school and 42871
occupancy by children under six years of age, visual inspection, 42872
limited wipe sampling or other environmental sampling techniques, 42873
and any other activity as may be appropriate. 42874

~~(X)(Y)~~ "Lead risk assessor" means a person who is responsible 42875
for developing a written inspection, risk assessment, and analysis 42876
plan; conducting inspections for lead hazards in a residential 42877
unit, child care facility, or school; interpreting results of 42878
inspections and risk assessments; identifying hazard control 42879
strategies to reduce or eliminate lead exposures; and completing a 42880
risk assessment report. 42881

~~(Y) "Lead-safe renovation" means the supervision or 42882
performance of services for the general improvement of all or part 42883
of an existing structure, including a residential unit, child care 42884
facility, or school, when the services are supervised or performed 42885
by a lead-safe renovator. 42886~~

~~(Z) "Lead-safe renovator" means a person who has successfully 42887
completed a training program in lead-safe renovation approved 42888
under section 3742.47 of the Revised Code. "Lead-safe residential 42889
rental unit" means a residential rental unit that has undergone 42890
the residential rental unit lead-safe maintenance practices 42891
described in section 3742.42 of the Revised Code, including 42892
post-maintenance dust sampling or are registered pursuant to 42893
division (D) of section 3742.41 of the Revised Code. 42894~~

(AA) "Manager" means a person, who may be the same person as 42895
the owner, responsible for the daily operation of a residential 42896
unit, child care facility, or school. 42897

(BB) "Permanent" means an expected design life of at least 42898
twenty years. 42899

(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence.
"Residential unit" includes a residential rental unit.

(EE) ~~"School"~~ "Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.

(FF) "School" means a public or nonpublic school in which children under six years of age receive education.

Sec. 3742.02. (A) No person shall do any of the following:

(1) Violate any provision of this chapter or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the director of health has determined by rule under section ~~3742.50~~ 3742.45 of the Revised Code that no suitable substitute exists;

(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code.

(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.

(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:

(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;	42929 42930
(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;	42931 42932 42933
(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;	42934 42935 42936
(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	42937 42938 42939
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	42940 42941
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	42942 42943 42944 42945 42946
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	42947 42948 42949
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	42950 42951
Sec. 3742.31. (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:	42952 42953 42954 42955 42956
(1) Collecting the social security numbers of all children screened, diagnosed, or treated as part of the program's case	42957 42958

management system; 42959

(2) Disclosing to the department of medicaid on at least an 42960
annual basis the identity and lead screening test results of each 42961
child screened pursuant to section 3742.30 of the Revised Code. 42962
The director shall collect and disseminate information relating to 42963
child lead poisoning and controlling lead hazards. 42964

(B) The director of health shall operate the child lead 42965
poisoning prevention program in accordance with rules adopted 42966
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 42967
may enter into an interagency agreement with one or more other 42968
state agencies to perform one or more of the program's duties. The 42969
director shall supervise and direct an agency's performance of 42970
such a duty. 42971

Sec. 3742.35. When the director of health or a board of 42972
health authorized to enforce sections 3742.35 to 3742.40 of the 42973
Revised Code becomes aware that an individual under six years of 42974
age has lead poisoning, the director or board shall conduct an 42975
investigation to determine the source of the lead poisoning. The 42976
director or board may conduct such an investigation when the 42977
director or board becomes aware that an individual six years of 42978
age or older has lead poisoning. The director or board shall 42979
conduct the investigation in accordance with rules adopted under 42980
section ~~3742.50~~ 3742.45 of the Revised Code. 42981

In conducting the investigation, the director or board may 42982
request permission to enter the residential unit, child care 42983
facility, or school that the director or board reasonably suspects 42984
to be the source of the lead poisoning. If the property is 42985
occupied, the director or board shall ask the occupant for 42986
permission. If the property is not occupied, the director or board 42987
shall ask the property owner or manager for permission. If the 42988
occupant, owner, or manager fails or refuses to permit entry, the 42989

director or board may petition and obtain an order to enter the 42990
property from a court of competent jurisdiction in the county in 42991
which the property is located. 42992

As part of the investigation, the director or board may 42993
review the records and reports, if any, maintained by a lead 42994
inspector, lead abatement contractor, lead risk assessor, lead 42995
abatement project designer, lead abatement worker, or clearance 42996
technician. 42997

Sec. 3742.36. When the director of health or an authorized 42998
board of health determines pursuant to an investigation conducted 42999
under section 3742.35 of the Revised Code that a residential unit, 43000
child care facility, or school is a possible source of the child's 43001
lead poisoning, the director or board shall conduct a risk 43002
assessment of that property in accordance with rules adopted under 43003
section ~~3742.50~~ 3742.45 of the Revised Code. 43004

Sec. 3742.41. (A) ~~A property~~ The director of health shall 43005
establish and maintain a lead-safe residential rental unit 43006
registry in accordance with rules adopted under section 3742.45 of 43007
the Revised Code. The director shall not impose a fee for 43008
registration of a residential rental unit on the registry. 43009

(B) Beginning six months after the effective date of the 43010
rules referenced in division (A) of this section, the owner of a 43011
residential rental unit constructed before January 1, ~~1950~~ 1978, 43012
~~that is used as a residential unit, child care facility, or school~~ 43013
~~shall be legally presumed not to contain a lead hazard and not to~~ 43014
~~be the source of the lead poisoning of an individual who resides~~ 43015
~~in the unit or receives child care or education at the facility or~~ 43016
~~school if the owner or manager of the unit, facility, or school~~ 43017
~~successfully completes both of the following preventive~~ 43018
~~treatments:~~ 43019

~~(1) Follows may implement the essential residential rental~~ 43020
~~unit lead-safe maintenance practices specified in section 3742.42~~ 43021
~~of the Revised Code for the control of any lead hazards.~~ 43022

~~(2) Covers all rough, pitted, or porous horizontal surfaces~~ 43023
~~of the inhabited or occupied areas within the unit, facility, or~~ 43024
~~school with a smooth, cleanable covering or coating, such as metal~~ 43025
~~coil stock, plastic, polyurethane, carpet, or linoleum.~~ 43026

~~(B) The owner or manager of a residential unit, child care~~ 43027
~~facility, or school has successfully completed the preventive~~ 43028
~~treatments specified in division (A) of this section if the unit,~~ 43029
~~facility, or school passes a clearance examination in accordance~~ 43030
~~with standards for passage established by rules adopted under~~ 43031
~~section 3742.49 of the Revised Code.~~ 43032

~~(C) The legal presumption established under this section is~~ 43033
~~rebuttable in a court of law only on a showing of clear and~~ 43034
~~convincing evidence to the contrary After completion of the~~ 43035
~~residential rental unit lead-safe maintenance practices, the owner~~ 43036
~~may register the property as a lead-safe residential rental unit~~ 43037
~~with the department of health for inclusion on the registry.~~ 43038

~~(D) The owner of a residential rental unit also may register~~ 43039
~~the unit as a lead-safe residential rental unit with the~~ 43040
~~department for inclusion on the registry if either of the~~ 43041
~~following apply:~~ 43042

~~(1) The residential rental unit was or is constructed after~~ 43043
~~January 1, 1978;~~ 43044

~~(2) The residential rental unit is lead free as determined by~~ 43045
~~a licensed lead inspector or lead risk assessor after an~~ 43046
~~inspection of the unit.~~ 43047

~~(E)(1) The owner of a residential rental unit that is subject~~ 43048
~~to a lead hazard control order under section 3742.37 of the~~ 43049
~~Revised Code shall register the residential rental unit on the~~ 43050

lead-safe residential rental unit lead-safe registry after the 43051
unit passes a clearance examination, as specified in section 43052
3742.39 of the Revised Code, indicating that the lead hazards 43053
identified in the order are controlled. 43054

(2) The owner of a residential rental unit that is designated 43055
as housing for the elderly or senior housing by the director is 43056
exempt from the requirement to register under division (E)(1) of 43057
this section. 43058

Sec. 3742.42. (A) In completing the essential residential 43059
rental unit lead-safe maintenance practices ~~portion of the~~ 43060
~~preventive treatments specified in section 3742.41 of the Revised~~ 43061
~~Code,~~ the owner or ~~manager~~ agent of the owner of a residential 43062
rental unit, ~~child care facility, or school~~ shall do all of the 43063
following: 43064

~~(1) Use only safe work practices, which include compliance~~ 43065
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 43066
~~lead-contaminated dust~~ Successfully complete a training program in 43067
residential rental unit lead-safe maintenance practices approved 43068
by the director under section 3742.43 of the Revised Code; 43069

~~(2) Perform~~ Annually perform a visual examinations 43070
examination for deteriorated paint, underlying damage, and other 43071
conditions that may cause exposure to lead; 43072

~~(3) Promptly and safely~~ After completing the visual 43073
examination and identification of deteriorated paint or other 43074
conditions that may cause exposure to lead, repair deteriorated 43075
paint or other building components that may cause exposure to lead 43076
and eliminate the cause of the deterioration in accordance with 43077
the work practice standards established by the United States 43078
environmental protection agency in 40 C.F.R. Part 745.85; 43079

~~(4) Ask tenants in a residential unit, and parents,~~ 43080

~~guardians, and custodians of children in a child care facility or~~ 43081
~~school, to report concerns about potential lead hazards by~~ 43082
~~providing written notices to the tenants or parents, guardians,~~ 43083
~~and custodians or by posting notices in conspicuous locations~~ 43084
Conduct post-maintenance dust sampling in accordance with rules 43085
adopted under section 3742.45 of the Revised Code; 43086

~~(5) Perform specialized cleaning in accordance with section~~ 43087
~~3742.45 of the Revised Code to control lead-contaminated dust;~~ 43088

~~(6) Cover any bare soil on the property, except soil proven~~ 43089
~~not to be lead-contaminated;~~ 43090

~~(7) Maintain a record of essential residential rental unit~~ 43091
lead-safe maintenance practices for at least three years that 43092
documents all ~~essential~~ those maintenance practices; 43093

~~(8) Successfully complete a training program in essential~~ 43094
~~maintenance practices that has been approved under section~~ 43095
3742.47, including post-maintenance dust sampling conducted in 43096
accordance with rules adopted under section 3742.45 of the Revised 43097
Code. 43098

(B) The areas of a residential rental unit, ~~child care~~ 43099
~~facility, or school~~ that are subject to division (A) of this 43100
section include all of the following: 43101

(1) The interior surfaces and all common areas ~~of the unit,~~ 43102
~~facility, or school;~~ 43103

(2) Every attached or unattached structure located within the 43104
same lot line as the residential rental unit, ~~facility, or school~~ 43105
that the owner or manager considers to be associated with the 43106
operation of the residential rental unit, ~~facility, or school,~~ 43107
including garages, play equipment, and fences; 43108

(3) The lot or land that the residential rental unit, 43109
~~facility, or school~~ occupies. 43110

(C) The residential rental unit lead-safe maintenance practices described in this section are not required to be performed by a person licensed as a lead abatement contractor or lead abatement worker under this chapter. However, six months after the effective date of this amendment, any person other than a lead abatement contractor or lead abatement worker who performs the residential rental unit lead-safe maintenance practices shall have successfully completed a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code.

Sec. 3742.43. (A) A person seeking approval of a training program in residential rental unit lead-safe maintenance practices shall apply for approval of the training program to the director of health. The application shall be made on a form prescribed by the director and shall include the nonrefundable application fee established in division (B) of this section. The director shall approve the training program if the applicant demonstrates to the satisfaction of the director both of the following:

(1) That the training program will provide written proof of completion to each person who completes the program and passes an examination;

(2) The program is in compliance with any other training program requirements established in rules adopted under section 3742.45 of the Revised Code.

(B) The director of health shall establish a nonrefundable application fee for approving a training program under this section. The fee shall be reasonable and shall not exceed the expense incurred in conducting evaluation and approval of a training program.

Sec. ~~3742.49~~ 3742.44. The director of health, in consultation

with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for controlling lead hazards that take into consideration the historic nature of the property in which the hazards are located. The director shall provide periodic notifications of the recommendations to all persons licensed under this chapter. All lead hazard control orders issued under section 3742.37 of the Revised Code shall inform the recipient of the recommendations developed under this section.

In no event shall a person use the recommendations as justification for refusing to comply with a lead hazard control order issued under section 3742.37 of the Revised Code.

Sec. ~~3742.50~~ 3742.45. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;

(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;

(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;

(5) The level of lead in paint, dust, and soil that is

hazardous to human health; 43171

(6) Standards and procedures to be followed when ~~implementing~~ 43172
~~preventive treatments for the control of lead hazards pursuant to~~ 43173
~~registering a residential rental unit on the lead-safe residential~~ 43174
~~rental unit registry under~~ section 3742.41 of the Revised Code 43175
that are based on information from the United States environmental 43176
protection agency, ~~department of housing and urban development,~~ 43177
~~occupational safety and health administration, or other agencies~~ 43178
~~with recommendations or guidelines regarding implementation of~~ 43179
~~preventive treatments;~~ 43180

(7) Standards that must be met to pass a clearance 43181
examination; 43182

(8) Procedures and criteria for approving ~~under section~~ 43183
~~3742.47 of the Revised Code~~ training programs in ~~essential~~ 43184
residential rental unit lead-safe maintenance practices ~~and~~ 43185
~~lead-safe renovation and requirements,~~ in addition to those 43186
specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a~~ 43187
~~program must meet to receive approval;~~ 43188

(9) ~~The examination to be administered by a training program~~ 43189
~~approved under section 3742.47 of the Revised Code and the~~ 43190
~~examination's passing score~~ Procedures for post-maintenance dust 43191
sampling. 43192

(B) The director shall establish procedures for revising its 43193
rules to ensure that the child lead poisoning prevention 43194
activities conducted under this chapter continue to meet the 43195
requirements necessary to obtain any federal funding available for 43196
those activities, including requirements established by the United 43197
States environmental protection agency, United States department 43198
of housing and urban development, or any other federal agency with 43199
jurisdiction over activities pertaining to child lead poisoning 43200
prevention. 43201

Sec. ~~3742.51~~ 3742.46. (A) There is hereby created in the 43202
state treasury the lead poisoning prevention fund. The fund shall 43203
include all moneys appropriated to the department of health for 43204
the administration and enforcement of sections 3742.31 to ~~3742.50~~ 43205
3742.45 of the Revised Code and the rules adopted under those 43206
sections. Any grants, contributions, or other moneys collected by 43207
the department for purposes of preventing lead poisoning shall be 43208
deposited in the state treasury to the credit of the fund. 43209

(B) Moneys in the fund shall be used solely for the purposes 43210
of the child lead poisoning prevention program established under 43211
section 3742.31 of the Revised Code, including providing financial 43212
assistance to individuals who are unable to pay for the following: 43213

(1) Costs associated with obtaining lead tests and lead 43214
poisoning treatment for children under six years of age who are 43215
not covered by private medical insurance or are underinsured, are 43216
not eligible for the medicaid program or any other government 43217
health program, and do not have access to another source of funds 43218
to cover the cost of lead tests and any indicated treatments; 43219

(2) Costs associated with having lead abatement performed or 43220
having the ~~preventive treatments~~ residential rental unit lead-safe 43221
maintenance practices specified in section ~~3742.41~~ 3742.42 of the 43222
Revised Code performed. 43223

Sec. 3745.012. (A) The director of environmental protection 43224
shall collect all moneys for permits, licenses, plan approvals, 43225
variances, and certifications of any nature issued and 43226
administered by the environmental protection agency under Chapter 43227
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 43228
director shall keep a record of all such moneys collected showing 43229
the amounts received, from whom, and for what purpose collected. 43230
All such moneys shall be credited to the general revenue fund, 43231

except for such moneys required to be credited to any other fund. 43232

(B) The director may reduce or waive a fee incurred for 43233
either of the following: 43234

(1) Submitting a late payment if the original amount has been 43235
paid in full; 43236

(2) Responding to an emergency, including fees for the 43237
disposal of material and debris, if the governor declares a state 43238
of emergency. 43239

Sec. 3745.016. There is hereby created in the state treasury 43240
the federally supported cleanup and response fund consisting of 43241
money credited to the fund from federal grants, gifts, and 43242
contributions ~~to support the investigation and remediation of~~ 43243
~~contaminated property.~~ The environmental protection agency shall 43244
use money in the fund to support the investigation and remediation 43245
of contaminated property and implementation of the hazardous waste 43246
provisions of Chapter 3734. of the Revised Code. 43247

Sec. 3745.018. The director of environmental protection shall 43248
establish within environmental protection the agency a division to 43249
administer the agency's financial, technical, and compliance 43250
programs to assist communities, businesses, and other regulated 43251
entities. The division shall administer all of the following: 43252

(A) State revolving wastewater and drinking water loan 43253
programs under sections 6109.22 and 6111.036 of the Revised Code; 43254

(B) Agency grant programs, including recycling and litter 43255
prevention grant programs under section 3736.05 of the Revised 43256
Code; 43257

(C) Programs for providing compliance and pollution 43258
prevention assistance to regulated entities under sections 3704.18 43259
and 3745.017 of the Revised Code; 43260

(D) Statewide source reduction, recycling, recycling market 43261
development, and litter prevention programs under section 3736.02 43262
of the Revised Code. 43263

Sec. 3745.11. (A) Applicants for and holders of permits, 43264
licenses, variances, plan approvals, and certifications issued by 43265
the director of environmental protection pursuant to Chapters 43266
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 43267
to the environmental protection agency for each such issuance and 43268
each application for an issuance as provided by this section. No 43269
fee shall be charged for any issuance for which no application has 43270
been submitted to the director. 43271

(B) Except as otherwise provided in division (C)(2) of this 43272
section, beginning July 1, 1994, each person who owns or operates 43273
an air contaminant source and who is required to apply for and 43274
obtain a Title V permit under section 3704.036 of the Revised Code 43275
shall pay the fees set forth in this division. For the purposes of 43276
this division, total emissions of air contaminants may be 43277
calculated using engineering calculations, emissions factors, 43278
material balance calculations, or performance testing procedures, 43279
as authorized by the director. 43280

The following fees shall be assessed on the total actual 43281
emissions from a source in tons per year of the regulated 43282
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 43283
organic compounds, and lead: 43284

(1) Fifteen dollars per ton on the total actual emissions of 43285
each such regulated pollutant during the period July through 43286
December 1993, to be collected no sooner than July 1, 1994; 43287

(2) Twenty dollars per ton on the total actual emissions of 43288
each such regulated pollutant during calendar year 1994, to be 43289
collected no sooner than April 15, 1995; 43290

(3) Twenty-five dollars per ton on the total actual emissions 43291
of each such regulated pollutant in calendar year 1995, and each 43292
subsequent calendar year, to be collected no sooner than the 43293
fifteenth day of April of the year next succeeding the calendar 43294
year in which the emissions occurred. 43295

The fees levied under this division do not apply to that 43296
portion of the emissions of a regulated pollutant at a facility 43297
that exceed four thousand tons during a calendar year. 43298

(C)(1) The fees assessed under division (B) of this section 43299
are for the purpose of providing funding for the Title V permit 43300
program. 43301

(2) The fees assessed under division (B) of this section do 43302
not apply to emissions from any electric generating unit 43303
designated as a Phase I unit under Title IV of the federal Clean 43304
Air Act prior to calendar year 2000. Those fees shall be assessed 43305
on the emissions from such a generating unit commencing in 43306
calendar year 2001 based upon the total actual emissions from the 43307
generating unit during calendar year 2000 and shall continue to be 43308
assessed each subsequent calendar year based on the total actual 43309
emissions from the generating unit during the preceding calendar 43310
year. 43311

(3) The director shall issue invoices to owners or operators 43312
of air contaminant sources who are required to pay a fee assessed 43313
under division (B) or (D) of this section. Any such invoice shall 43314
be issued no sooner than the applicable date when the fee first 43315
may be collected in a year under the applicable division, shall 43316
identify the nature and amount of the fee assessed, and shall 43317
indicate that the fee is required to be paid within thirty days 43318
after the issuance of the invoice. 43319

(D)(1) Except as provided in division (D)(3) of this section, 43320
from January 1, 1994, through December 31, 2003, each person who 43321

owns or operates an air contaminant source; who is required to 43322
apply for a permit to operate pursuant to rules adopted under 43323
division (G), or a variance pursuant to division (H), of section 43324
3704.03 of the Revised Code; and who is not required to apply for 43325
and obtain a Title V permit under section 3704.036 of the Revised 43326
Code shall pay a single fee based upon the sum of the actual 43327
annual emissions from the facility of the regulated pollutants 43328
particulate matter, sulfur dioxide, nitrogen oxides, organic 43329
compounds, and lead in accordance with the following schedule: 43330

Total tons per year		43331
of regulated pollutants	Annual fee	43332
emitted	per facility	43333
More than 0, but less than 50	\$ 75	43334
50 or more, but less than 100	300	43335
100 or more	700	43336

(2) Except as provided in division (D)(3) of this section, 43337
beginning January 1, 2004, each person who owns or operates an air 43338
contaminant source; who is required to apply for a permit to 43339
operate pursuant to rules adopted under division (G), or a 43340
variance pursuant to division (H), of section 3704.03 of the 43341
Revised Code; and who is not required to apply for and obtain a 43342
Title V permit under section 3704.03 of the Revised Code shall pay 43343
a single fee based upon the sum of the actual annual emissions 43344
from the facility of the regulated pollutants particulate matter, 43345
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 43346
accordance with the following schedule: 43347

Total tons per year		43348
of regulated pollutants	Annual fee	43349
emitted	per facility	43350
More than 0, but less than 10	\$ 100	43351
10 or more, but less than 50	200	43352
50 or more, but less than 100	300	43353

100 or more	700	43354

(3)(a) As used in division (D) of this section, "synthetic
minor facility" means a facility for which one or more permits to
install or permits to operate have been issued for the air
contaminant sources at the facility that include terms and
conditions that lower the facility's potential to emit air
contaminants below the major source thresholds established in
rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020,
each person who owns or operates a synthetic minor facility shall
pay an annual fee based on the sum of the actual annual emissions
from the facility of particulate matter, sulfur dioxide, nitrogen
dioxide, organic compounds, and lead in accordance with the
following schedule:

Combined total tons		43368
per year of all regulated	Annual fee	43369
pollutants emitted	per facility	43370
Less than 10	\$ 170	43371
10 or more, but less than 20	340	43372
20 or more, but less than 30	670	43373
30 or more, but less than 40	1,010	43374
40 or more, but less than 50	1,340	43375
50 or more, but less than 60	1,680	43376
60 or more, but less than 70	2,010	43377
70 or more, but less than 80	2,350	43378
80 or more, but less than 90	2,680	43379
90 or more, but less than 100	3,020	43380
100 or more	3,350	43381

(4) The fees assessed under division (D)(1) of this section
shall be collected annually no sooner than the fifteenth day of
April, commencing in 1995. The fees assessed under division (D)(2)
of this section shall be collected annually no sooner than the

fifteenth day of April, commencing in 2005. The fees assessed 43386
under division (D)(3) of this section shall be collected no sooner 43387
than the fifteenth day of April, commencing in 2000. The fees 43388
assessed under division (D) of this section in a calendar year 43389
shall be based upon the sum of the actual emissions of those 43390
regulated pollutants during the preceding calendar year. For the 43391
purpose of division (D) of this section, emissions of air 43392
contaminants may be calculated using engineering calculations, 43393
emission factors, material balance calculations, or performance 43394
testing procedures, as authorized by the director. The director, 43395
by rule, may require persons who are required to pay the fees 43396
assessed under division (D) of this section to pay those fees 43397
biennially rather than annually. 43398

(E)(1) Consistent with the need to cover the reasonable costs 43399
of the Title V permit program, the director annually shall 43400
increase the fees prescribed in division (B) of this section by 43401
the percentage, if any, by which the consumer price index for the 43402
most recent calendar year ending before the beginning of a year 43403
exceeds the consumer price index for calendar year 1989. Upon 43404
calculating an increase in fees authorized by division (E)(1) of 43405
this section, the director shall compile revised fee schedules for 43406
the purposes of division (B) of this section and shall make the 43407
revised schedules available to persons required to pay the fees 43408
assessed under that division and to the public. 43409

(2) For the purposes of division (E)(1) of this section: 43410

(a) The consumer price index for any year is the average of 43411
the consumer price index for all urban consumers published by the 43412
United States department of labor as of the close of the 43413
twelve-month period ending on the thirty-first day of August of 43414
that year. 43415

(b) If the 1989 consumer price index is revised, the director 43416
shall use the revision of the consumer price index that is most 43417

consistent with that for calendar year 1989. 43418

(F) Each person who is issued a permit to install pursuant to 43419
rules adopted under division (F) of section 3704.03 of the Revised 43420
Code on or after July 1, 2003, shall pay the fees specified in the 43421
following schedules: 43422

(1) Fuel-burning equipment (boilers, furnaces, or process 43423
heaters used in the process of burning fuel for the primary 43424
purpose of producing heat or power by indirect heat transfer) 43425
Input capacity (maximum) 43426

(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	43428
10 or more, but less than 100	400	43429
100 or more, but less than 300	1000	43430
300 or more, but less than 500	2250	43431
500 or more, but less than 1000	3750	43432
1000 or more, but less than 5000	6000	43433
5000 or more	9000	43434

Units burning exclusively natural gas, number two fuel oil, 43435
or both shall be assessed a fee that is one-half the applicable 43436
amount shown in division (F)(1) of this section. 43437

(2) Combustion turbines and stationary internal combustion 43438
engines designed to generate electricity 43439

Generating capacity (mega watts)	Permit to install	
0 or more, but less than 10	\$ 25	43441
10 or more, but less than 25	150	43442
25 or more, but less than 50	300	43443
50 or more, but less than 100	500	43444
100 or more, but less than 250	1000	43445
250 or more	2000	43446

(3) Incinerators 43447

Input capacity (pounds per hour)	Permit to install	

 43448

0 to 100	\$ 100	43449
101 to 500	500	43450
501 to 2000	1000	43451
2001 to 20,000	1500	43452
more than 20,000	3750	43453

(4)(a) Process 43454

Process weight rate (pounds per hour)	Permit to install	43455
0 to 1000	\$ 200	43456
1001 to 5000	500	43457
5001 to 10,000	750	43458
10,001 to 50,000	1000	43459
more than 50,000	1250	43460

In any process where process weight rate cannot be 43461
ascertained, the minimum fee shall be assessed. A boiler, furnace, 43462
combustion turbine, stationary internal combustion engine, or 43463
process heater designed to provide direct heat or power to a 43464
process not designed to generate electricity shall be assessed a 43465
fee established in division (F)(4)(a) of this section. A 43466
combustion turbine or stationary internal combustion engine 43467
designed to generate electricity shall be assessed a fee 43468
established in division (F)(2) of this section. 43469

(b) Notwithstanding division (F)(4)(a) of this section, any 43470
person issued a permit to install pursuant to rules adopted under 43471
division (F) of section 3704.03 of the Revised Code shall pay the 43472
fees set forth in division (F)(4)(c) of this section for a process 43473
used in any of the following industries, as identified by the 43474
applicable two-digit, three-digit, or four-digit standard 43475
industrial classification code according to the Standard 43476
Industrial Classification Manual published by the United States 43477
office of management and budget in the executive office of the 43478
president, 1987, as revised: 43479

Major group 10, metal mining; 43480

Major group 12, coal mining;	43481
Major group 14, mining and quarrying of nonmetallic minerals;	43482
Industry group 204, grain mill products;	43483
2873 Nitrogen fertilizers;	43484
2874 Phosphatic fertilizers;	43485
3281 Cut stone and stone products;	43486
3295 Minerals and earth, ground or otherwise treated;	43487
4221 Grain elevators (storage only);	43488
5159 Farm related raw materials;	43489
5261 Retail nurseries and lawn and garden supply stores.	43490

(c) The fees set forth in the following schedule apply to the
issuance of a permit to install pursuant to rules adopted under
division (F) of section 3704.03 of the Revised Code for a process
identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	43496
10,001 to 50,000	400	43497
50,001 to 100,000	500	43498
100,001 to 200,000	600	43499
200,001 to 400,000	750	43500
400,001 or more	900	43501

(5) Storage tanks 43502

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	43504
20,001 to 40,000	150	43505
40,001 to 100,000	250	43506
100,001 to 500,000	400	43507
500,001 or greater	750	43508

(6) Gasoline/fuel dispensing facilities		43509
For each gasoline/fuel		43510
dispensing facility (includes all	Permit to install	43511
units at the facility)	\$ 100	43512
(7) Dry cleaning facilities		43513
For each dry cleaning		43514
facility (includes all units	Permit to install	43515
at the facility)	\$ 100	43516
(8) Registration status		43517
For each source covered	Permit to install	43518
by registration status	\$ 75	43519
(G) An owner or operator who is responsible for an asbestos		43520
demolition or renovation project pursuant to rules adopted under		43521
section 3704.03 of the Revised Code shall pay, <u>upon submitting a</u>		43522
<u>notification pursuant to rules adopted under that section,</u> the		43523
fees set forth in the following schedule:		43524
Action	Fee	43525
Each notification	\$75	43526
Asbestos removal	\$3/unit	43527
Asbestos cleanup	\$4/cubic yard	43528
For purposes of this division, "unit" means any combination of		43529
linear feet or square feet equal to fifty.		43530
(H) A person who is issued an extension of time for a permit		43531
to install an air contaminant source pursuant to rules adopted		43532
under division (F) of section 3704.03 of the Revised Code shall		43533
pay a fee equal to one-half the fee originally assessed for the		43534
permit to install under this section, except that the fee for such		43535
an extension shall not exceed two hundred dollars.		43536
(I) A person who is issued a modification to a permit to		43537
install an air contaminant source pursuant to rules adopted under		43538
section 3704.03 of the Revised Code shall pay a fee equal to		43539

one-half of the fee that would be assessed under this section to 43540
obtain a permit to install the source. The fee assessed by this 43541
division only applies to modifications that are initiated by the 43542
owner or operator of the source and shall not exceed two thousand 43543
dollars. 43544

(J) Notwithstanding division (F) of this section, a person 43545
who applies for or obtains a permit to install pursuant to rules 43546
adopted under division (F) of section 3704.03 of the Revised Code 43547
after the date actual construction of the source began shall pay a 43548
fee for the permit to install that is equal to twice the fee that 43549
otherwise would be assessed under the applicable division unless 43550
the applicant received authorization to begin construction under 43551
division (W) of section 3704.03 of the Revised Code. This division 43552
only applies to sources for which actual construction of the 43553
source begins on or after July 1, 1993. The imposition or payment 43554
of the fee established in this division does not preclude the 43555
director from taking any administrative or judicial enforcement 43556
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 43557
of the Revised Code, or a rule adopted under any of them, in 43558
connection with a violation of rules adopted under division (F) of 43559
section 3704.03 of the Revised Code. 43560

As used in this division, "actual construction of the source" 43561
means the initiation of physical on-site construction activities 43562
in connection with improvements to the source that are permanent 43563
in nature, including, without limitation, the installation of 43564
building supports and foundations and the laying of underground 43565
pipework. 43566

(K)(1) Money received under division (B) of this section 43567
shall be deposited in the state treasury to the credit of the 43568
Title V clean air fund created in section 3704.035 of the Revised 43569
Code. Annually, not more than fifty cents per ton of each fee 43570
assessed under division (B) of this section on actual emissions 43571

from a source and received by the environmental protection agency 43572
pursuant to that division shall may be transferred by the director 43573
using an interstate transfer voucher to the state treasury to the 43574
credit of the small business assistance fund created in section 43575
3706.19 of the Revised Code. In addition, annually, the amount of 43576
money necessary for the operation of the office of ombudsperson as 43577
determined under division (B) of that section shall be transferred 43578
to the state treasury to the credit of the small business 43579
ombudsperson fund created by that section. 43580

(2) Money received by the agency pursuant to divisions (D), 43581
(F), (G), (H), (I), and (J) of this section shall be deposited in 43582
the state treasury to the credit of the non-Title V clean air fund 43583
created in section 3704.035 of the Revised Code. 43584

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b)~~ 43585
~~or (c) of this section, a person issued a water discharge permit~~ 43586
~~or renewal of a water discharge permit pursuant to Chapter 6111.~~ 43587
~~of the Revised Code shall pay a fee based on each point source to~~ 43588
~~which the issuance is applicable in accordance with the following~~ 43589
~~schedule:~~ 43590

~~Design flow discharge (gallons per day)~~	~~Fee~~	43591
~~0 to 1000~~	~~\$ 0~~	43592
~~1,001 to 5000~~	~~100~~	43593
~~5,001 to 50,000~~	~~200~~	43594
~~50,001 to 100,000~~	~~300~~	43595
~~100,001 to 300,000~~	~~525~~	43596
~~over 300,000~~	~~750~~	43597

~~(b) Notwithstanding the fee schedule specified in division~~ 43598
~~(L)(1)(a) of this section, the fee for a water discharge permit~~ 43599
~~that is applicable to coal mining operations regulated under~~ 43600
~~Chapter 1513. of the Revised Code shall be two hundred fifty~~ 43601
~~dollars per mine.~~ 43602

~~(c) Notwithstanding the fee schedule specified in division~~ 43603

~~(L)(1)(a) of this section, the fee for a water discharge permit~~ 43604
~~for a public discharger identified by I in the third character of~~ 43605
~~the permittee's NPDES permit number shall not exceed seven hundred~~ 43606
~~fifty dollars.~~ 43607

~~(2)~~ A person applying for a plan approval for a wastewater 43608
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 43609
of the Revised Code shall pay a nonrefundable fee of one hundred 43610
dollars plus sixty-five one-hundredths of one per cent of the 43611
estimated project cost through June 30, ~~2018~~ 2020, and a 43612
nonrefundable application fee of one hundred dollars plus 43613
two-tenths of one per cent of the estimated project cost on and 43614
after July 1, ~~2018~~ 2020, except that the total fee shall not 43615
exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and 43616
five thousand dollars on and after July 1, ~~2018~~ 2020. The fee 43617
shall be paid at the time the application is submitted. 43618

~~(3) A person issued a modification of a water discharge~~ 43619
~~permit shall pay a fee equal to one-half the fee that otherwise~~ 43620
~~would be charged for a water discharge permit, except that the fee~~ 43621
~~for the modification shall not exceed four hundred dollars.~~ 43622

~~(4)~~(2) A person who has entered into an agreement with the 43623
director under section 6111.14 of the Revised Code shall pay an 43624
administrative service fee for each plan submitted under that 43625
section for approval that shall not exceed the minimum amount 43626
necessary to pay administrative costs directly attributable to 43627
processing plan approvals. The director annually shall calculate 43628
the fee and shall notify all persons who have entered into 43629
agreements under that section, or who have applied for agreements, 43630
of the amount of the fee. 43631

~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 43632
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 43633
issued pursuant to Chapter 6111. of the Revised Code with an 43634
average daily discharge flow of five thousand gallons or more 43635

shall pay a nonrefundable annual discharge fee. Any person who 43636
fails to pay the fee at that time shall pay an additional amount 43637
that equals ten per cent of the required annual discharge fee. 43638

(ii) The billing year for the annual discharge fee 43639
established in division (L)~~(5)~~(3)(a)(i) of this section shall 43640
consist of a twelve-month period beginning on the first day of 43641
January of the year preceding the date when the annual discharge 43642
fee is due. In the case of an existing source that permanently 43643
ceases to discharge during a billing year, the director shall 43644
reduce the annual discharge fee, including the surcharge 43645
applicable to certain industrial facilities pursuant to division 43646
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 43647
during the billing year that the source was not discharging, but 43648
only if the person holding the NPDES discharge permit for the 43649
source notifies the director in writing, not later than the first 43650
day of October of the billing year, of the circumstances causing 43651
the cessation of discharge. 43652

(iii) The annual discharge fee established in division 43653
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 43654
applicable to certain industrial facilities pursuant to division 43655
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 43656
daily discharge flow in gallons per day calculated using first day 43657
of May through thirty-first day of October flow data for the 43658
period two years prior to the date on which the fee is due. In the 43659
case of NPDES discharge permits for new sources, the fee shall be 43660
calculated using the average daily design flow of the facility 43661
until actual average daily discharge flow values are available for 43662
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 43663
section. The annual discharge fee may be prorated for a new source 43664
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 43665

(b)(i) An NPDES permit holder that is a public discharger 43666
shall pay the fee specified in the following schedule: 43667

Average daily	Fee due by	43668
discharge flow	January 30,	43669
	~~2016~~ <u>2018</u> , and	43670
	January 30, ~~2017~~	43671
	<u>2019</u>	
5,000 to 49,999	\$ 200	43672
50,000 to 100,000	500	43673
100,001 to 250,000	1,050	43674
250,001 to 1,000,000	2,600	43675
1,000,001 to 5,000,000	5,200	43676
5,000,001 to 10,000,000	10,350	43677
10,000,001 to 20,000,000	15,550	43678
20,000,001 to 50,000,000	25,900	43679
50,000,001 to 100,000,000	41,400	43680
100,000,001 or more	62,100	43681

(ii) Public dischargers owning or operating two or more 43682
publicly owned treatment works serving the same political 43683
subdivision, as "treatment works" is defined in section 6111.01 of 43684
the Revised Code, and that serve exclusively political 43685
subdivisions having a population of fewer than one hundred 43686
thousand persons shall pay an annual discharge fee under division 43687
(L)(5)(3)(b)(i) of this section that is based on the combined 43688
average daily discharge flow of the treatment works. 43689

(c)(i) An NPDES permit holder that is an industrial 43690
discharger, other than a coal mining operator identified by P in 43691
the third character of the permittee's NPDES permit number, shall 43692
pay the fee specified in the following schedule: 43693

Average daily	Fee due by	43694
discharge flow	January 30,	43695
	~~2016~~ <u>2018</u> , and	43696
	January 30, ~~2017~~	43697
	<u>2019</u>	

5,000 to 49,999	\$ 250	43698
50,000 to 250,000	1,200	43699
250,001 to 1,000,000	2,950	43700
1,000,001 to 5,000,000	5,850	43701
5,000,001 to 10,000,000	8,800	43702
10,000,001 to 20,000,000	11,700	43703
20,000,001 to 100,000,000	14,050	43704
100,000,001 to 250,000,000	16,400	43705
250,000,001 or more	18,700	43706

(ii) In addition to the fee specified in the above schedule, 43707
an NPDES permit holder that is an industrial discharger classified 43708
as a major discharger during all or part of the annual discharge 43709
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 43710
section shall pay a nonrefundable annual surcharge of seven 43711
thousand five hundred dollars not later than January 30, ~~2016~~ 43712
2018, and not later than January 30, ~~2017~~ 2019. Any person who 43713
fails to pay the surcharge at that time shall pay an additional 43714
amount that equals ten per cent of the amount of the surcharge. 43715

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 43716
section, a public discharger, that is not a separate municipal 43717
storm sewer system, identified by I in the third character of the 43718
permittee's NPDES permit number and an industrial discharger 43719
identified by I, J, L, V, W, X, Y, or Z in the third character of 43720
the permittee's NPDES permit number shall pay a nonrefundable 43721
annual discharge fee of one hundred eighty dollars not later than 43722
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 43723
Any person who fails to pay the fee at that time shall pay an 43724
additional amount that equals ten per cent of the required fee. 43725

~~(6)(4)~~ Each person obtaining a ~~national pollutant discharge~~ 43726
~~elimination system general or individual~~ an NPDES permit for 43727
municipal storm water discharge shall pay a nonrefundable storm 43728
water annual discharge fee of ~~one hundred~~ ten dollars per 43729

one-tenth of a square mile of area permitted. The fee shall not 43730
exceed ten thousand dollars and shall be payable on or before 43731
January 30, 2004, and the thirtieth day of January of each year 43732
thereafter. Any person who fails to pay the fee on the date 43733
specified in division (L)~~(6)~~(4) of this section shall pay an 43734
additional amount per year equal to ten per cent of the annual fee 43735
that is unpaid. 43736

~~(7)~~(5) The director shall transmit all moneys collected under 43737
division (L) of this section to the treasurer of state for deposit 43738
into the state treasury to the credit of the surface water 43739
protection fund created in section 6111.038 of the Revised Code. 43740

~~(8)~~(6) As used in ~~division (L)~~ of this section: 43741

(a) "NPDES" means the federally approved national pollutant 43742
discharge elimination system individual and general program for 43743
issuing, modifying, revoking, reissuing, terminating, monitoring, 43744
and enforcing permits and imposing and enforcing pretreatment 43745
requirements under Chapter 6111. of the Revised Code and rules 43746
adopted under it. 43747

(b) "Public discharger" means any holder of an NPDES permit 43748
identified by P in the second character of the NPDES permit number 43749
assigned by the director. 43750

(c) "Industrial discharger" means any holder of an NPDES 43751
permit identified by I in the second character of the NPDES permit 43752
number assigned by the director. 43753

(d) "Major discharger" means any holder of an NPDES permit 43754
classified as major by the regional administrator of the United 43755
States environmental protection agency in conjunction with the 43756
director. 43757

(M) Through June 30, ~~2018~~ 2020, a person applying for a 43758
license or license renewal to operate a public water system under 43759
section 6109.21 of the Revised Code shall pay the appropriate fee 43760

established under this division at the time of application to the 43761
director. Any person who fails to pay the fee at that time shall 43762
pay an additional amount that equals ten per cent of the required 43763
fee. The director shall transmit all moneys collected under this 43764
division to the treasurer of state for deposit into the drinking 43765
water protection fund created in section 6109.30 of the Revised 43766
Code. 43767

Except as provided in divisions (M)(4) and (5) of this 43768
section, fees required under this division shall be calculated and 43769
paid in accordance with the following schedule: 43770

(1) For the initial license required under section 6109.21 of 43771
the Revised Code for any public water system that is a community 43772
water system as defined in section 6109.01 of the Revised Code, 43773
and for each license renewal required for such a system prior to 43774
January 31, ~~2018~~ 2020, the fee is: 43775

Number of service connections	Fee amount	
Not more than 49	\$ 112	43777
50 to 99	176	43778
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	43780
2,500 to 4,999	1.48	43781
5,000 to 7,499	1.42	43782
7,500 to 9,999	1.34	43783
10,000 to 14,999	1.16	43784
15,000 to 24,999	1.10	43785
25,000 to 49,999	1.04	43786
50,000 to 99,999	.92	43787
100,000 to 149,999	.86	43788
150,000 to 199,999	.80	43789
200,000 or more	.76	43790

A public water system may determine how it will pay the total 43791
amount of the fee calculated under division (M)(1) of this 43792

section, including the assessment of additional user fees that may 43793
be assessed on a volumetric basis. 43794

As used in division (M)(1) of this section, "service 43795
connection" means the number of active or inactive pipes, 43796
goosenecks, pigtails, and any other fittings connecting a water 43797
main to any building outlet. 43798

(2) For the initial license required under section 6109.21 of 43799
the Revised Code for any public water system that is not a 43800
community water system and serves a nontransient population, and 43801
for each license renewal required for such a system prior to 43802
January 31, ~~2018~~ 2020, the fee is: 43803

Population served	Fee amount	
Fewer than 150	\$ 112	43805
150 to 299	176	43806
300 to 749	384	43807
750 to 1,499	628	43808
1,500 to 2,999	1,268	43809
3,000 to 7,499	2,816	43810
7,500 to 14,999	5,510	43811
15,000 to 22,499	9,048	43812
22,500 to 29,999	12,430	43813
30,000 or more	16,820	43814

As used in division (M)(2) of this section, "population 43815
served" means the total number of individuals having access to the 43816
water supply during a twenty-four-hour period for at least sixty 43817
days during any calendar year. In the absence of a specific 43818
population count, that number shall be calculated at the rate of 43819
three individuals per service connection. 43820

(3) For the initial license required under section 6109.21 of 43821
the Revised Code for any public water system that is not a 43822
community water system and serves a transient population, and for 43823
each license renewal required for such a system prior to January 43824

31, ~~2018~~ <u>2020</u> , the fee is:		43825
Number of wells or sources, other	Fee amount	43826
than surface water, supplying system		
1	\$112	43827
2	112	43828
3	176	43829
4	278	43830
5	568	43831
System designated as using a		43832
surface water source	792	43833
As used in division (M)(3) of this section, "number of wells		43834
or sources, other than surface water, supplying system" means		43835
those wells or sources that are physically connected to the		43836
plumbing system serving the public water system.		43837
(4) A public water system designated as using a surface water		43838
source shall pay a fee of seven hundred ninety-two dollars or the		43839
amount calculated under division (M)(1) or (2) of this section,		43840
whichever is greater.		43841
(5) An applicant for an initial license who is proposing to		43842
operate a new public water supply system shall submit a fee that		43843
equals a prorated amount of the appropriate fee for the remainder		43844
of the licensing year.		43845
(N)(1) A person applying for a plan approval for a public		43846
water supply system under section 6109.07 of the Revised Code		43847
shall pay a fee of one hundred fifty dollars plus thirty-five		43848
hundredths of one per cent of the estimated project cost, except		43849
that the total fee shall not exceed twenty thousand dollars		43850
through June 30, ~~2018~~ <u>2020</u> , and fifteen thousand dollars on and		43851
after July 1, ~~2018~~ <u>2020</u> . The fee shall be paid at the time the		43852
application is submitted.		43853
(2) A person who has entered into an agreement with the		43854

director under division (A)(2) of section 6109.07 of the Revised 43855
Code shall pay an administrative service fee for each plan 43856
submitted under that section for approval that shall not exceed 43857
the minimum amount necessary to pay administrative costs directly 43858
attributable to processing plan approvals. The director annually 43859
shall calculate the fee and shall notify all persons that have 43860
entered into agreements under that division, or who have applied 43861
for agreements, of the amount of the fee. 43862

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per 43863
survey basis, shall be charged any person for services rendered by 43864
the state in the evaluation of laboratories and laboratory 43865
personnel for compliance with accepted analytical techniques and 43866
procedures established pursuant to Chapter 6109. of the Revised 43867
Code for determining the qualitative characteristics of water: 43868

microbiological		43869
MMO-MUG	\$2,000	43870
MF	2,100	43871
MMO-MUG and MF	2,550	43872
organic chemical	5,400	43873
trace metals	5,400	43874
standard chemistry	2,800	43875
limited chemistry	1,550	43876

On and after July 1, ~~2018~~ 2020, the following fee, on a per 43877
survey basis, shall be charged any such person: 43878

microbiological	\$ 1,650	43879
organic chemicals	3,500	43880
trace metals	3,500	43881
standard chemistry	1,800	43882
limited chemistry	1,000	43883

The fee for those services shall be paid at the time the request 43884
for the survey is made. Through June 30, ~~2018~~ 2020, an individual 43885
laboratory shall not be assessed a fee under this division more 43886

than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director to take an
examination for certification as an operator of a water supply
system or wastewater system under Chapter 6109. or 6111. of the
Revised Code that is administered by the director, at the time the
application is submitted, shall pay a fee in accordance with the
following schedule through November 30, ~~2018~~ 2020:

Class A operator	\$ 80	
Class I operator	105	
Class II operator	120	
Class III operator	130	
Class IV operator	145	

On and after December 1, ~~2018~~ 2020, the applicant shall pay a
fee in accordance with the following schedule:

Class A operator	\$ 50	
Class I operator	70	
Class II operator	80	
Class III operator	90	

Class IV operator	100	43917

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	43926
Class I operator	35	43927
Class II operator	45	43928
Class III operator	55	43929
Class IV operator	65	43930

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	43936
Class I operator	55	43937
Class II operator	65	43938
Class III operator	75	43939
Class IV operator	85	43940

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering

water supply system or wastewater treatment system certification 43949
examinations in this state for the calendar year. The fee shall be 43950
paid not later than forty-five days after the end of a calendar 43951
year. 43952

The director shall transmit all moneys collected under this 43953
division to the treasurer of state for deposit into the drinking 43954
water protection fund created in section 6109.30 of the Revised 43955
Code. 43956

(P) Any person submitting an application for an industrial 43957
water pollution control certificate under section 6111.31 of the 43958
Revised Code, as that section existed before its repeal by H.B. 95 43959
of the 125th general assembly, shall pay a nonrefundable fee of 43960
five hundred dollars at the time the application is submitted. The 43961
director shall transmit all moneys collected under this division 43962
to the treasurer of state for deposit into the surface water 43963
protection fund created in section 6111.038 of the Revised Code. A 43964
person paying a certificate fee under this division shall not pay 43965
an application fee under division (S)(1) of this section. On and 43966
after June 26, 2003, persons shall file such applications and pay 43967
the fee as required under sections 5709.20 to 5709.27 of the 43968
Revised Code, and proceeds from the fee shall be credited as 43969
provided in section 5709.212 of the Revised Code. 43970

(Q) Except as otherwise provided in division (R) of this 43971
section, a person issued a permit by the director for a new solid 43972
waste disposal facility other than an incineration or composting 43973
facility, a new infectious waste treatment facility other than an 43974
incineration facility, or a modification of such an existing 43975
facility that includes an increase in the total disposal or 43976
treatment capacity of the facility pursuant to Chapter 3734. of 43977
the Revised Code shall pay a fee of ten dollars per thousand cubic 43978
yards of disposal or treatment capacity, or one thousand dollars, 43979
whichever is greater, except that the total fee for any such 43980

permit shall not exceed eighty thousand dollars. A person issued a 43981
modification of a permit for a solid waste disposal facility or an 43982
infectious waste treatment facility that does not involve an 43983
increase in the total disposal or treatment capacity of the 43984
facility shall pay a fee of one thousand dollars. A person issued 43985
a permit to install a new, or modify an existing, solid waste 43986
transfer facility under that chapter shall pay a fee of two 43987
thousand five hundred dollars. A person issued a permit to install 43988
a new or to modify an existing solid waste incineration or 43989
composting facility, or an existing infectious waste treatment 43990
facility using incineration as its principal method of treatment, 43991
under that chapter shall pay a fee of one thousand dollars. The 43992
increases in the permit fees under this division resulting from 43993
the amendments made by Amended Substitute House Bill 592 of the 43994
117th general assembly do not apply to any person who submitted an 43995
application for a permit to install a new, or modify an existing, 43996
solid waste disposal facility under that chapter prior to 43997
September 1, 1987; any such person shall pay the permit fee 43998
established in this division as it existed prior to June 24, 1988. 43999
In addition to the applicable permit fee under this division, a 44000
person issued a permit to install or modify a solid waste facility 44001
or an infectious waste treatment facility under that chapter who 44002
fails to pay the permit fee to the director in compliance with 44003
division (V) of this section shall pay an additional ten per cent 44004
of the amount of the fee for each week that the permit fee is 44005
late. 44006

Permit and late payment fees paid to the director under this 44007
division shall be credited to the general revenue fund. 44008

(R)(1) A person issued a registration certificate for a scrap 44009
tire collection facility under section 3734.75 of the Revised Code 44010
shall pay a fee of two hundred dollars, except that if the 44011
facility is owned or operated by a motor vehicle salvage dealer 44012

licensed under Chapter 4738. of the Revised Code, the person shall 44013
pay a fee of twenty-five dollars. 44014

(2) A person issued a registration certificate for a new 44015
scrap tire storage facility under section 3734.76 of the Revised 44016
Code shall pay a fee of three hundred dollars, except that if the 44017
facility is owned or operated by a motor vehicle salvage dealer 44018
licensed under Chapter 4738. of the Revised Code, the person shall 44019
pay a fee of twenty-five dollars. 44020

(3) A person issued a permit for a scrap tire storage 44021
facility under section 3734.76 of the Revised Code shall pay a fee 44022
of one thousand dollars, except that if the facility is owned or 44023
operated by a motor vehicle salvage dealer licensed under Chapter 44024
4738. of the Revised Code, the person shall pay a fee of fifty 44025
dollars. 44026

(4) A person issued a permit for a scrap tire monocell or 44027
monofill facility under section 3734.77 of the Revised Code shall 44028
pay a fee of ten dollars per thousand cubic yards of disposal 44029
capacity or one thousand dollars, whichever is greater, except 44030
that the total fee for any such permit shall not exceed eighty 44031
thousand dollars. 44032

(5) A person issued a registration certificate for a scrap 44033
tire recovery facility under section 3734.78 of the Revised Code 44034
shall pay a fee of one hundred dollars. 44035

(6) A person issued a permit for a scrap tire recovery 44036
facility under section 3734.78 of the Revised Code shall pay a fee 44037
of one thousand dollars. 44038

(7) In addition to the applicable registration certificate or 44039
permit fee under divisions (R)(1) to (6) of this section, a person 44040
issued a registration certificate or permit for any such scrap 44041
tire facility who fails to pay the registration certificate or 44042
permit fee to the director in compliance with division (V) of this 44043

section shall pay an additional ten per cent of the amount of the 44044
fee for each week that the fee is late. 44045

(8) The registration certificate, permit, and late payment 44046
fees paid to the director under divisions (R)(1) to (7) of this 44047
section shall be credited to the scrap tire management fund 44048
created in section 3734.82 of the Revised Code. 44049

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 44050
(P), and (S)(2) of this section, division (A)(2) of section 44051
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 44052
and rules adopted under division (T)(1) of this section, any 44053
person applying for a registration certificate under section 44054
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 44055
variance, or plan approval under Chapter 3734. of the Revised Code 44056
shall pay a nonrefundable fee of fifteen dollars at the time the 44057
application is submitted. 44058

(b) Except as otherwise provided, any person applying for a 44059
permit, variance, or plan approval under Chapter 6109. or 6111. of 44060
the Revised Code shall pay a nonrefundable application fee of one 44061
hundred dollars at the time the application is submitted through 44062
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 44063
dollars at the time the application is submitted on and after July 44064
1, ~~2018~~ 2020. ~~Except~~ 44065

(c)(i) Except as otherwise provided in ~~division~~ divisions 44066
(S){3}(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 44067
2020, any person applying for a ~~national pollutant discharge~~ 44068
~~elimination system~~ an NPDES permit under Chapter 6111. of the 44069
Revised Code shall pay a nonrefundable application fee of two 44070
hundred dollars at the time of application for the permit. On and 44071
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 44072
application fee of fifteen dollars at the time of application. 44073

(ii) In addition to the nonrefundable application fee, any 44074

person applying for an NPDES permit under Chapter 6111. of the 44075
Revised Code shall pay a design flow discharge fee based on each 44076
point source to which the issuance is applicable in accordance 44077
with the following schedule: 44078

<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	44080
<u>1,001 to 5000</u>	<u>100</u>	44081
<u>5,001 to 50,000</u>	<u>200</u>	44082
<u>50,001 to 100,000</u>	<u>300</u>	44083
<u>100,001 to 300,000</u>	<u>525</u>	44084
<u>over 300,000</u>	<u>750</u>	44085

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 44086
section, the application and design flow discharge fee for an 44087
NPDES permit for a public discharger identified by the letter I in 44088
the third character of the NPDES permit number shall not exceed 44089
nine hundred fifty dollars. 44090

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 44091
section, the application and design flow discharge fee for an 44092
NPDES permit for a coal mining operation regulated under Chapter 44093
1513. of the Revised Code shall not exceed four hundred fifty 44094
dollars per mine. 44095

(v) A person issued a modification of an NPDES permit shall 44096
pay a nonrefundable modification fee equal to the application fee 44097
and one-half the design flow discharge fee based on each point 44098
source, if applicable, that would be charged for an NPDES permit, 44099
except that the modification fee shall not exceed six hundred 44100
dollars. 44101

(d) In addition to the application fee established under 44102
division (S)(1)(c)(i) of this section, any person applying for a 44103
~~national pollutant discharge elimination system~~ an NPDES general 44104
storm water construction permit shall pay a nonrefundable fee of 44105
twenty dollars per acre for each acre that is permitted above five 44106

acres at the time the application is submitted. However, the per 44107
acreage fee shall not exceed three hundred dollars. In addition to 44108
the application fee established under division (S)(1)(c)(i) of 44109
this section, any person applying for a ~~national pollutant~~ 44110
~~discharge elimination system~~ an NPDES general storm water 44111
industrial permit shall pay a nonrefundable fee of one hundred 44112
fifty dollars at the time the application is submitted. 44113

(e) The director shall transmit all moneys collected under 44114
division (S)(1) of this section pursuant to Chapter 6109. of the 44115
Revised Code to the treasurer of state for deposit into the 44116
drinking water protection fund created in section 6109.30 of the 44117
Revised Code. 44118

(f) The director shall transmit all moneys collected under 44119
division (S)(1) of this section pursuant to Chapter 6111. of the 44120
Revised Code and under division (S)(3) of this section to the 44121
treasurer of state for deposit into the surface water protection 44122
fund created in section 6111.038 of the Revised Code. 44123

(g) If a registration certificate is issued under section 44124
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 44125
the application fee paid shall be deducted from the amount of the 44126
registration certificate fee due under division (R)(1), (2), or 44127
(5) of this section, as applicable. 44128

(h) If a person submits an electronic application for a 44129
registration certificate, permit, variance, or plan approval for 44130
which an application fee is established under division (S)(1) of 44131
this section, the person shall pay ~~the all applicable application~~ 44132
~~fee fees~~ as expeditiously as possible after the submission of the 44133
electronic application. An application for a registration 44134
certificate, permit, variance, or plan approval for which an 44135
application fee is established under division (S)(1) of this 44136
section shall not be reviewed or processed until the applicable 44137
application fee, and any other fees established under this 44138

division, are paid. 44139

(2) Division (S)(1) of this section does not apply to an 44140
application for a registration certificate for a scrap tire 44141
collection or storage facility submitted under section 3734.75 or 44142
3734.76 of the Revised Code, as applicable, if the owner or 44143
operator of the facility or proposed facility is a motor vehicle 44144
salvage dealer licensed under Chapter 4738. of the Revised Code. 44145

(3) A person applying for coverage under ~~a national pollutant~~ 44146
~~discharge elimination system~~ an NPDES general discharge permit for 44147
household sewage treatment systems shall pay the following fees: 44148

(a) A nonrefundable fee of two hundred dollars at the time of 44149
application for initial permit coverage; 44150

(b) A nonrefundable fee of one hundred dollars at the time of 44151
application for a renewal of permit coverage. 44152

(T) The director may adopt, amend, and rescind rules in 44153
accordance with Chapter 119. of the Revised Code that do all of 44154
the following: 44155

(1) Prescribe fees to be paid by applicants for and holders 44156
of any license, permit, variance, plan approval, or certification 44157
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 44158
the Revised Code that are not specifically established in this 44159
section. The fees shall be designed to defray the cost of 44160
processing, issuing, revoking, modifying, denying, and enforcing 44161
the licenses, permits, variances, plan approvals, and 44162
certifications. 44163

The director shall transmit all moneys collected under rules 44164
adopted under division (T)(1) of this section pursuant to Chapter 44165
6109. of the Revised Code to the treasurer of state for deposit 44166
into the drinking water protection fund created in section 6109.30 44167
of the Revised Code. 44168

The director shall transmit all moneys collected under rules 44169
adopted under division (T)(1) of this section pursuant to Chapter 44170
6111. of the Revised Code to the treasurer of state for deposit 44171
into the surface water protection fund created in section 6111.038 44172
of the Revised Code. 44173

(2) Exempt the state and political subdivisions thereof, 44174
including education facilities or medical facilities owned by the 44175
state or a political subdivision, or any person exempted from 44176
taxation by section 5709.07 or 5709.12 of the Revised Code, from 44177
any fee required by this section; 44178

(3) Provide for the waiver of any fee, or any part thereof, 44179
otherwise required by this section whenever the director 44180
determines that the imposition of the fee would constitute an 44181
unreasonable cost of doing business for any applicant, class of 44182
applicants, or other person subject to the fee; 44183

(4) Prescribe measures that the director considers necessary 44184
to carry out this section. 44185

(U) When the director reasonably demonstrates that the direct 44186
cost to the state associated with the issuance of a permit ~~to~~ 44187
~~install~~, license, variance, plan approval, or certification 44188
exceeds the fee for the issuance or review specified by this 44189
section, the director may condition the issuance or review on the 44190
payment by the person receiving the issuance or review of, in 44191
addition to the fee specified by this section, the amount, or any 44192
portion thereof, in excess of the fee specified under this 44193
section. The director shall not so condition issuances for which a 44194
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 44195
section. 44196

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 44197
(S) of this section or unless otherwise prescribed by a rule of 44198
the director adopted pursuant to Chapter 119. of the Revised Code, 44199

all fees required by this section are payable within thirty days 44200
after the issuance of an invoice for the fee by the director or 44201
the effective date of the issuance of the license, permit, 44202
variance, plan approval, or certification. If payment is late, the 44203
person responsible for payment of the fee shall pay an additional 44204
ten per cent of the amount due for each month that it is late. 44205

(W) As used in this section, "fuel-burning equipment," 44206
"fuel-burning equipment input capacity," "incinerator," 44207
"incinerator input capacity," "process," "process weight rate," 44208
"storage tank," "gasoline dispensing facility," "dry cleaning 44209
facility," "design flow discharge," and "new source treatment 44210
works" have the meanings ascribed to those terms by applicable 44211
rules or standards adopted by the director under Chapter 3704. or 44212
6111. of the Revised Code. 44213

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 44214
(J) of this section, and in any other provision of this section 44215
pertaining to fees paid pursuant to Chapter 3704. of the Revised 44216
Code: 44217

(1) "Facility," "federal Clean Air Act," "person," and "Title 44218
V permit" have the same meanings as in section 3704.01 of the 44219
Revised Code. 44220

(2) "Title V permit program" means the following activities 44221
as necessary to meet the requirements of Title V of the federal 44222
Clean Air Act and 40 C.F.R. part 70, including at least: 44223

(a) Preparing and adopting, if applicable, generally 44224
applicable rules or guidance regarding the permit program or its 44225
implementation or enforcement; 44226

(b) Reviewing and acting on any application for a Title V 44227
permit, permit revision, or permit renewal, including the 44228
development of an applicable requirement as part of the processing 44229
of a permit, permit revision, or permit renewal; 44230

(c) Administering the permit program, including the	44231
supporting and tracking of permit applications, compliance	44232
certification, and related data entry;	44233
(d) Determining which sources are subject to the program and	44234
implementing and enforcing the terms of any Title V permit, not	44235
including any court actions or other formal enforcement actions;	44236
(e) Emission and ambient monitoring;	44237
(f) Modeling, analyses, or demonstrations;	44238
(g) Preparing inventories and tracking emissions;	44239
(h) Providing direct and indirect support to small business	44240
stationary sources to determine and meet their obligations under	44241
the federal Clean Air Act pursuant to the small business	44242
stationary source technical and environmental compliance	44243
assistance program required by section 507 of that act and	44244
established in sections 3704.18, 3704.19, and 3706.19 of the	44245
Revised Code.	44246
(3) "Organic compound" means any chemical compound of carbon,	44247
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	44248
carbides or carbonates, and ammonium carbonate.	44249
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	44250
of this section, each sewage sludge facility shall pay a	44251
nonrefundable annual sludge fee equal to three dollars and fifty	44252
cents per dry ton of sewage sludge, including the dry tons of	44253
sewage sludge in materials derived from sewage sludge, that the	44254
sewage sludge facility treats or disposes of in this state. The	44255
annual volume of sewage sludge treated or disposed of by a sewage	44256
sludge facility shall be calculated using the first day of January	44257
through the thirty-first day of December of the calendar year	44258
preceding the date on which payment of the fee is due.	44259
(2)(a) Except as provided in division (Y)(2)(d) of this	44260

section, each sewage sludge facility shall pay a minimum annual 44261
sewage sludge fee of one hundred dollars. 44262

(b) The annual sludge fee required to be paid by a sewage 44263
sludge facility that treats or disposes of exceptional quality 44264
sludge in this state shall be thirty-five per cent less per dry 44265
ton of exceptional quality sludge than the fee assessed under 44266
division (Y)(1) of this section, subject to the following 44267
exceptions: 44268

(i) Except as provided in division (Y)(2)(d) of this section, 44269
a sewage sludge facility that treats or disposes of exceptional 44270
quality sludge shall pay a minimum annual sewage sludge fee of one 44271
hundred dollars. 44272

(ii) A sewage sludge facility that treats or disposes of 44273
exceptional quality sludge shall not be required to pay the annual 44274
sludge fee for treatment or disposal in this state of exceptional 44275
quality sludge generated outside of this state and contained in 44276
bags or other containers not greater than one hundred pounds in 44277
capacity. 44278

A thirty-five per cent reduction for exceptional quality 44279
sludge applies to the maximum annual fees established under 44280
division (Y)(3) of this section. 44281

(c) A sewage sludge facility that transfers sewage sludge to 44282
another sewage sludge facility in this state for further treatment 44283
prior to disposal in this state shall not be required to pay the 44284
annual sludge fee for the tons of sewage sludge that have been 44285
transferred. In such a case, the sewage sludge facility that 44286
disposes of the sewage sludge shall pay the annual sludge fee. 44287
However, the facility transferring the sewage sludge shall pay the 44288
one-hundred-dollar minimum fee required under division (Y)(2)(a) 44289
of this section. 44290

In the case of a sewage sludge facility that treats sewage 44291

sludge in this state and transfers it out of this state to another 44292
entity for disposal, the sewage sludge facility in this state 44293
shall be required to pay the annual sludge fee for the tons of 44294
sewage sludge that have been transferred. 44295

(d) A sewage sludge facility that generates sewage sludge 44296
resulting from an average daily discharge flow of less than five 44297
thousand gallons per day is not subject to the fees assessed under 44298
division (Y) of this section. 44299

(3) No sewage sludge facility required to pay the annual 44300
sludge fee shall be required to pay more than the maximum annual 44301
fee for each disposal method that the sewage sludge facility uses. 44302
The maximum annual fee does not include the additional amount that 44303
may be charged under division (Y)(5) of this section for late 44304
payment of the annual sludge fee. The maximum annual fee for the 44305
following methods of disposal of sewage sludge is as follows: 44306

(a) Incineration: five thousand dollars; 44307

(b) Preexisting land reclamation project or disposal in a 44308
landfill: five thousand dollars; 44309

(c) Land application, land reclamation, surface disposal, or 44310
any other disposal method not specified in division (Y)(3)(a) or 44311
(b) of this section: twenty thousand dollars. 44312

(4)(a) In the case of an entity that generates sewage sludge 44313
or a sewage sludge facility that treats sewage sludge and 44314
transfers the sewage sludge to an incineration facility for 44315
disposal, the incineration facility, and not the entity generating 44316
the sewage sludge or the sewage sludge facility treating the 44317
sewage sludge, shall pay the annual sludge fee for the tons of 44318
sewage sludge that are transferred. However, the entity or 44319
facility generating or treating the sewage sludge shall pay the 44320
one-hundred-dollar minimum fee required under division (Y)(2)(a) 44321
of this section. 44322

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall

issue with the notification a new invoice to the person 44355
identifying the amount of the annual sludge fee assessed and 44356
stating the first day of July as the deadline for payment. 44357

Not later than the first day of July, any person who is 44358
required to do so shall pay the annual sludge fee. Any person who 44359
is required to pay the fee, but who fails to do so on or before 44360
that date shall pay an additional amount that equals ten per cent 44361
of the required annual sludge fee. 44362

(6) The director shall transmit all moneys collected under 44363
division (Y) of this section to the treasurer of state for deposit 44364
into the surface water protection fund created in section 6111.038 44365
of the Revised Code. The moneys shall be used to defray the costs 44366
of administering and enforcing provisions in Chapter 6111. of the 44367
Revised Code and rules adopted under it that govern the use, 44368
storage, treatment, or disposal of sewage sludge. 44369

(7) Beginning in fiscal year 2001, and every two years 44370
thereafter, the director shall review the total amount of moneys 44371
generated by the annual sludge fees to determine if that amount 44372
exceeded six hundred thousand dollars in either of the two 44373
preceding fiscal years. If the total amount of moneys in the fund 44374
exceeded six hundred thousand dollars in either fiscal year, the 44375
director, after review of the fee structure and consultation with 44376
affected persons, shall issue an order reducing the amount of the 44377
fees levied under division (Y) of this section so that the 44378
estimated amount of moneys resulting from the fees will not exceed 44379
six hundred thousand dollars in any fiscal year. 44380

If, upon review of the fees under division (Y)(7) of this 44381
section and after the fees have been reduced, the director 44382
determines that the total amount of moneys collected and 44383
accumulated is less than six hundred thousand dollars, the 44384
director, after review of the fee structure and consultation with 44385
affected persons, may issue an order increasing the amount of the 44386

fees levied under division (Y) of this section so that the 44387
estimated amount of moneys resulting from the fees will be 44388
approximately six hundred thousand dollars. Fees shall never be 44389
increased to an amount exceeding the amount specified in division 44390
(Y)(7) of this section. 44391

Notwithstanding section 119.06 of the Revised Code, the 44392
director may issue an order under division (Y)(7) of this section 44393
without the necessity to hold an adjudicatory hearing in 44394
connection with the order. The issuance of an order under this 44395
division is not an act or action for purposes of section 3745.04 44396
of the Revised Code. 44397

(8) As used in division (Y) of this section: 44398

(a) "Sewage sludge facility" means an entity that performs 44399
treatment on or is responsible for the disposal of sewage sludge. 44400

(b) "Sewage sludge" means a solid, semi-solid, or liquid 44401
residue generated during the treatment of domestic sewage in a 44402
treatment works as defined in section 6111.01 of the Revised Code. 44403
"Sewage sludge" includes, but is not limited to, scum or solids 44404
removed in primary, secondary, or advanced wastewater treatment 44405
processes. "Sewage sludge" does not include ash generated during 44406
the firing of sewage sludge in a sewage sludge incinerator, grit 44407
and screenings generated during preliminary treatment of domestic 44408
sewage in a treatment works, animal manure, residue generated 44409
during treatment of animal manure, or domestic septage. 44410

(c) "Exceptional quality sludge" means sewage sludge that 44411
meets all of the following qualifications: 44412

(i) Satisfies the class A pathogen standards in 40 C.F.R. 44413
503.32(a); 44414

(ii) Satisfies one of the vector attraction reduction 44415
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 44416

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	44417 44418
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	44419 44420
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	44421 44422 44423
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	44424 44425 44426
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	44427 44428 44429 44430 44431
(g) "Land reclamation" means the returning of disturbed land to productive use.	44432 44433
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	44434 44435 44436 44437
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	44438 44439 44440 44441
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.	44442 44443 44444 44445
(k) "Annual sludge fee" means the fee assessed under division	44446

(Y)(1) of this section. 44447

(l) "Landfill" means a sanitary landfill facility, as defined 44448
in rules adopted under section 3734.02 of the Revised Code, that 44449
is licensed under section 3734.05 of the Revised Code. 44450

(m) "Preexisting land reclamation project" means a 44451
property-specific land reclamation project that has been in 44452
continuous operation for not less than five years pursuant to 44453
approval of the activity by the director and includes the 44454
implementation of a community outreach program concerning the 44455
activity. 44456

Sec. 3751.01. As used in this chapter: 44457

(A) "Confidential business information" means the types or 44458
categories of information identified in rules adopted by the 44459
administrator of the United States environmental protection agency 44460
under division (A)(1)(g) of section 3751.02 of the Revised Code 44461
EPCRA. 44462

(B) "EPCRA" means the "Emergency Planning and Community 44463
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 44464
seq. 44465

(C) "Facility" means all buildings, equipment, structures, 44466
and other stationary items that are located on a single site or on 44467
contiguous or adjacent sites and that are owned or operated by the 44468
same person or by any person who controls, is controlled by, or is 44469
under common control with such person. 44470

~~(C)~~(D) "Manufacture" means the production, preparation, 44471
importation, or compounding of a toxic chemical. The term also 44472
applies to a toxic chemical produced coincidentally during the 44473
manufacture, processing, use, or disposal of another substance or 44474
mixture including, without limitation, byproducts and coproducts 44475
that are separated from the other substance or mixture and 44476

impurities that remain in that substance or mixture. 44477

~~(D)~~(E) "Person" includes the state, any political subdivision 44478
or other state or local body, the United States and any agency or 44479
instrumentality thereof, and any entity defined as a person under 44480
section 1.59 of the Revised Code. 44481

~~(E)~~(F) "Process" means the preparation of a toxic chemical 44482
after its manufacture for distribution in commerce: 44483

(1) In the same form or physical state as, or in a different 44484
form or physical state from, that in which it was received by the 44485
person so preparing such chemical; 44486

(2) As part of an article containing the toxic chemical. 44487

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 44488
pouring, emitting, emptying, discharging, injecting, escaping, 44489
leaching, dumping, or discharging into the environment of any 44490
toxic chemical including, without limitation, the abandonment or 44491
discarding of barrels, containers, and other closed receptacles 44492
that contained a toxic chemical. 44493

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 44494
adopted by the administrator of the United States environmental 44495
protection agency ~~under division (A)(1)(a) of section 3751.02 of~~ 44496
~~the Revised Code EPCRA.~~ 44497

Sec. 3751.02. ~~(A)~~ The director of environmental protection 44498
~~shall~~ may do any of the following: 44499

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 44500
Revised Code ~~that are consistent with and equivalent in scope,~~ 44501
~~content, and coverage to, and no more stringent than section 313~~ 44502
~~of the "Emergency Planning and Community Right-To-Know Act of~~ 44503
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 44504
~~under that section:~~ 44505

~~(a) Identifying and listing toxic chemicals, establishing~~ 44506

~~threshold quantities for any such chemical used, manufactured, or 44507
processed at a facility that differ from and supersede a threshold 44508
quantity prescribed in division (C) of section 3751.03 of the 44509
Revised Code, and establishing ranges of quantities of those 44510
chemicals to be used in preparing toxic chemical release forms 44511
under that section. The rules may establish different annual 44512
threshold quantities based upon whether a toxic chemical is used, 44513
manufactured, or processed at a facility or based upon classes of 44514
chemicals or categories of facilities. 44515~~

~~(b) Adding or deleting standard industrial classification 44516
codes from the list in division (A)(1) of section 3751.03 of the 44517
Revised Code establishing the categories of facilities subject to 44518
the reporting requirements of that section; 44519~~

~~(c) Applying the reporting requirements of section 3751.03 of 44520
the Revised Code to owners or operators of individual facilities 44521
in this state that manufacture, process, or otherwise use a toxic 44522
chemical, in addition to those subject to the reporting 44523
requirements of that section pursuant to the criteria contained in 44524
it or rules adopted under division (A)(1)(a) or (b) of this 44525
section; 44526~~

~~(d) Modifying the frequency for submitting the report 44527
required by division (A) of section 3751.03 of the Revised Code 44528
applicable to: 44529~~

~~(i) All toxic chemical release forms required to be submitted 44530
by division (A) of section 3751.03 of the Revised Code; 44531~~

~~(ii) A class of toxic chemicals or a category of facilities; 44532~~

~~(iii) A specific toxic chemical; 44533~~

~~(iv) A specific facility. 44534~~

~~(e) Establishing procedures for receiving and fulfilling 44535
requests from the public for information held by the director 44536~~

~~under this chapter;~~ 44537

~~(f) Establishing procedures and criteria to protect trade~~ 44538
~~secret and confidential business information from unauthorized~~ 44539
~~disclosure;~~ 44540

~~(g) Identifying the types or categories of information~~ 44541
~~submitted or obtained under this chapter and rules adopted under~~ 44542
~~it that constitute confidential business information;~~ 44543

~~(h) Establishing other establishing requirements or~~ 44544
~~authorizations that the director considers necessary or~~ 44545
~~appropriate to implement and administer this chapter.~~ 44546

~~(2) Adopt rules in accordance with Chapter 119. of the~~ 44547
~~Revised Code requiring that all claims for protection of~~ 44548
~~information obtained under this chapter as a trade secret be~~ 44549
~~submitted to the administrator of the United States environmental~~ 44550
~~protection agency for determination under section 322 of the~~ 44551
~~"Emergency Planning and Community Right-To-Know Act of 1986," 100~~ 44552
~~Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that~~ 44553
~~section.~~ 44554

~~(3) Prescribe and publish a uniform toxic release form to be~~ 44555
~~used by owners or operators of facilities subject to the reporting~~ 44556
~~requirements of section 3751.03 of the Revised Code. The form~~ 44557
~~shall require the submission of only the information and~~ 44558
~~certifications required by division (B) of section 3751.03 of the~~ 44559
~~Revised Code and such additional information as is required to be~~ 44560
~~provided on the uniform toxic chemical release form published by~~ 44561
~~the administrator under section 313 of the "Emergency Planning and~~ 44562
~~Community Right-To-Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A.~~ 44563
~~11023.~~ 44564

~~(B) The director may:~~ 44565

~~(1) As the representative of the governor pursuant to section~~ 44566
~~313(b) of the "Emergency Planning and Community Right-To-Know Act~~ 44567

of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the 44568
administrator of the United States environmental protection agency 44569
to apply the toxic chemical release reporting requirements of 44570
~~section 313 of~~ that act to the owner or operator of any facility 44571
in this state that manufactures, processes, or otherwise uses a 44572
toxic chemical if, in the director's judgment, such reporting is 44573
warranted by the toxicity of the toxic chemical manufactured, 44574
processed, or otherwise used at the facility; the proximity of the 44575
facility to other facilities that release the toxic chemical or to 44576
population centers; or the history of releases of the toxic 44577
chemical at the facility; 44578

~~(2)(C)~~ As the representative of the governor pursuant to 44579
~~section 313(e)(2) of the "Emergency Planning and Community~~ 44580
~~Right-To-Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11041~~ 44581
EPCRA, petition the administrator to, by regulation, add a 44582
chemical to or delete a chemical from the list of toxic chemicals 44583
subject to the toxic chemical release reporting requirements of 44584
~~section 313 of~~ that act if, in the director's judgment, the 44585
chemical meets the criteria of ~~paragraph (d)(2) or (3) of~~ required 44586
by that section act. 44587

Sec. 3751.03. (A)(1) On or before the first day of July of 44588
each year or as otherwise prescribed ~~in rules adopted by the~~ 44589
administrator of the United States environmental protection agency 44590
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 44591
EPCRA, the owner or operator of a facility ~~that is in standard~~ 44592
~~industrial classification codes 20 to 39 and any other codes added~~ 44593
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 44594
~~the Revised Code, as those standard industrial classification~~ 44595
~~codes were in effect on July 1, 1985, that has ten or more~~ 44596
~~full-time employees, and that manufactured, processed, or~~ 44597
~~otherwise used during the preceding calendar year a toxic chemical~~ 44598
~~in an amount exceeding the applicable threshold quantity~~ 44599

~~established in division (C) of this section or otherwise~~ 44600
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 44601
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 44602
~~section shall prepare and submit to the director of environmental~~ 44603
~~protection administrator a completed toxic chemical release form~~ 44604
~~for each toxic chemical that was so manufactured, processed, or~~ 44605
~~otherwise used at the facility during the preceding calendar year.~~ 44606
~~The electronic submission of the form to the administrator~~ 44607
~~constitutes simultaneous submission of the form to the director of~~ 44608
~~environmental protection for purposes of EPCRA. The~~ 44609

(2) Division (A)(1) of this section applies to the owner or 44610
operator of a facility to which all of the following apply: 44611

(a) The facility is in standard industrial classification 44612
codes 20 to 39, as those codes were in effect on July 1, 1985, or 44613
in any other applicable code added by the administrator. 44614

(b) The owner or operator has ten or more full-time 44615
employees. 44616

(c) The facility manufactured, processed, or otherwise used 44617
during the calendar year immediately preceding the first day of 44618
July or date otherwise prescribed by the administrator, a toxic 44619
chemical in an amount exceeding the applicable threshold quantity 44620
established by the administrator under EPCRA. 44621

(3) The owner or operator shall submit the information 44622
~~required by division (B) of this section on a uniform toxic~~ 44623
~~chemical release form prescribed by the administrator under~~ 44624
~~division (A)(3) of section 3751.02 of the Revised Code EPCRA. If~~ 44625
~~the director has not prescribed the form, an owner or operator~~ 44626
~~shall submit the information required to be included on the form~~ 44627
~~under that division to the director by means of a letter~~ 44628
~~postmarked not later than the date on which the form is due under~~ 44629
~~this division.~~ 44630

~~(2) In addition to the owners or operators of facilities meeting the criteria enumerated in division (A)(1) of this section, the owners and operators of facilities identified in rules adopted under division (A)(1)(c) of section 3751.02 of the Revised Code shall comply with division (A)(1) of this section. Division (A)(1) of this section does not apply to the owner or operator of a facility in a standard industrial classification code that has been deleted from the list in division (A)(1) of this section by rules adopted under division (A)(1)(b) of section 3751.02 of the Revised Code.~~

~~(B) The uniform toxic chemical release form shall contain all of the following information:~~

~~(1) The name, location of, and principal business activities conducted at the facility;~~

~~(2) Each of the following items of information regarding the toxic chemical:~~

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~

~~(e) An indication as to whether the owner or operator chooses~~

~~to withhold information about it as a trade secret and, if so,~~ 44661
~~whether the owner or operator has filed a claim with the~~ 44662
~~administrator of the United States environmental protection agency~~ 44663
~~for protection of that information as a trade secret pursuant to~~ 44664
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 44665
~~Revised Code.~~ 44666

~~(3) An appropriate certification regarding the accuracy and~~ 44667
~~completeness of the report, signed by an official of the owner or~~ 44668
~~operator with management responsibility.~~ 44669

~~(C) The threshold amounts for purposes of reporting toxic~~ 44670
~~chemicals under this section are as follow:~~ 44671

~~(1) With respect to a toxic chemical used at a facility, ten~~ 44672
~~thousand pounds for the applicable calendar year;~~ 44673

~~(2) With respect to a toxic chemical manufactured or~~ 44674
~~processed at a facility:~~ 44675

~~(a) For the form required to be submitted on or before July~~ 44676
~~1, 1989, fifty thousand pounds per year;~~ 44677

~~(b) For the form required to be submitted on or before July~~ 44678
~~1, 1990, and for each year thereafter, twenty five thousand pounds~~ 44679
~~per year;~~ 44680

~~(c) Such other threshold quantities as may be prescribed by~~ 44681
~~rules adopted under division (A)(1)(a) of section 3751.02 of the~~ 44682
~~Revised Code.~~ 44683

~~(D)(B) The toxic chemical release forms required by this~~ 44684
~~section are intended to provide information to federal, state, and~~ 44685
~~local governments and the public, including residents of~~ 44686
~~communities surrounding facilities covered by this section.~~ 44687
~~Subject to the limitations prescribed in section 3751.04 of the~~ 44688
~~Revised Code and rules adopted under division (A)(1)(f) of section~~ 44689
~~3751.02 of the Revised Code governing the protection of trade~~ 44690

~~secrets and confidential business information, the director, upon~~ 44691
~~request, shall make toxic chemical release forms submitted under~~ 44692
~~this section available to inform persons about releases of toxic~~ 44693
~~chemicals to the environment, to assist government agencies,~~ 44694
~~researchers, and other persons in conducting research and~~ 44695
~~gathering data, to aid in the development of appropriate rules,~~ 44696
~~guidelines, standards, and emergency plans, and for other similar~~ 44697
~~purposes.~~ 44698

~~(E)(C)~~ No owner or operator of a facility who is required by 44699
this section to file a toxic chemical release form shall fail to 44700
submit a toxic chemical release form as required by this section. 44701

~~(F)(D)~~ An owner or operator of a facility who is required 44702
under this section to file a toxic chemical release form and who 44703
knowingly makes a false statement on that form, on a record upon 44704
which the information on that form is based, or on other 44705
information or records required to be kept or submitted under this 44706
chapter and the rules adopted under this chapter is guilty of 44707
falsification under section 2921.13 of the Revised Code. 44708

Sec. 3751.04. (A) Except as otherwise provided in division 44709
(D) of this section, any person required to provide information ~~to~~ 44710
~~the director of environmental protection~~ under section 3751.03 of 44711
the Revised Code may withhold from submission ~~to the director or~~ 44712
~~any other person~~ the specific chemical identity, including the 44713
chemical name and other specific identification, of the toxic 44714
chemical on the grounds that the information constitutes a trade 44715
secret if either of the following conditions is met: 44716

(1)(a) At the time of submitting the information sought to be 44717
classified as a trade secret, the owner or operator of the 44718
facility submits a claim for protection of that information as a 44719
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 44720
the administrator of the United States environmental protection 44721

agency under ~~division (A)(2) of section 3751.02 of the Revised~~ 44722
~~Code EPCRA~~, and submits a copy of the required toxic chemical 44723
release form that indicates that such a claim has been filed and 44724
contains the generic class or category of the identity in place of 44725
the identity ~~and that is accompanied by a copy of the~~ 44726
~~substantiation supporting the trade secret claim that was~~ 44727
~~submitted to the administrator of the United States environmental~~ 44728
~~protection agency. The owner or operator may withhold from the~~ 44729
~~copy of the explanations and supplemental information submitted to~~ 44730
~~the director information identified as confidential business~~ 44731
~~information in rules adopted under division (A)(1)(g) of section~~ 44732
~~3751.02 of the Revised Code.~~ 44733

(b) A determination of the claim remains pending pursuant to 44734
those rules regulations. 44735

(2) It has been determined by the administrator pursuant to 44736
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 44737
~~Revised Code~~ those regulations that a trade secret exists. 44738

(B) No person shall withhold the specific identity of a toxic 44739
chemical on the grounds that the information is a trade secret in 44740
either of the following instances: 44741

(1) From any toxic chemical release form if it has been 44742
determined by the administrator pursuant to ~~rules adopted~~ 44743
regulations promulgated under ~~division (A)(2) of section 3751.02~~ 44744
~~of the Revised Code EPCRA~~ that no trade secret exists; 44745

(2) When required to provide the specific chemical identity 44746
to a health professional, physician, or nurse pursuant to division 44747
(D) of this section. 44748

(C) The governor may, pursuant to ~~section 322 of the~~ 44749
~~"Emergency Planning and Community Right-To-Know Act of 1986," 100~~ 44750
~~Stat. 1747, 42 U.S.C.A. 11042 EPCRA~~, request the administrator of 44751
the United States environmental protection agency to provide 44752

specific chemical identities that are claimed or have been 44753
determined to be trade secret information or the explanations and 44754
supplemental information supporting trade secret protection claims 44755
regarding facilities located in this state that are subject to 44756
this chapter. The governor shall not make any trade secret or 44757
confidential information obtained under this division available to 44758
any member of the emergency planning commission created in section 44759
3750.02 of the Revised Code or to any member of a local emergency 44760
planning committee of an emergency planning district established 44761
under section 3750.03 of the Revised Code who is not also an 44762
officer or employee of the state or a political subdivision. Any 44763
trade secret or confidential business information obtained under 44764
this division shall be protected from unauthorized disclosure ~~in~~ 44765
~~accordance with rules adopted under division (A)(1)(f) of section~~ 44766
~~3751.02 of the Revised Code.~~ 44767

(D)(1) The owner or operator of a facility that is subject to 44768
section 3751.03 of the Revised Code shall provide the specific 44769
chemical identity of a toxic chemical, if the specific chemical 44770
identity is known, to any health professional who submits to the 44771
owner or operator a written request and statement of need for the 44772
specific chemical identity. The written statement of need shall be 44773
a statement of the health professional that the health 44774
professional has a reasonable basis to believe that all of the 44775
following conditions pertain to the request: 44776

(a) The information is needed for purposes of diagnosis or 44777
treatment of an individual; 44778

(b) The individual being diagnosed or treated has been 44779
exposed to the chemical concerned; 44780

(c) Knowledge of the specific chemical identity of the 44781
chemical will assist in diagnosis and treatment. 44782

An owner or operator to whom such a written request and 44783

statement of need is submitted shall provide the requested 44784
information to the health professional promptly after receiving 44785
the request and statement of need, subject to division (D)(4) of 44786
this section. 44787

(2) The owner or operator of a facility that is subject to 44788
section 3751.03 of the Revised Code shall provide a copy of a 44789
toxic chemical release form that contains the specific chemical 44790
identity of a toxic chemical, if the specific chemical identity is 44791
known, to any treating physician or nurse who requests that 44792
information if the physician or nurse determines that all of the 44793
following conditions pertain to the request: 44794

(a) A medical emergency exists; 44795

(b) The specific chemical identity of the chemical concerned 44796
is necessary for or will assist in emergency or first aid 44797
diagnosis or treatment; 44798

(c) The individual being diagnosed or treated has been 44799
exposed to the chemical concerned. 44800

The owner or operator shall provide the requested information 44801
to the physician or nurse immediately upon receiving such a 44802
request. The owner or operator shall not require any such treating 44803
physician or nurse to provide a written confidentiality agreement 44804
or statement of need as a precondition for disclosure of a 44805
specific chemical identity under this division; however, the owner 44806
or operator may require the treating physician or nurse to provide 44807
a written confidentiality agreement under division (D)(4) of this 44808
section and a statement setting forth the conditions listed in 44809
divisions (D)(2)(a) to (c) of this section as soon after the 44810
disclosure is made as circumstances permit. 44811

(3) The owner or operator of a facility that is subject to 44812
section 3751.03 of the Revised Code shall provide the specific 44813
chemical identity of a toxic chemical, if the specific chemical 44814

identity is known, to any health professional, including, without 44815
limitation, a physician, toxicologist, or epidemiologist, who is 44816
either employed by or under contract with a political subdivision 44817
and who submits to the owner or operator a written request for the 44818
information, a written statement of need for the information that 44819
meets the requirements of division (D)(3) of this section, and a 44820
written confidentiality agreement under division (D)(4) of this 44821
section. The owner or operator shall promptly after receipt of the 44822
written request, statement of need, and confidentiality agreement 44823
provide the requested information to the local health professional 44824
who requested it. 44825

The written statement of need for a specific chemical 44826
identity required by division (D)(3) of this section shall 44827
describe with reasonable detail one or more of the following 44828
health needs for the information: 44829

(a) To assess exposure of persons living in a local community 44830
to the hazards of the chemical concerned; 44831

(b) To conduct or assess sampling to determine exposure 44832
levels of various population groups to the chemical concerned; 44833

(c) To conduct periodic medical surveillance of population 44834
groups exposed to the chemical concerned; 44835

(d) To provide medical treatment to individuals or population 44836
groups exposed to the chemical concerned; 44837

(e) To conduct studies to determine the health effects of 44838
exposure to the chemical concerned; 44839

(f) To conduct studies to aid in the identification of a 44840
chemical that may reasonably be anticipated to cause an observed 44841
health effect. 44842

(4) Any person who obtains information under division (D)(1) 44843
or (3) of this section shall, as a precondition for receiving that 44844

information, enter into a written confidentiality agreement with 44845
the owner or operator of the facility from whom the information 44846
was requested that the person will not use the information for any 44847
purpose other than the health needs asserted in the statement of 44848
need provided thereunder, except as otherwise may be authorized by 44849
the terms of the agreement or by the person providing the 44850
information. 44851

(E) An officer or employee of the environmental protection 44852
agency shall not request the owner or operator of a facility 44853
subject to this chapter to submit to the officer or employee a 44854
trade secret claim, toxic chemical release form required by 44855
section 3751.03 of the Revised Code, substantiation of a trade 44856
secret claim, or explanation or supporting information or copy 44857
thereof pertaining to a trade secret claim, that contains any 44858
information claimed or determined to be a trade secret ~~pursuant to~~ 44859
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 44860
~~Revised Code~~ or identified as confidential business information ~~by~~ 44861
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 44862
any officer or employee of the agency knows or has reason to 44863
believe that a trade secret claim, toxic chemical release form, 44864
substantiation, or explanation or supporting information 44865
pertaining to a trade secret claim contains any such information, 44866
the officer or employee immediately shall return it to the owner 44867
or operator of the facility who submitted it without reading it 44868
and shall request the owner or operator to submit the appropriate 44869
report or substantiation that does not contain the information 44870
claimed or determined to be a trade secret or so identified as 44871
confidential business information. 44872

(F) No officer or employee of the environmental protection 44873
agency, health professional, physician, nurse, or other person who 44874
receives information claimed or determined to be a trade secret 44875
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 44876

~~of the Revised Code or identified as confidential business~~ 44877
~~information by rules adopted by regulations promulgated by the~~ 44878
~~administrator under division (A)(1)(g) of section 3751.02 of the~~ 44879
~~Revised Code EPCRA shall release any information so classified or~~ 44880
~~identified to any person not authorized to have that information~~ 44881
~~under division (C) of this section or rules adopted under division~~ 44882
~~(A)(1)(f) of section 3751.02 of the Revised Code. A violation of~~ 44883
~~this division is not also a violation of section 2913.02 or~~ 44884
~~2913.04 of the Revised Code.~~ 44885

Sec. 3751.05. ~~(A) The owner or operator of a facility~~ 44886
~~required to annually file one or more toxic chemical release forms~~ 44887
~~under section 3751.03 of the Revised Code shall submit with the~~ 44888
~~release forms a filing fee of fifty dollars. In addition to the~~ 44889
~~filing fee, the owner or operator shall submit an additional fee~~ 44890
~~of fifteen dollars per release form filed but not exceeding a~~ 44891
~~total additional fee of five hundred dollars.~~ 44892

~~(B) An owner or operator of a facility who fails to submit a~~ 44893
~~toxic chemical release form within thirty days after the~~ 44894
~~applicable filing date prescribed in that section shall submit~~ 44895
~~with the form a late filing fee of fifteen per cent of the total~~ 44896
~~fees due under division (A) of this section, whichever is more, in~~ 44897
~~addition to the fees due under that division.~~ 44898

~~(C) The director of environmental protection may establish~~ 44899
~~fees to be paid by persons, other than public officers or~~ 44900
~~employees, obtaining copies of documents or information submitted~~ 44901
~~to the director under this chapter and rules adopted under it. The~~ 44902
~~fee shall be established at a level calculated to defray the costs~~ 44903
~~of copying the documents or information. The director may charge~~ 44904
~~the actual costs involved in accessing any computerized data base~~ 44905
~~established by him under this chapter or by the administrator of~~ 44906
~~the United States environmental protection agency under the~~ 44907

~~"Emergency Planning and Community Right-To-Know Act of 1986," 100~~ 44908
~~Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for~~ 44909
~~information regarding releases of toxic chemicals for which~~ 44910
~~reporting is required by this chapter and rules adopted under it.~~ 44911

~~(D) All moneys received by the director under this section~~ 44912
~~and all civil penalties received under division (B) of section~~ 44913
~~3751.10 of the Revised Code shall be credited to the toxic~~ 44914
~~chemical release reporting fund, hereby created in the state~~ 44915
~~treasury. Moneys credited to the fund shall be expended by the~~ 44916
~~director exclusively for the purposes of implementing,~~ 44917
~~administering, and enforcing this chapter and the rules adopted~~ 44918
~~and orders issued under it.~~ 44919

Sec. 3751.10. (A) The attorney general, the prosecuting 44920
attorney of the county, or the city director of law of the city 44921
where a violation has occurred or is occurring, upon the written 44922
request of the director of environmental protection, shall 44923
prosecute to termination or bring an action for injunction against 44924
any person who has violated or is violating any section of this 44925
chapter or any rule adopted or order issued under it. The court of 44926
common pleas in which an action for injunction is filed has the 44927
jurisdiction to and shall grant preliminary and permanent 44928
injunctive relief upon a showing that the person against whom the 44929
action is brought has violated or is violating any section of this 44930
chapter or a rule adopted or order issued under it. The court 44931
shall give precedence to such an action over all other cases. 44932

Upon the certified written request of any person, the 44933
director shall conduct such investigations and make such inquiries 44934
as are necessary to secure compliance with this chapter or rules 44935
adopted or orders issued under it. The director may, upon request 44936
or upon ~~his~~ the director's own initiative, investigate or make 44937
inquiries into any violation of this chapter or rules adopted or 44938

orders issued under it. 44939

(B) Whoever violates division ~~(E)(C)~~ of section 3751.03, 44940
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 44941
an order issued under this chapter, shall pay a civil penalty of 44942
not more than twenty-five thousand dollars for each day of 44943
violation. The attorney general, the prosecuting attorney of the 44944
county, or the city director of law of the city where a violation 44945
of this chapter or a rule adopted or order issued under it has 44946
occurred or is occurring, upon the written request of the 44947
director, shall bring an action for imposition of a civil penalty 44948
under this division against any person who has committed or is 44949
committing any such violation. All civil penalties received under 44950
this division shall be credited to the toxic chemical release 44951
reporting fund created in section 3751.05 of the Revised Code. 44952

(C) Any action for injunction or civil penalties under 44953
division (A) or (B) of this section is a civil action governed by 44954
the Rules of Civil Procedure. 44955

Sec. 3751.11. A member of the emergency response commission, 44956
officer or employee of the environmental protection agency, member 44957
or employee of a local emergency planning committee, officer or 44958
employee of a fire department, health professional, physician, 44959
nurse, or other person who receives information classified as a 44960
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 44961
~~section 3751.02 of the Revised Code~~ or identified as confidential 44962
business information ~~by rules adopted under division (A)(1)(g) of~~ 44963
~~section 3751.02 of the Revised Code pursuant to EPCRA~~ and who 44964
violates division (F) of section 3751.04 of the Revised Code or 44965
otherwise discloses information classified as a trade secret or 44966
identified as confidential business information pursuant to ~~those~~ 44967
~~rules that act~~ to a person not authorized to have that information 44968
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 44969

~~adopted under division (A)(1)(f) of section 3751.02 of the Revised~~ 44970
~~Code EPCRA,~~ is liable in damages in a civil action to the owner of 44971
the trade secret information for any injury or loss to person or 44972
property sustained by ~~him~~ the owner resulting from the violation 44973
or unauthorized disclosure of that information. Any owner of 44974
information so classified as a trade secret or identified as 44975
confidential business information who, as a result of a violation 44976
of division (F) of section 3751.04 of the Revised Code or by 44977
disclosure of trade secret or confidential business information to 44978
a person not authorized to have it pursuant to division (C) of 44979
section 3751.04 of the Revised Code or ~~rules adopted under~~ 44980
~~division (A)(1)(f) of section 3751.02 of the Revised Code EPCRA,~~ 44981
sustains any injury or loss to person or property may bring a 44982
civil action for damages and other appropriate relief against the 44983
person who violated that division or otherwise disclosed the trade 44984
secret or confidential business information to a person not so 44985
authorized to have it. 44986

In such a civil action, if the plaintiff establishes by a 44987
preponderance of the evidence, and if the trier of fact finds, 44988
that the defendant violated that division or otherwise disclosed 44989
information classified as a trade secret or identified as 44990
confidential business information to a person not so authorized to 44991
have it, and that the plaintiff sustained injury or loss to person 44992
or property as a result of the violation or unauthorized 44993
disclosure of the information, the trier of fact may award 44994
compensatory damages and such other relief as the trier of fact 44995
finds appropriate. 44996

In any civil action under this section the court may award 44997
costs and reasonable attorney's fees to the prevailing party. 44998

Liability imposed under this section for a violation of 44999
division (F) of section 3751.04 of the Revised Code is in addition 45000
to other civil liability, if any, under the Revised Code or common 45001

law of this state and in addition to any criminal penalty that is 45002
imposed for the same violation under section 3751.99 of the 45003
Revised Code. 45004

Sec. 3769.087. (A) In addition to the commission of eighteen 45005
per cent retained by each permit holder as provided in section 45006
3769.08 of the Revised Code, each permit holder shall retain an 45007
additional amount equal to four per cent of the total of all 45008
moneys wagered on each racing day on all wagering pools other than 45009
win, place, and show, of which amount retained an amount equal to 45010
three per cent of the total of all moneys wagered on each racing 45011
day on those pools shall be paid in the manner prescribed under 45012
section 3769.103 of the Revised Code, as a tax. Subject to the 45013
restrictions contained in divisions (B), (C), and (M) of section 45014
3769.08 of the Revised Code, from such additional moneys paid to 45015
the tax commissioner: 45016

(1) Four-sixths shall be allocated to fund distribution as 45017
provided in division (M) of section 3769.08 of the Revised Code. 45018

(2) One-twelfth shall be paid into the Ohio fairs fund 45019
created by section 3769.082 of the Revised Code. 45020

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 45021
the tax commissioner by thoroughbred racing permit holders shall 45022
be paid into the Ohio thoroughbred race fund created by section 45023
3769.083 of the Revised Code. 45024

(4) One-twelfth of the additional moneys paid to the tax 45025
commissioner by harness horse racing permit holders shall be paid 45026
to the Ohio standardbred development fund created by section 45027
3769.085 of the Revised Code. 45028

(5) One-sixth shall be paid into the state racing commission 45029
operating fund created by section 3769.03 of the Revised Code. 45030

(6) One-twelfth of the additional moneys paid to the tax 45031

commissioner by quarterhorse racing permit holders shall be paid 45032
into the Ohio thoroughbred race fund created by section 3769.083 45033
of the Revised Code to support quarterhorse development and 45034
purses. 45035

The remaining one per cent that is retained of the total of 45036
all moneys wagered on each racing day on all pools other than win, 45037
place, and show, shall be retained by racing permit holders, and, 45038
except as otherwise provided in section 3769.089 of the Revised 45039
Code, racing permit holders shall use one-half for purse money and 45040
retain one-half. 45041

(B) In addition to the commission of eighteen per cent 45042
retained by each permit holder as provided in section 3769.08 of 45043
the Revised Code and the additional amount retained by each permit 45044
holder as provided in division (A) of this section, each permit 45045
holder shall retain an additional amount equal to one-half of one 45046
per cent of the total of all moneys wagered on each racing day on 45047
all wagering pools other than win, place, and show. The additional 45048
amount retained under this division shall be paid in the manner 45049
prescribed under section 3769.103 of the Revised Code, as a tax. 45050
The tax commissioner shall pay the amount of the tax received 45051
under this division to the state racing commission operating fund 45052
created by section 3769.03 of the Revised Code. 45053

(C) Unless otherwise agreed to by the video lottery sales 45054
agent and the applicable horsemen's association recognized by the 45055
state racing commission to represent such persons, within ninety 45056
days after September 29, 2013, for video lottery sales agents 45057
operating as such on September 29, 2013, or within six months 45058
after the date a video lottery sales agent begins operating as 45059
such for video lottery sales agents not operating as such on 45060
September 29, 2013, the state racing commission shall direct 45061
through rule that a percentage of the lottery sales agent's 45062
commission as determined by the state lottery commission for 45063

conducting video lottery terminal gaming on behalf of the state be 45064
paid to the state racing commission for the benefit of breeding 45065
and racing in this state. The percentage so determined shall not 45066
be less than nine per cent or more than eleven per cent of the 45067
video lottery terminal income, and shall be a sliding scale based 45068
upon capital expenditures necessary to build the video lottery 45069
sales agent's facility. The aggregate of one hundred per cent of 45070
video lottery terminal income minus the lottery sales agent's 45071
commission percentage as determined by the state lottery 45072
commission plus the percentage of the lottery sale agent's 45073
commission, as determined by the state racing commission or 45074
otherwise agreed to by the video lottery sales agent and the 45075
applicable horsemen's association recognized by the state racing 45076
commission to represent such persons, for the benefit of breeding 45077
and racing in this state shall not exceed forty-five per cent of 45078
the video lottery terminal income. In addition, beginning July 1, 45079
2013, the state lottery commission shall adopt a rule to require 45080
the lottery sales agent conducting video lottery terminal gaming 45081
on behalf of the state to disperse to the state lottery commission 45082
one-half of one per cent of such a lottery sales agent's 45083
commission for the purpose of providing funding support to 45084
appropriate state agencies for programs that provide for gambling 45085
addiction and other related addiction services. The state lottery 45086
commission's rule also may require the lottery sales agent 45087
conducting video lottery terminal gaming on behalf of the state to 45088
disperse to the state lottery commission an additional amount up 45089
to one-half of one per cent of such a lottery sales agent's 45090
commission for that purpose. 45091

Sec. 3770.02. (A) Subject to the advice and consent of the 45092
senate, the governor shall appoint a director of the state lottery 45093
commission who shall serve at the pleasure of the governor. The 45094
director shall devote full time to the duties of the office and 45095

shall hold no other office or employment. The director shall meet 45096
all requirements for appointment as a member of the commission and 45097
shall, by experience and training, possess management skills that 45098
equip the director to administer an enterprise of the nature of a 45099
state lottery. The director shall receive an annual salary in 45100
accordance with pay range 48 of section 124.152 of the Revised 45101
Code. 45102

(B)(1) The director shall attend all meetings of the 45103
commission and shall act as its secretary. The director shall keep 45104
a record of all commission proceedings and shall keep the 45105
commission's records, files, and documents at the commission's 45106
principal office. All records of the commission's meetings shall 45107
be available for inspection by any member of the public, upon a 45108
showing of good cause and prior notification to the director. 45109

(2) The director shall be the commission's executive officer 45110
and shall be responsible for keeping all commission records and 45111
supervising and administering the state lottery in accordance with 45112
this chapter, and carrying out all commission rules adopted under 45113
section 3770.03 of the Revised Code. 45114

(C)(1) The director shall appoint ~~an assistant director,~~ 45115
~~deputy directors of marketing, operations, sales, finance, public~~ 45116
~~relations, security, and administration, as necessary~~ and as many 45117
regional managers as are required. The director may also appoint 45118
necessary professional, technical, and clerical assistants. All 45119
such officers and employees shall be appointed and compensated 45120
pursuant to Chapter 124. of the Revised Code. Regional and 45121
assistant regional managers, sales representatives, and any 45122
lottery executive account representatives shall remain in the 45123
unclassified service. The assistant director shall act as director 45124
in the absence or disability of the director. If the director does 45125
not appoint an assistant director, the director shall designate a 45126
deputy director to act as director in the absence or disability of 45127

the director. 45128

(2) The director, in consultation with the director of 45129
administrative services, may establish standards of proficiency 45130
and productivity for commission field representatives. 45131

(D) The director shall request the bureau of criminal 45132
identification and investigation, the department of public safety, 45133
or any other state, local, or federal agency to supply the 45134
director with the criminal records of any job applicant and may 45135
periodically request the criminal records of commission employees. 45136
At or prior to the time of making such a request, the director 45137
shall require a job applicant or commission employee to obtain 45138
fingerprint cards prescribed by the superintendent of the bureau 45139
of criminal identification and investigation at a qualified law 45140
enforcement agency, and the director shall cause these fingerprint 45141
cards to be forwarded to the bureau of criminal identification and 45142
investigation and the federal bureau of investigation. The 45143
commission shall assume the cost of obtaining the fingerprint 45144
cards and shall pay to each agency supplying criminal records for 45145
each investigation under this division a reasonable fee, as 45146
determined by the agency. 45147

(E) The director shall license lottery sales agents pursuant 45148
to section 3770.05 of the Revised Code and, when it is considered 45149
necessary, may revoke or suspend the license of any lottery sales 45150
agent. The director may license video lottery technology 45151
providers, independent testing laboratories, and gaming employees, 45152
and promulgate rules relating thereto. When the director considers 45153
it necessary, the director may suspend or revoke the license of a 45154
video lottery technology provider, independent testing laboratory, 45155
or gaming employee, including suspension or revocation without 45156
affording an opportunity for a prior hearing under section 119.07 45157
of the Revised Code when the public safety, convenience, or trust 45158
requires immediate action. 45159

(F) The director shall confer at least once each month with the commission, at which time the director shall advise it regarding the operation and administration of the lottery. The director shall make available at the request of the commission all documents, files, and other records pertaining to the operation and administration of the lottery. The director shall prepare and make available to the commission each month a complete and accurate accounting of lottery revenues, prize money disbursements and the cost of goods and services awarded as prizes, operating expenses, and all other relevant financial information, including an accounting of all transfers made from any lottery funds in the custody of the treasurer of state to benefit education.

(G) The director may enter into contracts for the operation or promotion of the lottery pursuant to Chapter 125. of the Revised Code.

(H)(1) Pursuant to rules adopted by the commission under section 3770.03 of the Revised Code, the director shall require any lottery sales agents to deposit to the credit of the state lottery fund, in banking institutions designated by the treasurer of state, net proceeds due the commission as determined by the director.

(2) Pursuant to rules adopted by the commission under Chapter 119. of the Revised Code, the director may impose penalties for the failure of a sales agent to transfer funds to the commission in a timely manner. Penalties may include monetary penalties, immediate suspension or revocation of a license, or any other penalty the commission adopts by rule.

(I) The director may arrange for any person, or any banking institution, to perform functions and services in connection with the operation of the lottery as the director may consider necessary to carry out this chapter.

(J)(1) As used in this chapter, "statewide joint lottery game" means a lottery game that the commission sells solely within this state under an agreement with other lottery jurisdictions to sell the same lottery game solely within their statewide or other jurisdictional boundaries.

(2) If the governor directs the director to do so, the director shall enter into an agreement with other lottery jurisdictions to conduct statewide joint lottery games. If the governor signs the agreement personally or by means of an authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B)(5) of section 3770.03 of the Revised Code.

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets

shall not be construed to in any way limit the authority of the
commission to operate video lottery terminal games. Nothing in
this chapter shall restrict the authority of the commission to
promulgate rules related to the operation of games utilizing video
lottery terminals as described in section 3770.21 of the Revised
Code. The rules shall be promulgated pursuant to Chapter 119. of
the Revised Code, except that instant game rules shall be
promulgated pursuant to section 111.15 of the Revised Code but are
not subject to division (D) of that section. Subjects covered in
these rules shall include, but need not be limited to, the
following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner
and frequency of prize drawings, and the manner in which prizes
shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to
those described in division (A) of this section, pursuant to
Chapter 119. of the Revised Code under which a statewide lottery
and statewide joint lottery games may be conducted. Subjects
covered in these rules shall include, but not be limited to, the
following:

(1) The locations at which lottery tickets may be sold and
the manner in which they are to be sold. These rules may authorize
the sale of lottery tickets by commission personnel or other
licensed individuals from traveling show wagons at the state fair,
and at any other expositions the director of the commission
considers acceptable. These rules shall prohibit commission
personnel or other licensed individuals from soliciting from an
exposition the right to sell lottery tickets at that exposition,
but shall allow commission personnel or other licensed individuals

to sell lottery tickets at an exposition if the exposition 45252
requests commission personnel or licensed individuals to do so. 45253
These rules may also address the accessibility of sales agent 45254
locations to commission products in accordance with the "Americans 45255
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 45256
et seq. 45257

(2) The manner in which lottery sales revenues are to be 45258
collected, including authorization for the director to impose 45259
penalties for failure by lottery sales agents to transfer revenues 45260
to the commission in a timely manner; 45261

(3) The amount of compensation to be paid licensed lottery 45262
sales agents; 45263

(4) The substantive criteria for the licensing of lottery 45264
sales agents consistent with section 3770.05 of the Revised Code, 45265
and procedures for revoking or suspending their licenses 45266
consistent with Chapter 119. of the Revised Code. If 45267
circumstances, such as the nonpayment of funds owed by a lottery 45268
sales agent, or other circumstances related to the public safety, 45269
convenience, or trust, require immediate action, the director may 45270
suspend a license without affording an opportunity for a prior 45271
hearing under section 119.07 of the Revised Code. 45272

(5) Special game rules to implement any agreements signed by 45273
the governor that the director enters into with other lottery 45274
jurisdictions under division (J) of section 3770.02 of the Revised 45275
Code to conduct statewide joint lottery games. The rules shall 45276
require that the entire net proceeds of those games that remain, 45277
after associated operating expenses, prize disbursements, lottery 45278
sales agent bonuses, commissions, and reimbursements, and any 45279
other expenses necessary to comply with the agreements or the 45280
rules are deducted from the gross proceeds of those games, be 45281
transferred to the lottery profits education fund under division 45282
(B) of section 3770.06 of the Revised Code. 45283

(6) Any other subjects the commission determines are 45284
necessary for the operation of video lottery terminal games, 45285
including the establishment of any fees, fines, ~~or~~ payment 45286
schedules, or the establishment of a voluntary exclusion program. 45287

(C) Chapter 2915. of the Revised Code does not apply to, 45288
affect, or prohibit lotteries conducted pursuant to this chapter. 45289

(D) The commission may promulgate rules, in addition to those 45290
described in divisions (A) and (B) of this section, that establish 45291
standards governing the display of advertising and celebrity 45292
images on lottery tickets and on other items that are used in the 45293
conduct of, or to promote, the statewide lottery and statewide 45294
joint lottery games. Any revenue derived from the sale of 45295
advertising displayed on lottery tickets and on those other items 45296
shall be considered, for purposes of section 3770.06 of the 45297
Revised Code, to be related proceeds in connection with the 45298
statewide lottery or gross proceeds from statewide joint lottery 45299
games, as applicable. 45300

(E)(1) The commission shall meet with the director at least 45301
once each month and shall convene other meetings at the request of 45302
the chairperson or any five of the members. No action taken by the 45303
commission shall be binding unless at least five of the members 45304
present vote in favor of the action. A written record shall be 45305
made of the proceedings of each meeting and shall be transmitted 45306
forthwith to the governor, the president of the senate, the senate 45307
minority leader, the speaker of the house of representatives, and 45308
the house minority leader. 45309

(2) The director shall present to the commission a report 45310
each month, showing the total revenues, prize disbursements, and 45311
operating expenses of the state lottery for the preceding month. 45312
As soon as practicable after the end of each fiscal year, the 45313
commission shall prepare and transmit to the governor and the 45314
general assembly a report of lottery revenues, prize 45315

disbursements, and operating expenses for the preceding fiscal 45316
year and any recommendations for legislation considered necessary 45317
by the commission. 45318

Sec. 3770.06. (A) There is hereby created the state lottery 45319
gross revenue fund, which shall be in the custody of the treasurer 45320
of state but shall not be part of the state treasury. All gross 45321
revenues received from sales of lottery tickets, fines, fees, and 45322
related proceeds in connection with the statewide lottery and all 45323
gross proceeds from statewide joint lottery games shall be 45324
deposited into the fund. The treasurer of state shall invest any 45325
portion of the fund not needed for immediate use in the same 45326
manner as, and subject to all provisions of law with respect to 45327
the investment of, state funds. The treasurer of state shall 45328
disburse money from the fund on order of the director of the state 45329
lottery commission or the director's designee. 45330

Except for gross proceeds from statewide joint lottery games, 45331
all revenues of the state lottery gross revenue fund that are not 45332
paid to holders of winning lottery tickets, that are not required 45333
to meet short-term prize liabilities, that are not credited to 45334
lottery sales agents in the form of bonuses, commissions, or 45335
reimbursements, that are not paid to financial institutions to 45336
reimburse those institutions for sales agent nonsufficient funds, 45337
and that are collected from sales agents for remittance to 45338
insurers under contract to provide sales agent bonding services 45339
shall be transferred to the state lottery fund, which is hereby 45340
created in the state treasury. In addition, all revenues of the 45341
state lottery gross revenue fund that represent the gross proceeds 45342
from the statewide joint lottery games and that are not paid to 45343
holders of winning lottery tickets, that are not required to meet 45344
short-term prize liabilities, that are not credited to lottery 45345
sales agents in the form of bonuses, commissions, or 45346
reimbursements, and that are not necessary to cover operating 45347

expenses associated with those games or to otherwise comply with 45348
the agreements signed by the governor that the director enters 45349
into under division (J) of section 3770.02 of the Revised Code or 45350
the rules the commission adopts under division (B)(5) of section 45351
3770.03 of the Revised Code shall be transferred to the state 45352
lottery fund. All investment earnings of the fund shall be 45353
credited to the fund. Moneys shall be disbursed from the fund 45354
pursuant to vouchers approved by the director. Total disbursements 45355
for monetary prize awards to holders of winning lottery tickets in 45356
connection with the statewide lottery and purchases of goods and 45357
services awarded as prizes to holders of winning lottery tickets 45358
shall be of an amount equal to at least fifty per cent of the 45359
total revenue accruing from the sale of lottery tickets. 45360

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 45361
there is hereby established in the state treasury the lottery 45362
profits education fund. Whenever, in the judgment of the director 45363
of the state lottery commission, the amount to the credit of the 45364
state lottery fund that does not represent proceeds from statewide 45365
joint lottery games is in excess of that needed to meet the 45366
maturing obligations of the commission and as working capital for 45367
its further operations, the director of the state lottery 45368
commission shall recommend the amount of the excess to be 45369
transferred to the lottery profits education fund, and the 45370
director of budget and management may transfer the excess to the 45371
lottery profits education fund in connection with the statewide 45372
lottery. In addition, whenever, in the judgment of the director of 45373
the state lottery commission, the amount to the credit of the 45374
state lottery fund that represents proceeds from statewide joint 45375
lottery games equals the entire net proceeds of those games as 45376
described in division (B)(5) of section 3770.03 of the Revised 45377
Code and the rules adopted under that division, the director of 45378
the state lottery commission shall recommend the amount of the 45379
proceeds to be transferred to the lottery profits education fund, 45380

and the director of budget and management may transfer those 45381
proceeds to the lottery profits education fund. Investment 45382
earnings of the lottery profits education fund shall be credited 45383
to the fund. 45384

The lottery profits education fund shall be used solely for 45385
the support of elementary, secondary, vocational, and special 45386
education programs as determined in appropriations made by the 45387
general assembly, or as provided in applicable bond proceedings 45388
for the payment of debt service on obligations issued to pay costs 45389
of capital facilities, including those for a system of common 45390
schools throughout the state pursuant to section 2n of Article 45391
VIII, Ohio Constitution. When determining the availability of 45392
money in the lottery profits education fund, the director of 45393
budget and management may consider all balances and estimated 45394
revenues of the fund. 45395

(C) There is hereby established in the state treasury the 45396
deferred prizes trust fund. With the approval of the director of 45397
budget and management, an amount sufficient to fund annuity prizes 45398
shall be transferred from the state lottery fund and credited to 45399
the trust fund. The treasurer of state shall credit all earnings 45400
arising from investments purchased under this division to the 45401
trust fund. Within sixty days after the end of each fiscal year, 45402
the treasurer of state shall certify to the director of budget and 45403
management whether the actuarial amount of the trust fund is 45404
sufficient over the fund's life for continued funding of all 45405
remaining deferred prize liabilities as of the last day of the 45406
fiscal year just ended. Also, within that sixty days, the director 45407
of budget and management shall certify the amount of investment 45408
earnings necessary to have been credited to the trust fund during 45409
the fiscal year just ending to provide for such continued funding 45410
of deferred prizes. Any earnings credited in excess of the latter 45411
certified amount shall be transferred to the lottery profits 45412

education fund. 45413

To provide all or a part of the amounts necessary to fund 45414
deferred prizes awarded by the commission in connection with the 45415
statewide lottery, the treasurer of state, in consultation with 45416
the commission, may invest moneys contained in the deferred prizes 45417
trust fund which represents proceeds from the statewide lottery in 45418
obligations of the type permitted for the investment of state 45419
funds but whose maturities are thirty years or less. 45420
Notwithstanding the requirements of any other section of the 45421
Revised Code, to provide all or part of the amounts necessary to 45422
fund deferred prizes awarded by the commission in connection with 45423
statewide joint lottery games, the treasurer of state, in 45424
consultation with the commission, may invest moneys in the trust 45425
fund which represent proceeds derived from the statewide joint 45426
lottery games in accordance with the rules the commission adopts 45427
under division (B)(5) of section 3770.03 of the Revised Code. 45428
Investments of the trust fund are not subject to the provisions of 45429
division (A)(10) of section 135.143 of the Revised Code limiting 45430
to twenty-five per cent the amount of the state's total average 45431
portfolio that may be invested in debt interests other than 45432
commercial paper and limiting to five per cent the amount that may 45433
be invested in debt interests, including commercial paper, of a 45434
single issuer. 45435

All purchases made under this division shall be effected on a 45436
delivery versus payment method and shall be in the custody of the 45437
treasurer of state. 45438

The treasurer of state may retain an investment advisor, if 45439
necessary. The commission shall pay any costs incurred by the 45440
treasurer of state in retaining an investment advisor. 45441

(D) The auditor of state shall conduct annual audits of all 45442
funds and any other audits as the auditor of state or the general 45443
assembly considers necessary. The auditor of state may examine all 45444

records, files, and other documents of the commission, and records 45445
of lottery sales agents that pertain to their activities as 45446
agents, for purposes of conducting authorized audits. 45447

(E) The state lottery commission shall establish an internal 45448
audit plan before the beginning of each fiscal year, subject to 45449
the approval of the office of internal audit in the office of 45450
budget and management. At the end of each fiscal year, the 45451
commission shall prepare and submit an annual report to the office 45452
of internal audit for the office's review and approval, specifying 45453
the internal audit work completed by the end of that fiscal year 45454
and reporting on compliance with the annual internal audit plan. 45455
Any preliminary or final report of an internal audit's findings 45456
and recommendations, which is produced by the office of internal 45457
audit of the state lottery commission, and all work papers of the 45458
internal audit, is confidential and not a public record under 45459
section 149.43 of the Revised Code until the final report of an 45460
internal audit's findings and recommendations has been submitted 45461
to the director of the commission and the chairperson of the 45462
commission, or the chairperson's commission member designee. 45463

(F) Whenever, in the judgment of the director of budget and 45464
management, an amount of net state lottery proceeds is necessary 45465
to be applied to the payment of debt service on obligations, all 45466
as defined in sections 151.01 and 151.03 of the Revised Code, the 45467
director shall transfer that amount directly from the state 45468
lottery fund or from the lottery profits education fund to the 45469
bond service fund defined in those sections. The provisions of 45470
this division are subject to any prior pledges or obligation of 45471
those amounts to the payment of bond service charges as defined in 45472
division (C) of section 3318.21 of the Revised Code, as referred 45473
to in division (B) of this section. 45474

Sec. 3770.22. (A) Any information concerning the following 45475

that is submitted, collected, or gathered as part of an	45476
application to the state lottery commission for a video lottery	45477
related license under this chapter is confidential and not subject	45478
to disclosure by a state agency or political subdivision as a	45479
public record under section 149.43 of the Revised Code:	45480
(1) A dependent of an applicant;	45481
(2) The social security number, passport number, or federal	45482
tax identification number of an applicant or the spouse of an	45483
applicant;	45484
(3) The home address and telephone number of an applicant or	45485
the spouse or dependent of an applicant;	45486
(4) An applicant's birth certificate;	45487
(5) The driver's license number of an applicant or the	45488
applicant's spouse;	45489
(6) The name or address of a previous spouse of the	45490
applicant;	45491
(7) The date of birth of the applicant and the spouse of an	45492
applicant;	45493
(8) The place of birth of the applicant and the spouse of an	45494
applicant;	45495
(9) The personal financial information and records of an	45496
applicant or of an employee or the spouse or dependent of an	45497
applicant, including tax returns and information, and records of	45498
criminal proceedings;	45499
(10) Any information concerning a victim of domestic	45500
violence, sexual assault, or stalking;	45501
(11) The electronic mail address of the spouse or family	45502
member of the applicant;	45503
(12) Any trade secret, medical records, and patents or	45504

exclusive licenses; 45505

(13) Security information, including risk prevention plans, 45506
detection and countermeasures, location of count rooms or other 45507
money storage areas, emergency management plans, security and 45508
surveillance plans, equipment and usage protocols, and theft and 45509
fraud prevention plans and countermeasures; 45510

(14) Information provided in a multijurisdictional personal 45511
history disclosure form, including the Ohio supplement, exhibits, 45512
attachments, and updates. 45513

(B) The individual's name, the individual's place of 45514
employment, the individual's job title, and the individual's 45515
gaming experience that is provided for an individual who holds, 45516
held, or has applied for a video lottery related license under 45517
this chapter is not confidential. The reason for denial or 45518
revocation of a video lottery related license or for disciplinary 45519
action against the individual is not confidential. 45520

(C) An individual who holds, held, or has applied for a video 45521
lottery related license under this chapter may waive the 45522
confidentiality requirements of division (A) of this section. 45523

(D) Confidential information received by the commission from 45524
another jurisdiction relating to a person who holds, held, or has 45525
applied for a license under this chapter is confidential and not 45526
subject to disclosure as a public record under section 149.43 of 45527
the Revised Code. The commission may share the information 45528
referenced in this division with, or disclose the information to, 45529
the inspector general, any appropriate prosecuting authority, any 45530
law enforcement agency, or any other appropriate governmental or 45531
licensing agency, if the agency that receives the information 45532
complies with the same requirements regarding confidentiality as 45533
those with which the commission must comply. 45534

The applicant shall complete a cover sheet for the 45535

application on which the applicant shall disclose the applicant's 45536
name, the business address of the lottery sales agent, management 45537
company, holding company, or gaming-related vendor employing the 45538
applicant, the business address and telephone number of such 45539
employer, and the county, state, and country in which the 45540
applicant's residence is located. 45541

(E) The identity and personal information of a person 45542
participating in a voluntary exclusion program implemented either 45543
by the lottery commission or a video lottery terminal sales agent 45544
shall be confidential and only shall be disseminated according to 45545
the following: 45546

(1) The commission may disseminate the information to a video 45547
lottery terminal sales agent and the agents and employees of the 45548
agent for purposes of enforcement. 45549

(2) A video lottery terminal sales agent operating a 45550
voluntary exclusion program may disseminate the information to the 45551
agents, employees of the agent, and to the commission for purposes 45552
of enforcement. 45553

(3) Either the commission or a video lottery terminal sales 45554
agent operating a voluntary exclusion program may disseminate the 45555
information to other entities upon request of the participant and 45556
agreement by the commission. 45557

Sec. 3781.06. (A)(1) Any building that may be used as a place 45558
of resort, assembly, education, entertainment, lodging, dwelling, 45559
trade, manufacture, repair, storage, traffic, or occupancy by the 45560
public, any residential building, and all other buildings or parts 45561
and appurtenances of those buildings erected within this state, 45562
shall be so constructed, erected, equipped, and maintained that 45563
they shall be safe and sanitary for their intended use and 45564
occupancy. 45565

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is 45628
connected to appropriate facilities; 45629

(b) The structure, excluding any addition, has a width of at 45630
least twenty-two feet at one point, a length of at least 45631
twenty-two feet at one point, and a total living area, excluding 45632
garages, porches, or attachments, of at least nine hundred square 45633
feet; 45634

(c) The structure has a minimum 3:12 residential roof pitch, 45635
conventional residential siding, and a six-inch minimum eave 45636
overhang, including appropriate guttering; 45637

(d) The structure was manufactured after January 1, 1995; 45638

(e) The structure is not located in a manufactured home park 45639
as defined by section 4781.01 of the Revised Code. 45640

(7) "Safe," with respect to a building, means it is free from 45641
danger or hazard to the life, safety, health, or welfare of 45642
persons occupying or frequenting it, or of the public and from 45643
danger of settlement, movement, disintegration, or collapse, 45644
whether such danger arises from the methods or materials of its 45645
construction or from equipment installed therein, for the purpose 45646
of lighting, heating, the transmission or utilization of electric 45647
current, or from its location or otherwise. 45648

(8) "Sanitary," with respect to a building, means it is free 45649
from danger or hazard to the health of persons occupying or 45650
frequenting it or to that of the public, if such danger arises 45651
from the method or materials of its construction or from any 45652
equipment installed therein, for the purpose of lighting, heating, 45653
ventilating, or plumbing. 45654

(9) "Residential building" means a one-family, two-family, or 45655
three-family dwelling house, and any accessory structure 45656
incidental to that dwelling house. "Residential building" includes 45657
a one-family, two-family, or three-family dwelling house that is 45658

used as a model to promote the sale of a similar dwelling house. 45659
"Residential building" does not include an industrialized unit as 45660
defined by division (C)(3) of this section, a manufactured home as 45661
defined by division (C)(4) of this section, or a mobile home as 45662
defined by division (O) of section 4501.01 of the Revised Code. 45663

(10) "Nonresidential building" means any building that is not 45664
a residential building or a manufactured or mobile home. 45665

(11) "Accessory structure" means a structure that is attached 45666
to a residential building and serves the principal use of the 45667
residential building. "Accessory structure" includes, but is not 45668
limited to, a garage, porch, or screened-in patio. 45669

Sec. 4104.15. (A) All certificates of inspection for boilers, 45670
issued prior to October 15, 1965, are valid and effective for the 45671
period set forth in such certificates unless sooner withdrawn by 45672
the superintendent of industrial compliance. The owner or user of 45673
any such boiler shall obtain an appropriate certificate of 45674
operation for such boiler, and shall not operate such boiler, or 45675
permit it to be operated unless a certificate of operation has 45676
been obtained in accordance with section 4104.17 of the Revised 45677
Code. 45678

(B) ~~If, upon making the internal and external inspection~~ 45679
~~required under sections 4104.11, 4104.12, and 4104.13 of the~~ 45680
~~Revised Code, the inspector finds the boiler to be in safe working~~ 45681
~~order, with the fittings necessary to safety, and properly set up,~~ 45682
~~upon the inspector's report to the superintendent, the~~ 45683
~~superintendent shall issue to the owner or user thereof, or renew,~~ 45684
~~upon application and upon a boiler owner or user is in compliance~~ 45685
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 45686
the superintendent, upon application, shall issue the boiler owner 45687
or user a certificate of operation or renew the boiler owner's or 45688
user's certificate of operation. The certificate of operation 45689

which shall state: 45690

(1) State the maximum pressure at which the boiler may be 45691
operated, as ascertained by the rules of the board of building 45692
standards. ~~Such certificates shall also state,~~ the name of the 45693
owner or user, the location, size, and number of each boiler, and 45694
the date of issuance, ~~and shall be;~~ 45695

(2) Be so placed as to be easily read in the engine room or 45696
boiler room of the plant where the boiler is located, except that 45697
the certificate of operation for a portable boiler shall be kept 45698
on the premises and shall be accessible at all times. 45699

(C) If an inspector at any inspection finds that the boiler 45700
or pressure vessel is not in safe working condition, or is not 45701
provided with the fittings necessary to safety, or if the fittings 45702
are improperly arranged, the inspector shall immediately notify 45703
the owner or user and person in charge of the boiler and shall 45704
report the same to the superintendent who may revoke, suspend, or 45705
deny the certificate of operation and not renew the same until the 45706
boiler or pressure vessel and its fittings are put in condition to 45707
insure safety of operation, and the owner or user shall not 45708
operate the boiler or pressure vessel, or permit it to be operated 45709
until such certificate has been granted or restored. 45710

(D) If the superintendent or a general boiler inspector finds 45711
that a pressure vessel or boiler or a part thereof poses an 45712
explosion hazard that reasonably can be regarded as posing an 45713
imminent danger of death or serious physical harm to persons, the 45714
superintendent or the general boiler inspector shall seal the 45715
pressure vessel or boiler and order, in writing, the operator or 45716
owner of the pressure vessel or boiler to immediately cease the 45717
pressure vessel's or boiler's operation. The order shall be 45718
effective until the nonconformities are eliminated, corrected, or 45719
otherwise remedied, or for a period of seventy-two hours from the 45720
time of issuance, whichever occurs first. During the 45721

seventy-two-hour period, the superintendent may request that the
prosecuting attorney or city attorney of Franklin county or of the
county in which the pressure vessel or boiler is located obtain an
injunction restraining the operator or owner of the pressure
vessel or boiler from continuing its operation after the
seventy-two-hour period expires until the nonconformities are
eliminated, corrected, or otherwise remedied.

(E) Each boiler which has been inspected shall be assigned a
number by the superintendent, which number shall be stamped on a
nonferrous metal tag affixed to the boiler or its fittings by seal
or otherwise. No person except an inspector shall deface or remove
any such number or tag.

(F) If the owner or user of any pressure vessel or boiler
disagrees with the inspector as to the necessity for shutting down
a pressure vessel or boiler or for making repairs or alterations
in it, or taking any other measures for safety that are requested
by an inspector, the owner or user may appeal from the decision of
the inspector to the superintendent, who may, after such other
inspection by a general inspector or special inspector as the
superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code,
nor an inspection or report by any inspector, shall relieve the
owner or user of a pressure vessel or boiler of the duty of using
due care in the inspection, operation, and repair of the pressure
vessel or boiler or of any liability for damages for failure to
inspect, repair, or operate the pressure vessel or boiler safely.

Sec. 4104.18. (A) The owner or user of a boiler required
under section 4104.12 of the Revised Code to be inspected upon
installation, and the owner or user of a boiler for which a
certificate of inspection has been issued ~~which~~ that is replaced
with an appropriate certificate of operation, shall pay to the

superintendent of industrial compliance a an initial certificate 45753
of operation fee in the following amount ~~of fifty, as applicable:~~ 45754

(1) Fifty dollars for boilers subject to annual inspections 45755
under section 4104.11 of the Revised Code, ~~one;~~ 45756

(2) One hundred dollars for boilers subject to biennial 45757
inspection under section 4104.13 of the Revised Code, ~~one;~~ 45758

(3) One hundred fifty dollars for boilers subject to 45759
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 45760
~~two;~~ 45761

(4) Two hundred fifty dollars for boilers subject to 45762
quinquennial inspection under section 4104.13 of the Revised Code. 45763

(B) The owner or user of a boiler required under section 45764
4104.12 of the Revised Code to be inspected upon installation, and 45765
the owner or user of a boiler for which a certificate of 45766
inspection has been issued that is replaced with an appropriate 45767
certificate of operation, shall pay to the superintendent of 45768
industrial compliance an annual certificate of operation renewal 45769
fee in the following amount, as applicable: 45770

(1) Fifty dollars for boilers subject to annual inspections 45771
under section 4101.11 of the Revised Code; 45772

(2) One hundred dollars for boilers subject to biennial 45773
inspections under section 4104.13 of the Revised Code; 45774

(3) One hundred fifty dollars for boilers subject to 45775
triennial inspections under section 4104.11 of the Revised Code; 45776

(4) Two hundred fifty dollars for boilers subject to 45777
quinquennial inspections under section 4104.13 of the Revised 45778
Code. 45779

(C) The fee for complete inspection during construction by a 45780
general inspector on boilers and pressure vessels manufactured 45781
within the state shall be thirty-five dollars per hour. Boiler and 45782

pressure vessel manufacturers other than those located in the 45783
state may secure inspection by a general inspector on work during 45784
construction, upon application to the superintendent, and upon 45785
payment of a fee of thirty-five dollars per hour, plus the 45786
necessary traveling and hotel expenses incurred by the inspector. 45787

~~(C)~~(D) The application fee for applicants for steam engineer, 45788
high pressure boiler operator, or low pressure boiler operator 45789
licenses is seventy-five dollars. The fee for each original or 45790
renewal steam engineer, high pressure boiler operator, or low 45791
pressure boiler operator license is fifty dollars. 45792

~~(D)~~ The director of commerce, subject to the approval of the 45793
controlling board, may establish fees in excess of the fees 45794
provided in divisions (A), (B), and (C) of this section. (E) The 45795
superintendent of industrial compliance, by rule adopted in 45796
accordance with Chapter 119. of the Revised Code, may increase the 45797
fees required by this section and may establish fees to pay the 45798
costs of the division to fulfill its duties established by this 45799
chapter. The fees shall bear some reasonable relationship to the 45800
cost of administering and enforcing the provisions of this 45801
chapter. Any moneys collected under this section shall be paid 45802
into the state treasury to the credit of the industrial compliance 45803
operating fund created in section 121.084 of the Revised Code. 45804

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 45805
an invoiced inspection fee required for any inspection conducted 45806
by the division of industrial compliance pursuant to this chapter 45807
within forty-five days of the invoice date shall pay a late 45808
payment fee equal to twenty-five per cent of the invoiced fee. 45809

~~(F)~~(G) In addition to the fees assessed in divisions (A) and, 45810
(B), and (C) of this section, the board of building standards 45811
shall assess the owner or user a fee of three dollars and 45812
twenty-five cents for each certificate of operation or renewal 45813
thereof issued under ~~division~~ divisions (A) and (B) of this 45814

section and for each inspection conducted under division ~~(B)~~(C) of 45815
this section. The board shall adopt rules, in accordance with 45816
Chapter 119. of the Revised Code, specifying the manner by which 45817
the superintendent shall collect and remit to the board the fees 45818
assessed under this division and requiring that remittance of the 45819
fees be made at least quarterly. 45820

Sec. 4105.17. (A) The fee for each ~~inspection, or attempted~~ 45821
inspection that, due to no fault of a general inspector or the 45822
division of industrial compliance, is not successfully completed, 45823
by a general inspector before the operation of a permanent new 45824
elevator prior to the issuance of a certificate of operation, 45825
before operation of an elevator being put back into service after 45826
a repair or after an adjudication under section 4105.11 of the 45827
Revised Code, or as a result of the operation of section 4105.08 45828
of the Revised Code and is an elevator required to be inspected 45829
under this chapter is one hundred twenty dollars plus ten dollars 45830
for each floor where the elevator stops. ~~The superintendent of~~ 45831
~~industrial compliance may assess an additional fee of one hundred~~ 45832
~~twenty dollars plus ten dollars for each floor where an elevator~~ 45833
~~stops for the reinspection of an elevator when a previous attempt~~ 45834
~~to inspect that elevator has been unsuccessful through no fault of~~ 45835
~~a general inspector or the division of industrial compliance.~~ 45836

(B) The fee for each ~~inspection, or attempted inspection,~~ 45837
that due to no fault of the general inspector or the division, is 45838
not successfully completed by a general inspector before operation 45839
of a permanent new escalator or moving walk prior to the issuance 45840
of a certificate of operation, before operation of an escalator or 45841
moving walk being put back in service after a repair, or as a 45842
result of the operation of section 4105.08 of the Revised Code is 45843
three hundred dollars. ~~The superintendent may assess an additional~~ 45844
~~fee of one hundred fifty dollars for the reinspection of an~~ 45845
~~escalator or moving walk when a previous attempt to inspect that~~ 45846

~~escalator or moving walk has been unsuccessful through no fault of~~ 45847
~~the general inspector or the division.~~ 45848

(C) The fee for issuing or renewing a certificate of 45849
operation under section 4105.15 of the Revised Code for an 45850
elevator that is inspected every six months in accordance with 45851
division (A) of section 4105.10 of the Revised Code is two hundred 45852
twenty dollars plus twelve dollars for each floor where the 45853
elevator stops, except where the elevator has been inspected by a 45854
special inspector in accordance with section 4105.07 of the 45855
Revised Code. 45856

(D) The fee for issuing or renewing a certificate of 45857
operation under section 4105.05 of the Revised Code for an 45858
elevator that is inspected every twelve months in accordance with 45859
division (A) of section 4105.10 of the Revised Code is fifty-five 45860
dollars plus ten dollars for each floor where the elevator stops, 45861
except where the elevator has been inspected by a special 45862
inspector in accordance with section 4105.07 of the Revised Code. 45863

(E) The fee for issuing or renewing a certificate of 45864
operation under section 4105.15 of the Revised Code for an 45865
escalator or moving walk is three hundred dollars, except where 45866
the escalator or moving walk has been inspected by a special 45867
inspector in accordance with section 4105.07 of the Revised Code. 45868

(F) All other fees to be charged for any examination given or 45869
other service performed by the division pursuant to this chapter 45870
shall be prescribed by the director of commerce. The fees shall be 45871
reasonably related to the costs of such examination or other 45872
service. 45873

(G) The director of commerce, subject to the approval of the 45874
controlling board, may establish fees in excess of the fees 45875
provided in divisions (A), (B), (C), (D), and (E) of this section. 45876
Any moneys collected under this section shall be paid into the 45877

state treasury to the credit of the industrial compliance 45878
operating fund created in section 121.084 of the Revised Code. 45879

(H) Any person who fails to pay an inspection fee required 45880
for any inspection ~~conducted~~ attempted by the division pursuant to 45881
this chapter within forty-five days after the inspection is 45882
~~conducted~~ attempted, or who fails to pay a certificate of 45883
operation fee pursuant to this chapter within forty-five days 45884
after the certificate's expiration, shall pay a late payment fee 45885
equal to twenty-five per cent of the inspection fee. 45886

(I) In addition to the fees assessed in divisions (A), (B), 45887
(C), (D), and (E) of this section, the board of building standards 45888
shall assess a fee of three dollars and twenty-five cents for each 45889
certificate of operation or renewal thereof issued under divisions 45890
(A), (B), (C), (D), or (E) of this section and for each permit 45891
issued under section 4105.16 of the Revised Code. The board shall 45892
adopt rules, in accordance with Chapter 119. of the Revised Code, 45893
specifying the manner by which the superintendent shall collect 45894
and remit to the board the fees assessed under this division and 45895
requiring that remittance of the fees be made at least quarterly. 45896

(J) The superintendent, by rule adopted in accordance with 45897
Chapter 119. of the Revised Code, may increase the fees required 45898
by this section and may establish fees to pay the costs of the 45899
division to fulfill its duties established by this chapter. The 45900
fees shall bear some reasonable relationship to the cost of 45901
administering and enforcing this chapter. 45902

(K) For purposes of this section: 45903

(1) "Escalator" means a power driven, inclined, continuous 45904
stairway used for raising or lowering passengers. 45905

(2) "Moving walk" means a passenger carrying device on which 45906
passengers stand or walk, with a passenger carrying surface that 45907
is uninterrupted and remains parallel to its direction of motion. 45908

Sec. 4109.06. (A) This chapter does not apply to the 45909
following: 45910

(1) Minors who are students working on any properly guarded 45911
machines in the manual training department of any school when the 45912
work is performed under the personal supervision of an instructor; 45913

(2) Students participating in a ~~vocational~~ career-technical 45914
or STEM program approved by the Ohio department of education or 45915
students participating in any eligible classes through the college 45916
credit plus program established under Chapter 3365. of the Revised 45917
Code that include a recognized pre-apprenticeship program that 45918
imparts the skills and knowledge needed for successful 45919
participation in a registered apprenticeship occupation course; 45920

(3) A minor participating in a play, pageant, or concert 45921
produced by an outdoor historical drama corporation, a 45922
professional traveling theatrical production, a professional 45923
concert tour, or a personal appearance tour as a professional 45924
motion picture star, or as an actor or performer in motion 45925
pictures or in radio or television productions in accordance with 45926
the rules adopted pursuant to division (A) of section 4109.05 of 45927
the Revised Code; 45928

(4) The participation, without remuneration of a minor and 45929
with the consent of a parent or guardian, in a performance given 45930
by a church, school, or academy, or at a concert or entertainment 45931
given solely for charitable purposes, or by a charitable or 45932
religious institution; 45933

(5) Minors who are employed by their parents in occupations 45934
other than occupations prohibited by rule adopted under this 45935
chapter; 45936

(6) Minors engaged in the delivery of newspapers to the 45937
consumer; 45938

(7) Minors who have received a high school diploma or a	45939
certificate of attendance from an accredited secondary school or a	45940
certificate of high school equivalence;	45941
(8) Minors who are currently heads of households or are	45942
parents contributing to the support of their children;	45943
(9) Minors engaged in lawn mowing, snow shoveling, and other	45944
related employment;	45945
(10) Minors employed in agricultural employment in connection	45946
with farms operated by their parents, grandparents, or guardians	45947
where they are members of the guardians' household. Minors are not	45948
exempt from this chapter if they reside in agricultural labor	45949
camps as defined in section 3733.41 of the Revised Code;	45950
(11) Students participating in a program to serve as precinct	45951
officers as authorized by section 3501.22 of the Revised Code.	45952
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the	45953
Revised Code do not apply to the following:	45954
(1) Minors who work in a sheltered workshop operated by a	45955
county board of developmental disabilities;	45956
(2) Minors performing services for a nonprofit organization	45957
where the minor receives no compensation, except for any expenses	45958
incurred by the minor or except for meals provided to the minor;	45959
(3) Minors who are employed in agricultural employment and	45960
who do not reside in agricultural labor camps.	45961
(C) Division (D) of section 4109.07 of the Revised Code does	45962
not apply to minors who have their employment hours established as	45963
follows:	45964
(1) A minor adjudicated to be an unruly child or delinquent	45965
child who, as a result of the adjudication, is placed on probation	45966
may either file a petition in the juvenile court in whose	45967
jurisdiction the minor resides, or apply to the superintendent or	45968

to the chief administrative officer who issued the minor's age and 45969
schooling certificate pursuant to section 3331.01 of the Revised 45970
Code, alleging the restrictions on the hours of employment 45971
described in division (D) of section 4109.07 of the Revised Code 45972
will cause a substantial hardship or are not in the minor's best 45973
interests. Upon receipt of a petition or application, the court, 45974
the superintendent, or the chief administrative officer, as 45975
appropriate, shall consult with the person required to supervise 45976
the minor on probation. If after that consultation, the court, the 45977
superintendent, or the chief administrative officer finds the 45978
minor has failed to show the restrictions will result in a 45979
substantial hardship or that the restrictions are not in the 45980
minor's best interests, the court, the superintendent, or the 45981
chief administrative officer shall uphold the restrictions. If 45982
after that consultation, the court, the superintendent, or the 45983
chief administrative officer finds the minor has shown the 45984
restricted hours will cause a substantial hardship or are not in 45985
the minor's best interests, the court, the superintendent, or the 45986
chief administrative officer shall establish differing hours of 45987
employment for the minor and notify the minor and the minor's 45988
employer of those hours, which shall be binding in lieu of the 45989
restrictions on the hours of employment described in division (D) 45990
of section 4109.07 of the Revised Code. 45991

(2) Any minor to whom division (C)(1) of this section does 45992
not apply may either file a petition in the juvenile court in 45993
whose jurisdiction the person resides, or apply to the 45994
superintendent or to the chief administrative officer who issued 45995
the minor's age and schooling certificate pursuant to section 45996
3331.01 of the Revised Code, alleging the restrictions on the 45997
hours of employment described in division (D) of section 4109.07 45998
of the Revised Code will cause a substantial hardship or are not 45999
in the minor's best interests. 46000

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish the hours of employment for the minor and shall notify the minor and the minor's employer of those hours.

(D) Section 4109.03, divisions (A) and (C) of section 4109.02, and division (B) of section 4109.08 of the Revised Code do not apply to minors who are sixteen or seventeen years of age and who are employed at a seasonal amusement or recreational establishment.

(E) As used in this section, "certificate of high school equivalence" means either:

(1) A statement issued by the department of education that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department pursuant to division (B) of section 3301.80 of the Revised Code;

(2) A statement issued by a primary-secondary education or higher education agency of another state that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total

or partial unemployment in the amounts and subject to the 46032
conditions stipulated in this chapter. 46033

(A) No individual is entitled to a waiting period or benefits 46034
for any week unless the individual: 46035

(1) Has filed a valid application for determination of 46036
benefit rights in accordance with section 4141.28 of the Revised 46037
Code; 46038

(2) Has made a claim for benefits in accordance with section 46039
4141.28 of the Revised Code; 46040

(3)(a) Has registered for work and thereafter continues to 46041
report to an employment office or other registration place 46042
maintained or designated by the director of job and family 46043
services. Registration shall be made in accordance with the time 46044
limits, frequency, and manner prescribed by the director. 46045

(b) For purposes of division (A)(3) of this section, an 46046
individual has "registered" upon doing any of the following: 46047

(i) Filing an application for benefit rights; 46048

(ii) Making a weekly claim for benefits; 46049

(iii) Reopening an existing claim following a period of 46050
employment or nonreporting. 46051

(c) After an applicant is registered, that registration 46052
continues for a period of three calendar weeks, including the week 46053
during which the applicant registered. However, an individual is 46054
not registered for purposes of division (A)(3) of this section 46055
during any period in which the individual fails to report, as 46056
instructed by the director, or fails to reopen an existing claim 46057
following a period of employment. 46058

(d) The director may, for good cause, extend the period of 46059
registration. 46060

(e) For purposes of this section, "report" means contact by 46061

phone, access electronically, or be present for an in-person 46062
appointment, as designated by the director. 46063

(4)(a)(i) Is able to work and available for suitable work 46064
and, except as provided in division (A)(4)(a)(ii) or (iii) of this 46065
section, is actively seeking suitable work either in a locality in 46066
which the individual has earned wages subject to this chapter 46067
during the individual's base period, or if the individual leaves 46068
that locality, then in a locality where suitable work normally is 46069
performed. 46070

(ii) The director may waive the requirement that a claimant 46071
be actively seeking work when the director finds that the 46072
individual has been laid off and the employer who laid the 46073
individual off has notified the director within ten days after the 46074
layoff, that work is expected to be available for the individual 46075
within a specified number of days not to exceed forty-five 46076
calendar days following the last day the individual worked. In the 46077
event the individual is not recalled within the specified period, 46078
this waiver shall cease to be operative with respect to that 46079
layoff. 46080

(iii) The director may waive the requirement that a claimant 46081
be actively seeking work if the director determines that the 46082
individual has been laid off and the employer who laid the 46083
individual off has notified the director in accordance with 46084
division (C) of section 4141.28 of the Revised Code that the 46085
employer has closed the employer's entire plant or part of the 46086
employer's plant for a purpose other than inventory or vacation 46087
that will cause unemployment for a definite period not exceeding 46088
twenty-six weeks beginning on the date the employer notifies the 46089
director, for the period of the specific shutdown, if all of the 46090
following apply: 46091

(I) The employer and the individuals affected by the layoff 46092
who are claiming benefits under this chapter jointly request the 46093

exemption. 46094

(II) The employer provides that the affected individuals 46095
shall return to work for the employer within twenty-six weeks 46096
after the date the employer notifies the director. 46097

(III) The director determines that the waiver of the active 46098
search for work requirement will promote productivity and economic 46099
stability within the state. 46100

(iv) Division (A)(4)(a)(iii) of this section does not exempt 46101
an individual from meeting the other requirements specified in 46102
division (A)(4)(a)(i) of this section to be able to work and 46103
otherwise fully be available for work. An exemption granted under 46104
division (A)(4)(a)(iii) of this section may be granted only with 46105
respect to a specific plant closing. 46106

(b)(i) The individual shall be instructed as to the efforts 46107
that the individual must make in the search for suitable work, 46108
including that, within six months after October 11, 2013, the 46109
individual shall register with the OhioMeansJobs web site, except 46110
in any of the following circumstances: 46111

(I) The individual is an individual described in division 46112
(A)(4)(b)(iii) of this section; 46113

(II) Where the active search for work requirement has been 46114
waived under division (A)(4)(a) of this section; 46115

(III) Where the active search for work requirement is 46116
considered to be met under division (A)(4)(c), (d), or (e) of this 46117
section. 46118

(ii) An individual who is registered with the OhioMeansJobs 46119
web site shall receive a weekly listing of available jobs based on 46120
information provided by the individual at the time of 46121
registration. For each week that the individual claims benefits, 46122
the individual shall keep a record of the individual's work search 46123

efforts and shall produce that record in the manner and means 46124
prescribed by the director. 46125

(iii) No individual shall be required to register with the 46126
OhioMeansJobs web site if the individual is legally prohibited 46127
from using a computer, has a physical or visual impairment that 46128
makes the individual unable to use a computer, or has a limited 46129
ability to read, write, speak, or understand a language in which 46130
the OhioMeansJobs web site is available. 46131

(iv) As used in division (A)(4)(b) of this section: 46132

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 46133
~~placement system operated by the state~~ has the same meaning as in 46134
section 6301.01 of the Revised Code. 46135

(II) "Registration" includes the creation, electronic 46136
posting, and maintenance of an active, searchable resume. 46137

(c) An individual who is attending a training course approved 46138
by the director meets the requirement of this division, if 46139
attendance was recommended by the director and the individual is 46140
regularly attending the course and is making satisfactory 46141
progress. An individual also meets the requirements of this 46142
division if the individual is participating and advancing in a 46143
training program, as defined in division (P) of section 5709.61 of 46144
the Revised Code, and if an enterprise, defined in division (B) of 46145
section 5709.61 of the Revised Code, is paying all or part of the 46146
cost of the individual's participation in the training program 46147
with the intention of hiring the individual for employment as a 46148
new employee, as defined in division (L) of section 5709.61 of the 46149
Revised Code, for at least ninety days after the individual's 46150
completion of the training program. 46151

(d) An individual who becomes unemployed while attending a 46152
regularly established school and whose base period qualifying 46153
weeks were earned in whole or in part while attending that school, 46154

meets the availability and active search for work requirements of 46155
division (A)(4)(a) of this section if the individual regularly 46156
attends the school during weeks with respect to which the 46157
individual claims unemployment benefits and makes self available 46158
on any shift of hours for suitable employment with the 46159
individual's most recent employer or any other employer in the 46160
individual's base period, or for any other suitable employment to 46161
which the individual is directed, under this chapter. 46162

(e) An individual who is a member in good standing with a 46163
labor organization that refers individuals to jobs meets the 46164
active search for work requirement specified in division (A)(4)(a) 46165
of this section if the individual provides documentation that the 46166
individual is eligible for a referral or placement upon request 46167
and in a manner prescribed by the director. 46168

(f) Notwithstanding any other provisions of this section, no 46169
otherwise eligible individual shall be denied benefits for any 46170
week because the individual is in training approved under section 46171
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 46172
2296, nor shall that individual be denied benefits by reason of 46173
leaving work to enter such training, provided the work left is not 46174
suitable employment, or because of the application to any week in 46175
training of provisions in this chapter, or any applicable federal 46176
unemployment compensation law, relating to availability for work, 46177
active search for work, or refusal to accept work. 46178

For the purposes of division (A)(4)(f) of this section, 46179
"suitable employment" means with respect to an individual, work of 46180
a substantially equal or higher skill level than the individual's 46181
past adversely affected employment, as defined for the purposes of 46182
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 46183
wages for such work at not less than eighty per cent of the 46184
individual's average weekly wage as determined for the purposes of 46185
that federal act. 46186

(5) Is unable to obtain suitable work. An individual who is
provided temporary work assignments by the individual's employer
under agreed terms and conditions of employment, and who is
required pursuant to those terms and conditions to inquire with
the individual's employer for available work assignments upon the
conclusion of each work assignment, is not considered unable to
obtain suitable employment if suitable work assignments are
available with the employer but the individual fails to contact
the employer to inquire about work assignments.

(6) Participates in reemployment services, such as job search
assistance services, if the individual has been determined to be
likely to exhaust benefits under this chapter, including
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than
extended compensation, and needs reemployment services pursuant to
the profiling system established by the director under division
(K) of this section, unless the director determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to
participate in such services.

Ineligibility for failure to participate in reemployment
services as described in division (A)(6) of this section shall be
for the week or weeks in which the claimant was scheduled and
failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility
assessment program, or other reemployment services, as required by
the director. As used in division (A)(7) of this section,
"reemployment services" includes job search assistance activities,
skills assessments, and the provision of labor market statistics
or analysis.

(a) For purposes of division (A)(7) of this section,
participation is required unless the director determines that

either of the following circumstances applies to the individual: 46218

(i) The individual has completed similar services. 46219

(ii) Justifiable cause exists for the failure of the 46220
individual to participate in those services. 46221

(b) Within six months after October 11, 2013, notwithstanding 46222
any earlier contact an individual may have had with a local 46223
~~one-stop county office~~ OhioMeansJobs center, ~~including~~ as 46224
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 46225
beginning with the eighth week after the week during which an 46226
individual first files a valid application for determination of 46227
benefit rights in the individual's benefit year, the individual 46228
shall report to a local ~~one-stop county office~~ OhioMeansJobs 46229
center for reemployment services in the manner prescribed by the 46230
director. 46231

(c) An individual whose active search for work requirement 46232
has been waived under division (A)(4)(a) of this section or is 46233
considered to be satisfied under division (A)(4)(c), (d), or (e) 46234
of this section is exempt from the requirements of division (A)(7) 46235
of this section. 46236

(B) An individual suffering total or partial unemployment is 46237
eligible for benefits for unemployment occurring subsequent to a 46238
waiting period of one week and no benefits shall be payable during 46239
this required waiting period. Not more than one week of waiting 46240
period shall be required of any individual in any benefit year in 46241
order to establish the individual's eligibility for total or 46242
partial unemployment benefits. 46243

(C) The waiting period for total or partial unemployment 46244
shall commence on the first day of the first week with respect to 46245
which the individual first files a claim for benefits at an 46246
employment office or other place of registration maintained or 46247
designated by the director or on the first day of the first week 46248

with respect to which the individual has otherwise filed a claim 46249
for benefits in accordance with the rules of the department of job 46250
and family services, provided such claim is allowed by the 46251
director. 46252

(D) Notwithstanding division (A) of this section, no 46253
individual may serve a waiting period or be paid benefits under 46254
the following conditions: 46255

(1) For any week with respect to which the director finds 46256
that: 46257

(a) The individual's unemployment was due to a labor dispute 46258
other than a lockout at any factory, establishment, or other 46259
premises located in this or any other state and owned or operated 46260
by the employer by which the individual is or was last employed; 46261
and for so long as the individual's unemployment is due to such 46262
labor dispute. No individual shall be disqualified under this 46263
provision if either of the following applies: 46264

(i) The individual's employment was with such employer at any 46265
factory, establishment, or premises located in this state, owned 46266
or operated by such employer, other than the factory, 46267
establishment, or premises at which the labor dispute exists, if 46268
it is shown that the individual is not financing, participating 46269
in, or directly interested in such labor dispute; 46270

(ii) The individual's employment was with an employer not 46271
involved in the labor dispute but whose place of business was 46272
located within the same premises as the employer engaged in the 46273
dispute, unless the individual's employer is a wholly owned 46274
subsidiary of the employer engaged in the dispute, or unless the 46275
individual actively participates in or voluntarily stops work 46276
because of such dispute. If it is established that the claimant 46277
was laid off for an indefinite period and not recalled to work 46278
prior to the dispute, or was separated by the employer prior to 46279

the dispute for reasons other than the labor dispute, or that the 46280
individual obtained a bona fide job with another employer while 46281
the dispute was still in progress, such labor dispute shall not 46282
render the employee ineligible for benefits. 46283

(b) The individual has been given a disciplinary layoff for 46284
misconduct in connection with the individual's work. 46285

(2) For the duration of the individual's unemployment if the 46286
director finds that: 46287

(a) The individual quit work without just cause or has been 46288
discharged for just cause in connection with the individual's 46289
work, provided division (D)(2) of this section does not apply to 46290
the separation of a person under any of the following 46291
circumstances: 46292

(i) Separation from employment for the purpose of entering 46293
the armed forces of the United States if the individual is 46294
inducted into the armed forces within one of the following 46295
periods: 46296

(I) Thirty days after separation; 46297

(II) One hundred eighty days after separation if the 46298
individual's date of induction is delayed solely at the discretion 46299
of the armed forces. 46300

(ii) Separation from employment pursuant to a 46301
labor-management contract or agreement, or pursuant to an 46302
established employer plan, program, or policy, which permits the 46303
employee, because of lack of work, to accept a separation from 46304
employment; 46305

(iii) The individual has left employment to accept a recall 46306
from a prior employer or, except as provided in division 46307
(D)(2)(a)(iv) of this section, to accept other employment as 46308
provided under section 4141.291 of the Revised Code, or left or 46309

was separated from employment that was concurrent employment at 46310
the time of the most recent separation or within six weeks prior 46311
to the most recent separation where the remuneration, hours, or 46312
other conditions of such concurrent employment were substantially 46313
less favorable than the individual's most recent employment and 46314
where such employment, if offered as new work, would be considered 46315
not suitable under the provisions of divisions (E) and (F) of this 46316
section. Any benefits that would otherwise be chargeable to the 46317
account of the employer from whom an individual has left 46318
employment or was separated from employment that was concurrent 46319
employment under conditions described in division (D)(2)(a)(iii) 46320
of this section, shall instead be charged to the mutualized 46321
account created by division (B) of section 4141.25 of the Revised 46322
Code, except that any benefits chargeable to the account of a 46323
reimbursing employer under division (D)(2)(a)(iii) of this section 46324
shall be charged to the account of the reimbursing employer and 46325
not to the mutualized account, except as provided in division 46326
(D)(2) of section 4141.24 of the Revised Code. 46327

(iv) When an individual has been issued a definite layoff 46328
date by the individual's employer and before the layoff date, the 46329
individual quits to accept other employment, the provisions of 46330
division (D)(2)(a)(iii) of this section apply and no 46331
disqualification shall be imposed under division (D) of this 46332
section. However, if the individual fails to meet the employment 46333
and earnings requirements of division (A)(2) of section 4141.291 46334
of the Revised Code, then the individual, pursuant to division 46335
(A)(5) of this section, shall be ineligible for benefits for any 46336
week of unemployment that occurs prior to the layoff date. 46337

(b) The individual has refused without good cause to accept 46338
an offer of suitable work when made by an employer either in 46339
person or to the individual's last known address, or has refused 46340
or failed to investigate a referral to suitable work when directed 46341

to do so by a local employment office of this state or another 46342
state, provided that this division shall not cause a 46343
disqualification for a waiting week or benefits under the 46344
following circumstances: 46345

(i) When work is offered by the individual's employer and the 46346
individual is not required to accept the offer pursuant to the 46347
terms of the labor-management contract or agreement; or 46348

(ii) When the individual is attending a training course 46349
pursuant to division (A)(4) of this section except, in the event 46350
of a refusal to accept an offer of suitable work or a refusal or 46351
failure to investigate a referral, benefits thereafter paid to 46352
such individual shall not be charged to the account of any 46353
employer and, except as provided in division (B)(1)(b) of section 46354
4141.241 of the Revised Code, shall be charged to the mutualized 46355
account as provided in division (B) of section 4141.25 of the 46356
Revised Code. 46357

(c) Such individual quit work to marry or because of marital, 46358
parental, filial, or other domestic obligations. 46359

(d) The individual became unemployed by reason of commitment 46360
to any correctional institution. 46361

(e) The individual became unemployed because of dishonesty in 46362
connection with the individual's most recent or any base period 46363
work. Remuneration earned in such work shall be excluded from the 46364
individual's total base period remuneration and qualifying weeks 46365
that otherwise would be credited to the individual for such work 46366
in the individual's base period shall not be credited for the 46367
purpose of determining the total benefits to which the individual 46368
is eligible and the weekly benefit amount to be paid under section 46369
4141.30 of the Revised Code. Such excluded remuneration and 46370
noncredited qualifying weeks shall be excluded from the 46371
calculation of the maximum amount to be charged, under division 46372

(D) of section 4141.24 and section 4141.33 of the Revised Code, 46373
against the accounts of the individual's base period employers. In 46374
addition, no benefits shall thereafter be paid to the individual 46375
based upon such excluded remuneration or noncredited qualifying 46376
weeks. 46377

For purposes of division (D)(2)(e) of this section, 46378
"dishonesty" means the commission of substantive theft, fraud, or 46379
deceitful acts. 46380

(E) No individual otherwise qualified to receive benefits 46381
shall lose the right to benefits by reason of a refusal to accept 46382
new work if: 46383

(1) As a condition of being so employed the individual would 46384
be required to join a company union, or to resign from or refrain 46385
from joining any bona fide labor organization, or would be denied 46386
the right to retain membership in and observe the lawful rules of 46387
any such organization. 46388

(2) The position offered is vacant due directly to a strike, 46389
lockout, or other labor dispute. 46390

(3) The work is at an unreasonable distance from the 46391
individual's residence, having regard to the character of the work 46392
the individual has been accustomed to do, and travel to the place 46393
of work involves expenses substantially greater than that required 46394
for the individual's former work, unless the expense is provided 46395
for. 46396

(4) The remuneration, hours, or other conditions of the work 46397
offered are substantially less favorable to the individual than 46398
those prevailing for similar work in the locality. 46399

(F) Subject to the special exceptions contained in division 46400
(A)(4)(f) of this section and section 4141.301 of the Revised 46401
Code, in determining whether any work is suitable for a claimant 46402
in the administration of this chapter, the director, in addition 46403

to the determination required under division (E) of this section, 46404
shall consider the degree of risk to the claimant's health, 46405
safety, and morals, the individual's physical fitness for the 46406
work, the individual's prior training and experience, the length 46407
of the individual's unemployment, the distance of the available 46408
work from the individual's residence, and the individual's 46409
prospects for obtaining local work. 46410

(G) The "duration of unemployment" as used in this section 46411
means the full period of unemployment next ensuing after a 46412
separation from any base period or subsequent work and until an 46413
individual has become reemployed in employment subject to this 46414
chapter, or the unemployment compensation act of another state, or 46415
of the United States, and until such individual has worked six 46416
weeks and for those weeks has earned or been paid remuneration 46417
equal to six times an average weekly wage of not less than: 46418
eighty-five dollars and ten cents per week beginning on June 26, 46419
1990; and beginning on and after January 1, 1992, twenty-seven and 46420
one-half per cent of the statewide average weekly wage as computed 46421
each first day of January under division (B)(3) of section 4141.30 46422
of the Revised Code, rounded down to the nearest dollar, except 46423
for purposes of division (D)(2)(c) of this section, such term 46424
means the full period of unemployment next ensuing after a 46425
separation from such work and until such individual has become 46426
reemployed subject to the terms set forth above, and has earned 46427
wages equal to one-half of the individual's average weekly wage or 46428
sixty dollars, whichever is less. 46429

(H) If a claimant is disqualified under division (D)(2)(a), 46430
(c), or (d) of this section or found to be qualified under the 46431
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 46432
this section or division (A)(2) of section 4141.291 of the Revised 46433
Code, then benefits that may become payable to such claimant, 46434
which are chargeable to the account of the employer from whom the 46435

individual was separated under such conditions, shall be charged 46436
to the mutualized account provided in section 4141.25 of the 46437
Revised Code, provided that no charge shall be made to the 46438
mutualized account for benefits chargeable to a reimbursing 46439
employer, except as provided in division (D)(2) of section 4141.24 46440
of the Revised Code. In the case of a reimbursing employer, the 46441
director shall refund or credit to the account of the reimbursing 46442
employer any over-paid benefits that are recovered under division 46443
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 46444
other states, the United States, or Canada that are subject to 46445
agreements and arrangements that are established pursuant to 46446
section 4141.43 of the Revised Code shall be credited or 46447
reimbursed according to the agreements and arrangements to which 46448
the chargeable amounts are subject. 46449

(I)(1) Benefits based on service in employment as provided in 46450
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 46451
shall be payable in the same amount, on the same terms, and 46452
subject to the same conditions as benefits payable on the basis of 46453
other service subject to this chapter; except that after December 46454
31, 1977: 46455

(a) Benefits based on service in an instructional, research, 46456
or principal administrative capacity in an institution of higher 46457
education, as defined in division (Y) of section 4141.01 of the 46458
Revised Code; or for an educational institution as defined in 46459
division (CC) of section 4141.01 of the Revised Code, shall not be 46460
paid to any individual for any week of unemployment that begins 46461
during the period between two successive academic years or terms, 46462
or during a similar period between two regular but not successive 46463
terms or during a period of paid sabbatical leave provided for in 46464
the individual's contract, if the individual performs such 46465
services in the first of those academic years or terms and has a 46466
contract or a reasonable assurance that the individual will 46467

perform services in any such capacity for any such institution in 46468
the second of those academic years or terms. 46469

(b) Benefits based on service for an educational institution 46470
or an institution of higher education in other than an 46471
instructional, research, or principal administrative capacity, 46472
shall not be paid to any individual for any week of unemployment 46473
which begins during the period between two successive academic 46474
years or terms of the employing educational institution or 46475
institution of higher education, provided the individual performed 46476
those services for the educational institution or institution of 46477
higher education during the first such academic year or term and, 46478
there is a reasonable assurance that such individual will perform 46479
those services for any educational institution or institution of 46480
higher education in the second of such academic years or terms. 46481

If compensation is denied to any individual for any week 46482
under division (I)(1)(b) of this section and the individual was 46483
not offered an opportunity to perform those services for an 46484
institution of higher education or for an educational institution 46485
for the second of such academic years or terms, the individual is 46486
entitled to a retroactive payment of compensation for each week 46487
for which the individual timely filed a claim for compensation and 46488
for which compensation was denied solely by reason of division 46489
(I)(1)(b) of this section. An application for retroactive benefits 46490
shall be timely filed if received by the director or the 46491
director's deputy within or prior to the end of the fourth full 46492
calendar week after the end of the period for which benefits were 46493
denied because of reasonable assurance of employment. The 46494
provision for the payment of retroactive benefits under division 46495
(I)(1)(b) of this section is applicable to weeks of unemployment 46496
beginning on and after November 18, 1983. The provisions under 46497
division (I)(1)(b) of this section shall be retroactive to 46498
September 5, 1982, only if, as a condition for full tax credit 46499

against the tax imposed by the "Federal Unemployment Tax Act," 53 46500
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 46501
secretary of labor determines that retroactivity is required by 46502
federal law. 46503

(c) With respect to weeks of unemployment beginning after 46504
December 31, 1977, benefits shall be denied to any individual for 46505
any week which commences during an established and customary 46506
vacation period or holiday recess, if the individual performs any 46507
services described in divisions (I)(1)(a) and (b) of this section 46508
in the period immediately before the vacation period or holiday 46509
recess, and there is a reasonable assurance that the individual 46510
will perform any such services in the period immediately following 46511
the vacation period or holiday recess. 46512

(d) With respect to any services described in division 46513
(I)(1)(a), (b), or (c) of this section, benefits payable on the 46514
basis of services in any such capacity shall be denied as 46515
specified in division (I)(1)(a), (b), or (c) of this section to 46516
any individual who performs such services in an educational 46517
institution or institution of higher education while in the employ 46518
of an educational service agency. For this purpose, the term 46519
"educational service agency" means a governmental agency or 46520
governmental entity that is established and operated exclusively 46521
for the purpose of providing services to one or more educational 46522
institutions or one or more institutions of higher education. 46523

(e) Any individual employed by a county board of 46524
developmental disabilities shall be notified by the thirtieth day 46525
of April each year if the individual is not to be reemployed the 46526
following academic year. 46527

(f) Any individual employed by a school district, other than 46528
a municipal school district as defined in section 3311.71 of the 46529
Revised Code, shall be notified by the first day of June each year 46530
if the individual is not to be reemployed the following academic 46531

year. 46532

(2) No disqualification will be imposed, between academic 46533
years or terms or during a vacation period or holiday recess under 46534
this division, unless the director or the director's deputy has 46535
received a statement in writing from the educational institution 46536
or institution of higher education that the claimant has a 46537
contract for, or a reasonable assurance of, reemployment for the 46538
ensuing academic year or term. 46539

(3) If an individual has employment with an educational 46540
institution or an institution of higher education and employment 46541
with a noneducational employer, during the base period of the 46542
individual's benefit year, then the individual may become eligible 46543
for benefits during the between-term, or vacation or holiday 46544
recess, disqualification period, based on employment performed for 46545
the noneducational employer, provided that the employment is 46546
sufficient to qualify the individual for benefit rights separately 46547
from the benefit rights based on school employment. The weekly 46548
benefit amount and maximum benefits payable during a 46549
disqualification period shall be computed based solely on the 46550
nonschool employment. 46551

(J) Benefits shall not be paid on the basis of employment 46552
performed by an alien, unless the alien had been lawfully admitted 46553
to the United States for permanent residence at the time the 46554
services were performed, was lawfully present for purposes of 46555
performing the services, or was otherwise permanently residing in 46556
the United States under color of law at the time the services were 46557
performed, under section 212(d)(5) of the "Immigration and 46558
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 46559

(1) Any data or information required of individuals applying 46560
for benefits to determine whether benefits are not payable to them 46561
because of their alien status shall be uniformly required from all 46562
applicants for benefits. 46563

(2) In the case of an individual whose application for 46564
benefits would otherwise be approved, no determination that 46565
benefits to the individual are not payable because of the 46566
individual's alien status shall be made except upon a 46567
preponderance of the evidence that the individual had not, in 46568
fact, been lawfully admitted to the United States. 46569

(K) The director shall establish and utilize a system of 46570
profiling all new claimants under this chapter that: 46571

(1) Identifies which claimants will be likely to exhaust 46572
regular compensation and will need job search assistance services 46573
to make a successful transition to new employment; 46574

(2) Refers claimants identified pursuant to division (K)(1) 46575
of this section to reemployment services, such as job search 46576
assistance services, available under any state or federal law; 46577

(3) Collects follow-up information relating to the services 46578
received by such claimants and the employment outcomes for such 46579
claimant's subsequent to receiving such services and utilizes such 46580
information in making identifications pursuant to division (K)(1) 46581
of this section; and 46582

(4) Meets such other requirements as the United States 46583
secretary of labor determines are appropriate. 46584

(L) Except as otherwise provided in division (A)(6) of this 46585
section, ineligibility pursuant to division (A) of this section 46586
shall begin on the first day of the week in which the claimant 46587
becomes ineligible for benefits and shall end on the last day of 46588
the week preceding the week in which the claimant satisfies the 46589
eligibility requirements. 46590

(M) The director may adopt rules that the director considers 46591
necessary for the administration of division (A) of this section. 46592

Sec. 4141.43. (A) The director of job and family services may 46593

cooperate with the industrial commission, the bureau of workers' 46594
compensation, the United States internal revenue service, the 46595
United States employment service, and other similar departments 46596
and agencies, as determined by the director, in the exchange or 46597
disclosure of information as to wages, employment, payrolls, 46598
unemployment, and other information. The director may employ, 46599
jointly with one or more of such agencies or departments, 46600
auditors, examiners, inspectors, and other employees necessary for 46601
the administration of this chapter and employment and training 46602
services for workers in the state. 46603

(B) The director may make the state's record relating to the 46604
administration of this chapter available to the railroad 46605
retirement board and may furnish the board at the board's expense 46606
such copies thereof as the board deems necessary for its purposes. 46607

(C) The director may afford reasonable cooperation with every 46608
agency of the United States charged with the administration of any 46609
unemployment compensation law. 46610

(D) The director may enter into arrangements with the 46611
appropriate agencies of other states or of the United States or 46612
Canada whereby individuals performing services in this and other 46613
states for a single employer under circumstances not specifically 46614
provided for in division (B) of section 4141.01 of the Revised 46615
Code or in similar provisions in the unemployment compensation 46616
laws of such other states shall be deemed to be engaged in 46617
employment performed entirely within this state or within one of 46618
such other states or within Canada, and whereby potential rights 46619
to benefits accumulated under the unemployment compensation laws 46620
of several states or under such a law of the United States, or 46621
both, or of Canada may constitute the basis for the payment of 46622
benefits through a single appropriate agency under terms that the 46623
director finds will be fair and reasonable as to all affected 46624
interests and will not result in any substantial loss to the 46625

unemployment compensation fund. 46626

(E) The director may enter into agreements with the 46627
appropriate agencies of other states or of the United States or 46628
Canada: 46629

(1) Whereby services or wages upon the basis of which an 46630
individual may become entitled to benefits under the unemployment 46631
compensation law of another state or of the United States or 46632
Canada shall be deemed to be employment or wages for employment by 46633
employers for the purposes of qualifying claimants for benefits 46634
under this chapter, and the director may estimate the number of 46635
weeks of employment represented by the wages reported to the 46636
director for such claimants by such other agency, provided such 46637
other state agency or agency of the United States or Canada has 46638
agreed to reimburse the unemployment compensation fund for such 46639
portion of benefits paid under this chapter upon the basis of such 46640
services or wages as the director finds will be fair and 46641
reasonable as to all affected interests; 46642

(2) Whereby the director will reimburse other state or 46643
federal or Canadian agencies charged with the administration of 46644
unemployment compensation laws with such reasonable portion of 46645
benefits, paid under the law of such other states or of the United 46646
States or of Canada upon the basis of employment or wages for 46647
employment by employers, as the director finds will be fair and 46648
reasonable as to all affected interests. Reimbursements so payable 46649
shall be deemed to be benefits for the purpose of section 4141.09 46650
and division (A) of section 4141.30 of the Revised Code. However, 46651
no reimbursement so payable shall be charged against any 46652
employer's account for the purposes of section 4141.24 of the 46653
Revised Code if the employer's account, under the same or similar 46654
circumstances, with respect to benefits charged under the 46655
provisions of this chapter, other than this section, would not be 46656
charged or, if the claimant at the time the claimant files the 46657

combined wage claim cannot establish benefit rights under this 46658
chapter. This noncharging shall not be applicable to a nonprofit 46659
organization that has elected to make payments in lieu of 46660
contributions under section 4141.241 of the Revised Code, except 46661
as provided in division (D)(2) of section 4141.24 of the Revised 46662
Code. The director may make to other state or federal or Canadian 46663
agencies and receive from such other state or federal or Canadian 46664
agencies reimbursements from or to the unemployment compensation 46665
fund, in accordance with arrangements pursuant to this section. 46666

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 46667
the Revised Code, the director may enter into agreements with 46668
other states whereby services performed for a crew leader, as 46669
defined in division (BB) of section 4141.01 of the Revised Code, 46670
may be covered in the state in which the crew leader either: 46671

(a) Has the crew leader's place of business or from which the 46672
crew leader's business is operated or controlled; 46673

(b) Resides if the crew leader has no place of business in 46674
any state. 46675

(F) The director may apply for an advance to the unemployment 46676
compensation fund and do all things necessary or required to 46677
obtain such advance and arrange for the repayment of such advance 46678
in accordance with Title XII of the "Social Security Act" as 46679
amended. 46680

(G) The director may enter into reciprocal agreements or 46681
arrangements with the appropriate agencies of other states in 46682
regard to services on vessels engaged in interstate or foreign 46683
commerce whereby such services for a single employer, wherever 46684
performed, shall be deemed performed within this state or within 46685
such other states. 46686

(H) The director shall participate in any arrangements for 46687
the payment of compensation on the basis of combining an 46688

individual's wages and employment, covered under this chapter, 46689
with the individual's wages and employment covered under the 46690
unemployment compensation laws of other states which are approved 46691
by the United States secretary of labor in consultation with the 46692
state unemployment compensation agencies as reasonably calculated 46693
to assure the prompt and full payment of compensation in such 46694
situations and which include provisions for: 46695

(1) Applying the base period of a single state law to a claim 46696
involving the combining of an individual's wages and employment 46697
covered under two or more state unemployment compensation laws, 46698
and 46699

(2) Avoiding the duplicate use of wages and employment by 46700
reason of such combining. 46701

(I) The director shall cooperate with the United States 46702
department of labor to the fullest extent consistent with this 46703
chapter, and shall take such action, through the adoption of 46704
appropriate rules, regulations, and administrative methods and 46705
standards, as may be necessary to secure to this state and its 46706
citizens all advantages available under the provisions of the 46707
"Social Security Act" that relate to unemployment compensation, 46708
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 46709
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 46710
113, 29 U.S.C.A. 49, ~~and the "Federal-State Extended Unemployment~~ 46711
~~Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the~~ 46712
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 46713
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 46714
U.S.C.A. 3101 et seq. 46715

(J) The director may disclose wage information furnished to 46716
or maintained by the director under Chapter 4141. of the Revised 46717
Code to a consumer reporting agency as defined by the "Fair Credit 46718
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 46719
the purpose of verifying an individual's income under a written 46720

agreement that requires all of the following: 46721

(1) A written statement of informed consent from the 46722
individual whose information is to be disclosed; 46723

(2) A written statement confirming that the consumer 46724
reporting agency and any other entity to which the information is 46725
disclosed or released will safeguard the information from illegal 46726
or unauthorized disclosure; 46727

(3) A written statement confirming that the consumer 46728
reporting agency will pay to the bureau all costs associated with 46729
the disclosure. 46730

The director shall prescribe a manner and format in which 46731
this information may be provided. 46732

(K) The director shall adopt rules defining the requirements 46733
of the release of individual income verification information 46734
specified in division (J) of this section, which shall include all 46735
terms and conditions necessary to meet the requirements of federal 46736
law as interpreted by the United States department of labor or 46737
considered necessary by the director for the proper administration 46738
of this division. 46739

(L) The director shall disclose information furnished to or 46740
maintained by the director under this chapter upon request and on 46741
a reimbursable basis as required by section 303 of the "Social 46742
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 46743
Revenue Code," 26 U.S.C.A. 3304. 46744

Sec. 4141.51. (A) An employer who wishes to participate in 46745
the SharedWork Ohio program shall submit a plan to the director of 46746
job and family services in which the employer does all of the 46747
following: 46748

(1) Identifies the participating employees by name, social 46749
security number, affected unit, and normal weekly hours of work; 46750

(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan;

(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible;

(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program;

(5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program;

(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal ~~"Workforce Investment Act of 1998,"~~ 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended "Workforce

<u>Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;</u>	46783
(7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code;	46784 46785 46786
(8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws;	46787 46788 46789 46790
(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan;	46791 46792 46793 46794 46795 46796 46797
(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;	46798 46799 46800 46801
(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;	46802 46803 46804 46805
(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;	46806 46807 46808
(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time	46809 46810 46811 46812 46813

off during the week with pay, and the combined work hours and paid 46814
leave hours equal the number of hours the employee would have 46815
worked under the plan. 46816

(B) The director shall approve a shared work plan if an 46817
employer includes in the plan all of the information, 46818
certifications, and assurances required under division (A) of this 46819
section. 46820

(C) The director shall approve or deny a shared work plan and 46821
shall send a written notice to the employer stating whether the 46822
director approved or denied the plan not later than thirty days 46823
after the director receives the plan. If the director denies 46824
approval of a shared work plan, the director shall state the 46825
reasons for denying approval in the written notice sent to the 46826
employer. 46827

(D) The director shall enforce the requirements of the 46828
SharedWork Ohio program in the same manner as the director 46829
enforces the requirements of this chapter, including under section 46830
4141.40 of the Revised Code. 46831

Sec. 4301.42. For the purpose of providing revenue for the 46832
support of the state, a tax is hereby levied on the sale of beer 46833
in sealed bottles and cans ~~having twelve ounces or less of liquid~~ 46834
~~content, at the rate of fourteen one-hundredths at one of the~~ 46835
following rates: 46836

(A) For beer containing not more than twelve per cent alcohol 46837
by volume, two hundred thirty-nine one-thousandths of one cent on 46838
each ounce of liquid content or fractional part of each ounce of 46839
liquid content, ~~and on such containers in excess of twelve ounces,~~ 46840
~~at the rate of eighty-four one-hundredths;~~ 46841

(B) For beer containing more than twelve per cent alcohol by 46842
volume, seven hundred eighty-one one-thousandths of one cent on 46843

each ~~six ounces~~ ounce of liquid content or fractional part of each 46844
~~six ounces~~ ounce of liquid content. Sections 46845

Sections 4307.01 to 4307.12 of the Revised Code apply in the 46846
administration of ~~that~~ the tax imposed by this section. 46847
Manufacturers, bottlers, and canners of beer, wholesale dealers in 46848
beer, and S permit holders have the duty to pay the tax ~~imposed by~~ 46849
~~this section and are entitled to the privileges~~ in the manner 46850
provided in section 4303.33 of the Revised Code. 46851

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 46852
the Revised Code: 46853

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 46854
fluid ounces. 46855

(2) "Sale" or "sell" includes exchange, barter, gift, 46856
distribution, and, except with respect to A-4 permit holders, 46857
offer for sale. 46858

(B) For the purposes of providing revenues for the support of 46859
the state and encouraging the grape industries in the state, a tax 46860
is hereby levied on the sale or distribution of wine ~~in Ohio~~, 46861
except for known sacramental purposes, ~~at the rate of thirty cents~~ 46862
~~per wine gallon for sparkling and carbonated wine and champagne,~~ 46863
and vermouth at one of the following rates: 46864

(1) For wine containing not less than four per cent of 46865
alcohol by volume and not more than fourteen per cent of alcohol 46866
by volume, ~~ninety-eight cents per wine gallon for~~ and sparkling 46867
and carbonated wine and champagne, fifty-one cents per wine 46868
gallon; 46869

(2) For wine containing more than fourteen per cent but not 46870
more than twenty-one per cent of alcohol by volume and vermouth, 46871
one dollar and ~~eight~~ sixty-seven cents per wine gallon ~~for~~ 46872
~~vermouth, and one dollar and forty-eight cents per wine gallon for~~ 46873

~~sparkling and carbonated wine and champagne, the.~~ 46874

The tax ~~to~~ levied under division (B) of this section shall be 46875
paid by the holders of A-2, A-2f, and B-5 permits or by any other 46876
person selling or distributing wine upon which no tax has been 46877
paid. From the tax paid under this section on wine, vermouth, and 46878
sparkling and carbonated wine and champagne, the treasurer of 46879
state shall credit to the Ohio grape industries fund created under 46880
section 924.54 of the Revised Code a sum equal to one cent per 46881
gallon for each gallon upon which the tax is paid. 46882

(C) For the purpose of providing revenues for the support of 46883
the state, there is hereby levied a tax on prepared and bottled 46884
highballs, cocktails, cordials, and other mixed beverages at the 46885
rate of ~~one dollar~~ two dollars and ~~twenty~~ four cents per wine 46886
gallon to be paid by holders of A-4 permits or by any other person 46887
selling or distributing those products upon which no tax has been 46888
paid. Only one sale of the same article shall be used in computing 46889
the amount of tax due. The tax on mixed beverages to be paid by 46890
holders of A-4 permits under this section shall not attach until 46891
the ownership of the mixed beverage is transferred for valuable 46892
consideration to a wholesaler or retailer, and no payment of the 46893
tax shall be required prior to that time. 46894

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 46895
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 46896
and sparkling and carbonated wine and champagne, the treasurer of 46897
state shall credit to the Ohio grape industries fund created under 46898
section 924.54 of the Revised Code a sum equal to two cents per 46899
gallon upon which the tax is paid. The amount credited under this 46900
division is in addition to the amount credited to the Ohio grape 46901
industries fund under division (B) of this section. 46902

(E) For the purpose of providing revenues for the support of 46903
the state, there is hereby levied a tax on cider at the rate of 46904
~~twenty-four~~ forty and eight-tenths cents per wine gallon to be 46905

paid by the holders of A-2, A-2f, and B-5 permits or by any other 46906
person selling or distributing cider upon which no tax has been 46907
paid. Only one sale of the same article shall be used in computing 46908
the amount of the tax due. 46909

Sec. 4303.26. (A) Applications for regular permits authorized 46910
by sections 4303.02 to 4303.23 of the Revised Code may be filed 46911
with the division of liquor control. No permit shall be issued by 46912
the division until fifteen days after the application for it is 46913
filed. An applicant for the issuance of a new permit shall pay a 46914
processing fee of one hundred dollars when filing application for 46915
the permit, if the permit is then available, or shall pay the 46916
processing fee when a permit becomes available, if it is not 46917
available when the applicant initially files the application. When 46918
an application for a new class C or D permit is filed, when class 46919
C or D permits become available, or when an application for 46920
transfer of ownership of a class C or D permit or transfer of a 46921
location of a class C or D permit is filed, no permit shall be 46922
issued, nor shall the location or the ownership of a permit be 46923
transferred, by the division until the division notifies the 46924
legislative authority of the municipal corporation, if the 46925
business or event is or is to be located within the corporate 46926
limits of a municipal corporation, or the clerk of the board of 46927
county commissioners and the fiscal officer of the board of 46928
township trustees in the county in which the business or event is 46929
or is to be conducted, if the business is or is to be located 46930
outside the corporate limits of a municipal corporation, and an 46931
opportunity is provided officials or employees of the municipal 46932
corporation or county and township, who shall be designated by the 46933
legislative authority ~~of the municipal corporation~~ or the board of 46934
county commissioners or board of township trustees, for a complete 46935
hearing upon the advisability of the issuance, transfer of 46936
ownership, or transfer of location of the permit. In this hearing, 46937

no objection to the issuance, transfer of ownership, or transfer 46938
of location of the permit shall be based upon noncompliance of the 46939
proposed permit premises with local zoning regulations which 46940
prohibit the sale of beer or intoxicating liquor, in an area zoned 46941
for commercial or industrial uses, for a permit premises that 46942
would otherwise qualify for a proper permit issued by the 46943
division. 46944

When the division sends notice to the legislative or 46945
executive authority of the political subdivision, as required by 46946
this section, the division shall also so notify, by certified 46947
mail, return receipt requested, or by personal service, the chief 46948
peace officer of the political subdivision. Upon the request of 46949
the chief peace officer, the division shall send the chief peace 46950
officer a copy of the application for the issuance or the transfer 46951
of ownership or location of the permit and all other documents or 46952
materials filed by the applicant or applicants in relation to the 46953
application. The chief peace officer may appear and testify, 46954
either in person or through a representative, at any hearing held 46955
on the advisability of the issuance, transfer of ownership, or 46956
transfer of location of the permit. The hearing shall be held in 46957
the central office of the division, except that upon written 46958
request of the legislative authority of the municipal corporation 46959
or the board of county commissioners or board of township 46960
trustees, the hearing shall be held in the county seat of the 46961
county where the applicant's business is or is to be conducted. 46962

If the business or event specified in an application for the 46963
issuance, transfer of ownership, or transfer of location of any 46964
regular permit authorized by sections 4303.02 to 4303.23 of the 46965
Revised Code, except for an F-2 permit, is, or is to be operated, 46966
within five hundred feet from the boundaries of a parcel of real 46967
estate having situated on it a school, church, library, public 46968
playground, or township park, no permit shall be issued, nor shall 46969

the location or the ownership of a permit be transferred, by the 46970
division until written notice of the filing of the application 46971
with the division is served, by certified mail, return receipt 46972
requested, or by personal service, upon the authorities in control 46973
of the school, church, library, public playground, or township 46974
park and an opportunity is provided them for a complete hearing 46975
upon the advisability of the issuance, transfer of ownership, or 46976
transfer of location of the permit. In this hearing, no objection 46977
to the issuance, transfer of ownership, or transfer of location of 46978
the permit shall be based upon the noncompliance of the proposed 46979
permit premises with local zoning regulations which prohibit the 46980
sale of beer or intoxicating liquor, in an area zoned for 46981
commercial or industrial uses, for a permit premises that would 46982
otherwise qualify for a proper permit issued by the division. Upon 46983
the written request of any of these authorities, the hearing shall 46984
be held in the county seat of the county where the applicant's 46985
business is or is to be conducted. 46986

A request for any hearing authorized by this section shall be 46987
made no later than thirty days from the time of notification by 46988
the division. This thirty-day period begins on the date the 46989
division mails notice to the legislative authority or the date on 46990
which the division mails notice to or, by personal service, serves 46991
notice upon, the institution. The division shall conduct a hearing 46992
if the request for the hearing is postmarked by the deadline date. 46993
The division may allow, upon cause shown by the requesting 46994
legislative authority or board, an extension of thirty additional 46995
days for the legislative authority of the municipal corporation, 46996
board of township trustees of the township, or board of county 46997
commissioners of the county in which a permit premises is or is to 46998
be located to object to the issuance, transfer of ownership, or 46999
transfer of location of a permit. The request for the extension 47000
shall be made by the legislative authority or board to the 47001
division no later than thirty days after the time of notification 47002

by the division.

47003

(B)(1) When an application for transfer of ownership of a permit is filed with the division, the division shall give notice of the application to the ~~department of taxation~~ tax commissioner. Within twenty days after receiving this notification, the ~~department of taxation~~ commissioner shall notify the division of liquor control and the proposed transferee of the permit if the permit holder owes to this state any delinquent horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, petroleum activity taxes, sales or use taxes or, cigarette taxes, other tobacco product taxes, income taxes withheld from employee compensation, commercial activity taxes, or gross casino revenue taxes, or has failed to file any ~~sales tax returns or employee income tax withholding~~ corresponding returns or submit any information required by the commissioner, as required for such taxes, to the extent that ~~the any delinquent taxes and delinquent returns are~~ payment or return, or any failure to submit information, is known to the department of taxation at ~~that the~~ time of the application. The division shall not transfer ownership of the permit until payments known to be delinquent are resolved, returns known to be delinquent are filed, ~~and until the tax or withholding delinquency is resolved~~ any information required by the commissioner has been provided. As used in this division, "resolved" means that the ~~tax or withholding delinquency~~ delinquent payment has been paid in full or an amount sufficient to satisfy the ~~delinquency~~ delinquent payment is in escrow for the benefit of the state. The ~~department of taxation~~ commissioner shall notify the division of the resolution. After the division has received the notification from the ~~department of taxation~~ commissioner, the division may proceed to transfer ownership of the permit. Nothing in this division shall be construed to affect or limit the responsibilities or liabilities of the transferor or the transferee imposed by Chapter 3769., 4301., 4303., 4305.,

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5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 47036
the Revised Code. 47037

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 47038
~~nothing prohibits the department of taxation from disclosing to~~ 47039
~~the division or to the proposed transferee or the proposed~~ 47040
~~transferee's designated agent any information pursuant to division~~ 47041
~~(B)(1) of this section.~~ 47042

(C) No F or F-2 permit shall be issued for an event until the 47043
applicant has, by means of a form that the division shall provide 47044
to the applicant, notified the chief peace officer of the 47045
political subdivision in which the event will be conducted of the 47046
date, time, place, and duration of the event. 47047

(D) The division of liquor control shall notify an applicant 47048
for a permit authorized by sections 4303.02 to 4303.23 of the 47049
Revised Code of an action pending or judgment entered against a 47050
liquor permit premises, of which the division has knowledge, 47051
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 47052
applicant is applying for a permit at the location of the premises 47053
that is the subject of the action under section 3767.03 or 47054
judgment under section 3767.05 of the Revised Code. 47055

Sec. 4303.271. (A) Except as provided in divisions (B) and 47056
(D) of this section, the holder of a permit issued under sections 47057
4303.02 to 4303.232 of the Revised Code, who files an application 47058
for the renewal of the same class of permit for the same premises, 47059
shall be entitled to the renewal of the permit. The division of 47060
liquor control shall renew the permit unless the division rejects 47061
for good cause any renewal application, subject to the right of 47062
the applicant to appeal the rejection to the liquor control 47063
commission. 47064

(B) The legislative authority of the municipal corporation, 47065
the board of township trustees, or the board of county 47066

commissioners of the county in which a permit premises is located 47067
may object to the renewal of a permit issued under sections 47068
4303.11 to 4303.183 of the Revised Code for any of the reasons 47069
contained in division (A) of section 4303.292 of the Revised Code. 47070
Any objection shall be made no later than thirty days prior to the 47071
expiration of the permit, and the division shall accept the 47072
objection if it is postmarked no later than thirty days prior to 47073
the expiration of the permit. The objection shall be made by a 47074
resolution specifying the reasons for objecting to the renewal and 47075
requesting a hearing, but no objection shall be based upon 47076
noncompliance of the permit premises with local zoning regulations 47077
that prohibit the sale of beer or intoxicating liquor in an area 47078
zoned for commercial or industrial uses, for a permit premises 47079
that would otherwise qualify for a proper permit issued by the 47080
division. The resolution shall be accompanied by a statement by 47081
the chief legal officer of the political subdivision that, in the 47082
chief legal officer's opinion, the objection is based upon 47083
substantial legal grounds within the meaning and intent of 47084
division (A) of section 4303.292 of the Revised Code. 47085

Upon receipt of a resolution of a legislative authority or 47086
board objecting to the renewal of a permit and a statement from 47087
the chief legal officer, the division shall set a time for the 47088
hearing and send by certified mail to the permit holder, at the 47089
permit holder's usual place of business, a copy of the resolution 47090
and notice of the hearing. The division shall then hold a hearing 47091
in the central office of the division, except that, upon written 47092
request of the legislative authority or board, the hearing shall 47093
be held in the county seat of the county in which the permit 47094
premises is located, to determine whether the renewal shall be 47095
denied for any of the reasons contained in division (A) of section 47096
4303.292 of the Revised Code. Only the reasons for refusal 47097
contained in division (A) of section 4303.292 of the Revised Code 47098
and specified in the resolution of objection shall be considered 47099

at the hearing. 47100

The permit holder and the objecting legislative authority or 47101
board shall be parties to the proceedings under this section and 47102
shall have the right to be present, to be represented by counsel, 47103
to offer evidence, to require the attendance of witnesses, and to 47104
cross-examine witnesses at the hearing. 47105

(C) An application for renewal of a permit shall be filed 47106
with the division at least fifteen days prior to the expiration of 47107
an existing permit, and the existing permit shall continue in 47108
effect as provided in section 119.06 of the Revised Code until the 47109
application is approved or rejected by the division. Any holder of 47110
a permit, which has expired through failure to be renewed as 47111
provided in this section, shall obtain a renewal of the permit, 47112
upon filing an application for renewal with the division, at any 47113
time within thirty days from the date of the expired permit. A 47114
penalty of ten per cent of the permit fee shall be paid by the 47115
permit holder if the application for renewal is not filed at least 47116
fifteen days prior to the expiration of the permit. 47117

(D)(1) Annually, the tax commissioner shall cause the 47118
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 47119
sales and or use, cigarette, other tobacco products, employer 47120
withholding, commercial activity, and gross casino revenue tax 47121
records in the department of taxation for each holder of a permit 47122
issued under sections 4303.02 to 4303.232 of the Revised Code to 47123
be examined to determine if the permit holder is delinquent in 47124
filing any ~~sales or withholding tax~~ returns or ~~has any outstanding~~ 47125
~~liability for sales or withholding tax, penalties, or interest~~ 47126
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 47127
~~of the Revised Code, submitting any information required by the~~ 47128
commissioner, or remitting any payments with respect to those 47129
taxes or any fees, charges, penalties, or interest related to 47130
those taxes. If 47131

If any delinquency or liability exists, the commissioner 47132
shall send a notice of that fact by certified mail, return receipt 47133
requested, to the permit holder at the mailing address shown in 47134
the records of the department. The notice shall specify, in as 47135
much detail as is possible, the periods for which returns have not 47136
been filed and the nature and amount of unpaid assessments and 47137
other liabilities and shall be sent on or before the first day of 47138
the third month preceding the month in which the permit expires. 47139
The commissioner also shall notify the division of liquor control 47140
of the delinquency or liability, identifying the permit holder by 47141
name and permit number. 47142

(2)(a) Except as provided in division (D)(4) of this section, 47143
the division of liquor control shall not renew the permit of any 47144
permit holder the tax commissioner has identified as being 47145
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 47146
~~being liable for outstanding sales or withholding tax, penalties,~~ 47147
~~or interest, providing any information, or remitting any payments~~ 47148
with respect to the taxes listed in division (D)(1) of this 47149
section as of the first day of the sixth month preceding the month 47150
in which the permit expires, or of any permit holder the 47151
commissioner has identified as having been assessed by the 47152
department on or before the first day of the third month preceding 47153
the month in which the permit expires, until the division is 47154
notified by the ~~tax~~ commissioner that the delinquency, liability, 47155
or assessment has been resolved. 47156

(b)(i) Within ninety days after the date on which the permit 47157
expires, any permit holder whose permit is not renewed under this 47158
division may file an appeal with the liquor control commission. 47159
The commission shall notify the tax commissioner regarding the 47160
filing of any such appeal. During the period in which the appeal 47161
is pending, the permit shall not be renewed by the division. The 47162
permit shall be reinstated if the permit holder and the ~~tax~~ 47163

commissioner or the attorney general demonstrate to the liquor 47164
control commission that the commissioner's notification of a 47165
delinquency or assessment was in error or that the issue of the 47166
delinquency or assessment has been resolved. 47167

(ii) A permit holder who has filed an appeal under division 47168
(D)(2)(b)(i) of this section may file a motion to withdraw the 47169
appeal. The division of liquor control may renew a permit holder's 47170
permit if the permit holder has withdrawn such an appeal and the 47171
division receives written certification from the tax commissioner 47172
that the permit holder's delinquency or assessment has been 47173
resolved. 47174

(3) A permit holder notified of delinquency or liability 47175
under this section may protest the notification to the tax 47176
commissioner on the basis that no ~~returns are~~ return or 47177
information is delinquent and no tax, ~~penalties fee, charge,~~ 47178
penalty, or interest is outstanding. The commissioner shall 47179
expeditiously consider any evidence submitted by the permit holder 47180
and, if it is determined that the notification was in error, 47181
immediately shall inform the division of liquor control that the 47182
renewal application may be granted. The renewal shall not be 47183
denied if the delinquency or unreported liability is the subject 47184
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 47185
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 47186
delinquency or unreported liability and is the subject of an 47187
assessment and of an appeal properly filed by the permit holder. 47188

(4) If the commissioner concludes that under the 47189
circumstances the permit holder's delinquency or liability has 47190
been conditionally resolved, the commissioner shall allow the 47191
permit to be renewed, conditioned upon the permit holder's 47192
continuing performance in satisfying the delinquency and 47193
liability. The conditional nature of the renewal shall be 47194
specified in the notification given to the division of liquor 47195

control under division (D)(1) of this section. Upon receipt of 47196
notice of the resolution, the division shall issue a conditional 47197
renewal. If the taxpayer defaults on any agreement to pay the 47198
delinquency or liability or fails to keep subsequent tax or fee 47199
payments current, the liquor control commission, upon request and 47200
proof of the default or failure to keep subsequent tax or fee 47201
payments current, shall indefinitely suspend the permit holder's 47202
permit until all taxes or fees and interest due are paid. 47203

(5) The commissioner may adopt rules to assist in 47204
administering the duties imposed by this section. 47205

Sec. 4303.33. (A) ~~Every A-1 or A-1c permit holder in this~~ 47206
~~state, every bottler, importer, wholesale dealer, broker,~~ 47207
~~producer, or manufacturer of beer outside this state and within~~ 47208
~~the United States, and every B-1 permit holder and importer~~ 47209
~~importing beer from any manufacturer, bottler, person, or group of~~ 47210
~~persons however organized outside the United States for sale or~~ 47211
~~distribution for sale in this state, on or before the eighteenth~~ 47212
~~day of each month, shall make and file with the tax commissioner~~ 47213
~~upon a form prescribed by the tax commissioner an advance tax~~ 47214
~~payment in an amount estimated to equal the taxpayer's tax~~ 47215
~~liability for the month in which the advance tax payment is made.~~ 47216
~~If the advance tax payment credits claimed on the report are for~~ 47217
~~advance tax payments received by the tax commissioner on or before~~ 47218
~~the eighteenth day of the month covered by the report, the~~ 47219
~~taxpayer is entitled to an additional credit of three per cent of~~ 47220
~~the advance tax payment and a discount of three per cent shall be~~ 47221
~~allowed the taxpayer at the time of filing the report if filed as~~ 47222
~~provided in division (B) of this section on any amount by which~~ 47223
~~the tax liability reflected in the report exceeds the advance tax~~ 47224
~~payment estimate by not more than ten per cent. The additional~~ 47225
~~three per cent credit and three per cent discount shall be in~~ 47226
~~consideration for advancing the payment of the tax and other~~ 47227

~~services performed by the permit holder and other taxpayers in the~~ 47228
~~collection of the tax.~~ 47229

~~"Advance tax payment credit" means credit for payments made~~ 47230
~~by an A-1, A-1c, or B-1 permit holder and any other persons during~~ 47231
~~the period covered by a report which was made in anticipation of~~ 47232
~~the tax liability required to be reported on that report.~~ 47233

~~"Tax liability" as used in division (A) of this section means~~ 47234
~~the total gross tax liability of an A-1, A-1c, or B-1 permit~~ 47235
~~holder and any other persons for the period covered by a report~~ 47236
~~before any allowance for credits and discount.~~ 47237

~~(B)~~ Every A-1 or A-1c permit holder in this state, every 47238
bottler, importer, wholesale dealer, broker, producer, or 47239
manufacturer of beer outside this state and within the United 47240
States, every B-1 permit holder importing beer from any 47241
manufacturer, bottler, person, or group of persons however 47242
organized outside the United States, and every S permit holder, on 47243
or before the tenth day of each month, shall make and file a 47244
report for the preceding month upon a form prescribed by the tax 47245
commissioner which report shall show the amount of beer produced, 47246
sold, and distributed for sale in this state by the A-1 or A-1c 47247
permit holder, sold and distributed for sale in this state by each 47248
manufacturer, bottler, importer, wholesale dealer, or broker 47249
outside this state and within the United States, the amount of 47250
beer imported into this state from outside the United States and 47251
sold and distributed for sale in this state by the B-1 permit 47252
holder or importer, and the amount of beer sold in this state by 47253
the S permit holder. 47254

The report shall be filed by ~~mailing~~ remitting it to the tax 47255
commissioner, together with payment of the tax levied by sections 47256
4301.42 and 4305.01 of the Revised Code shown to be due on the 47257
report ~~after deduction of advance payment credits and any~~ 47258

~~additional credits or discounts provided for under this section.~~ 47259

~~(C)~~(B)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 47260
S permit holder in this state, on or before the ~~eighteenth~~ tenth 47261
day of each month, shall make and file a report with the tax 47262
commissioner upon a form prescribed by the tax commissioner which 47263
report shall show, on the report of each A-2, A-2f, A-4, B-2a, and 47264
S permit holder the amount of wine, cider, and mixed beverages 47265
produced and sold, or sold in this state by each such A-2, A-2f, 47266
A-4, B-2a, and S permit holder for the ~~next~~ preceding calendar 47267
month and such other information as the tax commissioner requires, 47268
and on the report of each such B-2, B-3, B-4, and B-5 permit 47269
holder the amount of wine, cider, and mixed beverages purchased 47270
from an importer, broker, wholesale dealer, producer, or 47271
manufacturer located outside this state and sold and distributed 47272
in this state by such B-2, B-3, B-4, and B-5 permit holder, for 47273
the ~~next~~ preceding calendar month and such other information as 47274
the tax commissioner requires. 47275

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, and 47276
S permit holder in this state shall remit with the report the tax 47277
levied by sections 4301.43 and, if applicable, 4301.432 of the 47278
Revised Code ~~less a discount thereon of three per cent of the~~ 47279
~~total tax so levied and paid, provided the return is filed~~ 47280
~~together with remittance of~~ in the amount ~~of tax~~ shown to be due 47281
~~thereon~~ on the report, within the time prescribed. Any permit 47282
holder or other persons who fail to file a report under this 47283
section, for each day the person so fails, may be required to 47284
forfeit and pay into the state treasury the sum of one dollar as 47285
revenue arising from the tax imposed by sections 4301.42, 4301.43, 47286
4301.432, and 4305.01 of the Revised Code, and that sum may be 47287
collected by assessment in the manner provided in section 4305.13 47288
of the Revised Code. 47289

(3) If the tax commissioner determines that the quantity 47290

reported by a person does not warrant monthly reporting, the 47291
commissioner may authorize the filing of returns and the payment 47292
of the tax required by this section for periods longer than one 47293
month. 47294

~~(D)~~(C) Every B-1 permit holder and importer in this state 47295
importing beer from any manufacturer, bottler, person, or group of 47296
persons however organized, outside the United States, if required 47297
by the tax commissioner shall post a bond payable to the state in 47298
such form and amount as the commissioner prescribes with surety to 47299
the satisfaction of the tax commissioner, conditioned upon the 47300
payment to the tax commissioner of taxes levied by sections 47301
4301.42 and 4305.01 of the Revised Code. 47302

~~(E)~~(D) No such wine, beer, cider, or mixed beverages sold or 47303
distributed in this state shall be taxed more than once under 47304
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 47305

~~(F)~~(E) As used in this section: 47306

(1) "Cider" has the same meaning as in section 4301.01 of the 47307
Revised Code. 47308

(2) "Wine" has the same meaning as in section 4301.01 of the 47309
Revised Code, except that "wine" does not include cider. 47310

~~(G)~~(F) All money collected by the tax commissioner under this 47311
section shall be paid to the treasurer of state as revenue arising 47312
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 47313
4305.01 of the Revised Code. 47314

Sec. 4303.332. ~~An~~ The first three hundred ten thousand 47315
gallons of beer sold or distributed in this state during the 47316
calendar year by an A-1c permit holder in this state shall receive 47317
~~a credit against taxes levied in the following calendar year be~~ 47318
exempt from taxes levied under sections 4301.42 and 4305.01 of 47319
the Revised Code ~~on not more than nine million three hundred~~ 47320

~~thousand gallons of beer sold or distributed in this state. The~~ 47321
~~credit may be claimed monthly against taxes levied under one or~~ 47322
~~more of those sections as the reports required by section 4303.33~~ 47323
~~of the Revised Code are due. At the time the report for December~~ 47324
~~is due for a calendar year during which a permit holder is~~ 47325
~~eligible to receive a credit under this section, if the permit~~ 47326
~~holder has claimed less than the credit due on nine million three~~ 47327
~~hundred thousand gallons, including credit claimed on the December~~ 47328
~~report, the permit holder may claim a refund of taxes previously~~ 47329
~~reported and paid under section 4303.33 of the Revised Code during~~ 47330
~~the calendar year on a number of gallons equal to the difference~~ 47331
~~between nine million three hundred thousand gallons and the number~~ 47332
~~of gallons for which a credit has been claimed under this section.~~ 47333
~~For the purpose of providing this refund, taxes previously paid~~ 47334
~~under section 4303.33 of the Revised Code during the calendar year~~ 47335
~~shall not be considered final until the December report is filed.~~ 47336
~~The tax commissioner shall prescribe forms for and allow the~~ 47337
~~credits and refunds authorized by this section.~~ 47338

47339

Sec. 4303.333. ~~(A) An A-2 or A-2f permit holder in this state~~ 47340
~~whose total production of wine, wherever produced, which but for~~ 47341
~~this exemption is taxable under section 4301.43 of the Revised~~ 47342
~~Code does not exceed five hundred thousand gallons in a calendar~~ 47343
~~year, shall be allowed an exemption from the taxes levied under~~ 47344
~~section 4301.43 of the Revised Code on wine produced and sold or~~ 47345
~~distributed in this state. The exemption Both of the following are~~ 47346
~~exempted from taxes levied under section 4301.43 of the Revised~~ 47347
~~Code:~~ 47348

(A) Wine produced and sold or distributed in this state by an 47349
A-2 or A-2f permit holder in this state, provided the permit 47350
holder's total production of wine otherwise taxable under that 47351

section but for this division does not exceed five hundred 47352
thousand gallons in a calendar year; 47353

(B) The first three hundred ten thousand gallons of cider 47354
produced and sold or distributed in this state during the calendar 47355
year by an A-2 or A-2f permit holder in this state. 47356

The exemptions authorized under this section may be claimed 47357
monthly against current taxes levied under ~~such~~ section 4301.43 of 47358
the Revised Code as the reports required by section 4303.33 of the 47359
Revised Code are due. At the time the report for December is due 47360
for a calendar year during which a permit holder claimed an 47361
exemption under this section, if the permit holder has paid the 47362
tax levied under section 4301.43 of the Revised Code, the permit 47363
holder may claim a refund of such tax paid during the calendar 47364
year or shall remit any additional tax due because it did not 47365
qualify for the exemption on the December report. For the purpose 47366
of providing this refund, taxes previously paid under section 47367
4303.33 of the Revised Code during the calendar year shall not be 47368
considered final until the December report is filed. 47369

~~(B)~~ The tax commissioner shall prescribe forms for ~~and allow~~ 47370
the exemptions and refunds authorized by this section. 47371

Sec. 4305.01. For the purpose of reimbursing the state for 47372
the expenses of administering Chapters 4301. and 4303. of the 47373
Revised Code and to provide revenues for the support of the state, 47374
a tax is hereby levied on the sale or distribution in this state 47375
of beer, whether in barrels or other containers, excepting in 47376
sealed bottles or cans, ~~at the rate of five dollars and~~ 47377
~~fifty-eight cents~~ one of the following rates: 47378

(A) For beer containing not more than twelve per cent alcohol 47379
by volume, nine dollars and forty-nine cents per barrel of 47380
thirty-one gallons; 47381

(B) For beer containing more than twelve per cent alcohol by 47382
volume, thirty-one dollars per barrel of thirty-one gallons. 47383

The tax commissioner shall exercise, with respect to the 47384
administration of the tax imposed by this section, all the powers 47385
and duties vested in or imposed by sections 4307.04 to 4307.07 of 47386
the Revised Code, so far as consistent with this section. 47387
Manufacturers and consignees of beer in barrels or other 47388
containers, excepting in sealed bottles or cans, and railroad 47389
companies, express companies, and other public carriers 47390
transporting shipments of such beer are subject, with respect to 47391
such tax, to the same duties and entitled to the same privileges 47392
as are required or permitted by those sections. 47393

The revenue derived from the tax on the sale and distribution 47394
of beer pursuant to this section and section 4301.42 of the 47395
Revised Code shall be ~~for the use of~~ credited to the general 47396
revenue fund. 47397

The tax refund fund created by section 5703.052 of the 47398
Revised Code may be drawn upon by the tax commissioner for any 47399
refunds authorized to be made by the commissioner in sections 47400
4303.33, 4307.05, and 4307.07 of the Revised Code for beer. 47401

Sec. 4501.07. There is hereby created the public safety 47402
highway patrol custodial fund, which shall be in the custody of 47403
the treasurer of state, but shall not be part of the state 47404
treasury. Except as otherwise provided in section 5502.1321 of the 47405
Revised Code, all money seized during investigations or other 47406
enforcement activities of the highway patrol shall be deposited 47407
into the fund or otherwise safeguarded as provided in Chapter 47408
2981. of the Revised Code. The director of public safety shall 47409
transfer money upon resolution of all legal proceedings in 47410
accordance with Chapter 2981. of the Revised Code. 47411

Sec. 4503.15. Owners and lessees of motor vehicles who are 47412
residents of this state and hold an unrevoked and unexpired 47413
license duly admitting them to the practice of medicine in this 47414
state, upon application, accompanied by proof of the issuance to 47415
the applicant by this state of a ~~certificate~~ license issued 47416
pursuant to section 4731.14 of the Revised Code authorizing the 47417
person to engage in the practice of medicine, upon complying with 47418
the motor vehicle laws relating to registration and licensing of 47419
motor vehicles, and upon payment of the regular license fee, as 47420
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 47421
and the payment of an additional fee of ten dollars, which shall 47422
be for the purpose of compensating the bureau of motor vehicles 47423
for additional services required in the issuing of license plates 47424
under this section, shall be issued a validation sticker and 47425
license plates, or a validation sticker alone when required by 47426
section 4503.191 of the Revised Code, for passenger cars and other 47427
vehicles of a class approved by the registrar. Such license 47428
plates, in addition to the letters and numbers ordinarily 47429
inscribed thereon, shall be inscribed with the word "physician." 47430

Sec. 4503.503. (A) The owner or lessee of any passenger car, 47431
noncommercial motor vehicle, recreational vehicle, or other 47432
vehicle of a class approved by the registrar of motor vehicles may 47433
apply to the registrar for the registration of the vehicle and 47434
issuance of "Ohio agriculture" license plates. The application for 47435
"Ohio agriculture" license plates may be combined with a request 47436
for a special reserved license plate under section 4503.40 or 47437
4503.42 of the Revised Code. Upon receipt of the completed 47438
application and compliance with division (B) of this section, the 47439
registrar shall issue to the applicant the appropriate vehicle 47440
registration and a set of "Ohio agriculture" license plates with a 47441
validation sticker or a validation sticker alone when required by 47442

section 4503.191 of the Revised Code. 47443

In addition to the letters and numbers ordinarily inscribed 47444
thereon, "Ohio agriculture" license plates shall be inscribed with 47445
words and markings selected and designed by the Ohio farm bureau 47446
federation, in consultation with representatives of agricultural 47447
commodity organizations of this state. The registrar shall approve 47448
the final design. "Ohio agriculture" license plates shall bear 47449
county identification stickers that identify the county of 47450
registration as required under section 4503.19 of the Revised 47451
Code. 47452

(B) "Ohio agriculture" license plates and validation stickers 47453
shall be issued upon payment of the regular license tax as 47454
prescribed under section 4503.04 of the Revised Code, any 47455
applicable motor vehicle tax levied under Chapter 4504. of the 47456
Revised Code, any applicable fee prescribed by section 4503.40 or 47457
4503.42 of the Revised Code, a bureau of motor vehicles 47458
administrative fee of ten dollars, the contribution specified 47459
under division (C) of this section, and compliance with all other 47460
applicable laws relating to the registration of motor vehicles. 47461

(C) For each application for registration and registration 47462
renewal received under this section, the registrar shall collect a 47463
contribution of twenty dollars. The registrar shall transmit this 47464
contribution to the treasurer of state for deposit in the ~~Ohio~~ 47465
~~agriculture license plate scholarship~~ state treasury to the credit 47466
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 47467
Revised Code. 47468

(D) The registrar shall deposit the bureau administrative fee 47469
of ten dollars specified in division (B) of this section, the 47470
purpose of which is to compensate the bureau for the additional 47471
services required in the issuing of the applicant's "Ohio 47472
agriculture" license plates, into the state bureau of motor 47473

vehicles fund created in section 4501.25 of the Revised Code. 47474

Sec. 4503.77. (A) As used in this section: 47475

(1) "Nonstandard license plate" means all of the following: 47476

(a) A license plate issued under sections 4503.52, 4503.55, 47477
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 47478
Revised Code; 47479

(b) A license plate issued under a program that is 47480
reestablished under division (D) of this section and that meets 47481
the requirements contained in division (B) of section 4503.78 of 47482
the Revised Code; 47483

(c) Except as may otherwise be specifically provided by law, 47484
any license plate created after August 21, 1997. 47485

(2) For purposes of license plates issued under sections 47486
4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the~~ 47487
~~Ohio agriculture license plate scholarship fund board created in~~ 47488
~~section 901.90 of the Revised Code and the director of~~ 47489
agriculture. 47490

(B)(1) If, during any calendar year, the total number of 47491
motor vehicle registrations involving a particular type of 47492
nonstandard license plate is less than twenty-five, including both 47493
new registrations and registration renewals, the registrar of 47494
motor vehicles, on or after the first day of January, but not 47495
later than the fifteenth day of January of the following year, 47496
shall send a written notice to the sponsor of that type of 47497
nonstandard license plate, if a sponsor exists, informing the 47498
sponsor of this fact. The registrar also shall inform the sponsor 47499
that if, during the calendar year in which the written notice is 47500
sent, the total number of motor vehicle registrations involving 47501
the sponsor's nonstandard license plate again is less than 47502
twenty-five, the program involving that type of nonstandard 47503

license plate will be terminated on the thirty-first day of 47504
December of the calendar year in which the written notice is sent 47505
and, except as provided in division (C) of this section, no motor 47506
vehicle registration application involving either the actual 47507
issuance of that type of nonstandard license plate or the 47508
registration renewal of a motor vehicle displaying that type of 47509
nonstandard license plate will be accepted by the registrar or a 47510
deputy registrar beginning the first day of January of the next 47511
calendar year. The registrar also shall inform the sponsor that if 47512
the program involving the sponsor's nonstandard license plate is 47513
terminated under this section, it may be reestablished pursuant to 47514
division (D) of this section. 47515

(2) If, during any calendar year, the total number of motor 47516
vehicle registrations involving a particular type of nonstandard 47517
license plate is less than twenty-five, including both new 47518
registrations and registration renewals, and no sponsor exists for 47519
that license plate, the registrar shall issue a public notice on 47520
or after the first day of January, but not later than the 47521
fifteenth day of January of the following year, stating that fact. 47522
The notice also shall inform the public that if, during the 47523
calendar year in which the registrar issues the public notice, the 47524
total number of motor vehicle registrations for that type of 47525
nonstandard license plate, including both new registrations and 47526
registration renewals, again is less than twenty-five, the program 47527
involving that type of nonstandard license plate will be 47528
terminated on the thirty-first day of December of the calendar 47529
year in which the registrar issues the public notice and, except 47530
as provided in division (C) of this section, no motor vehicle 47531
registration application involving either the actual issuance of 47532
that type of nonstandard license plate or the registration renewal 47533
of a motor vehicle displaying that type of nonstandard license 47534
plate will be accepted by the registrar or a deputy registrar 47535
beginning on the first day of January of the next calendar year. 47536

(C) If the program involving a type of nonstandard license plate is terminated under division (B) of this section, the registration of any motor vehicle displaying that type of nonstandard license plate at the time of termination may be renewed so long as the nonstandard license plates remain serviceable. If the nonstandard license plates of such a motor vehicle become unfit for service, the owner of the motor vehicle may apply for the issuance of nonstandard license plates of that same type, but the registrar or deputy registrar shall issue such nonstandard license plates only if at the time of application the stock of the bureau contains license plates of that type of nonstandard license plate. If, at the time of such application, the stock of the bureau does not contain license plates of that type of nonstandard license plate, the registrar or deputy registrar shall inform the owner of that fact, and the application shall be refused.

If the program involving a type of nonstandard license plate is terminated under division (B) of this section and the registration of motor vehicles displaying such license plates continues as permitted by this division, the registrar, for as long as such registrations continue to be issued, shall continue to collect and distribute any contribution that was required to be collected and distributed prior to the termination of that program.

(D) If the program involving a nonstandard license plate is terminated under division (B)(1) of this section, the sponsor of that license plate may apply to the registrar for the reestablishment of the program. If the program involving that nonstandard license plate is reestablished, the reestablishment is subject to division (B) of section 4503.78 of the Revised Code.

Sec. 4505.181. (A) Notwithstanding section 4505.18 of the

Revised Code, a motor vehicle dealer or person acting on behalf of 47568
a motor vehicle dealer may display, offer for sale, or sell a used 47569
motor vehicle and a manufactured housing dealer or person acting 47570
on behalf of a manufactured housing dealer may display, offer for 47571
sale, or sell a used manufactured home or used mobile home without 47572
having first obtained a certificate of title for the vehicle in 47573
the name of the dealer by complying with this section. 47574

(1) The dealer or person acting on behalf of the dealer shall 47575
possess a bill of sale for each used motor vehicle, used 47576
manufactured home, and used mobile home proposed to be displayed, 47577
offered for sale, or sold under this section or a properly 47578
executed power of attorney or other related documents from the 47579
prior owner of the motor vehicle, manufactured home, or mobile 47580
home giving the dealer or person acting on behalf of the dealer 47581
authority to have a certificate of title to the motor vehicle, 47582
manufactured home, or mobile home issued in the name of the 47583
dealer, and shall retain copies of all such documents in the 47584
dealer's or person's files until such time as a certificate of 47585
title in the dealer's name is issued for each such motor vehicle, 47586
manufactured home, or mobile home by the clerk of the court of 47587
common pleas. Such documents shall be available for inspection by 47588
the bureau of motor vehicles and the ~~manufactured homes commission~~ 47589
division of real estate of the department of commerce during 47590
normal business hours. 47591

(2) If the attorney general has paid a retail purchaser of 47592
the dealer or a secured party under division (D), (E), or (G) of 47593
this section within three years prior to such date, the dealer 47594
shall post with the attorney general's office in favor of this 47595
state a bond of a surety company authorized to do business in this 47596
state, in an amount of not less than twenty-five thousand dollars, 47597
to be used solely for the purpose of compensating retail 47598
purchasers of motor vehicles, manufactured homes, or mobile homes 47599

who suffer damages due to failure of the dealer or person acting 47600
on behalf of the dealer to comply with this section. Failure to 47601
post a bond constitutes a deceptive act or practice in connection 47602
with a consumer transaction and is a violation of section 1345.02 47603
of the Revised Code. The dealer's surety shall notify the 47604
registrar and attorney general when a bond of a motor vehicle 47605
dealer is canceled and shall notify the ~~manufactured homes~~ 47606
~~commission~~ division of real estate of the department of commerce 47607
and the attorney general when a bond of a manufactured housing 47608
dealer is canceled. Such notification of cancellation shall 47609
include the effective date of and reason for cancellation. 47610

(B) If a retail purchaser purchases a used motor vehicle, 47611
used manufactured home, or used mobile home for which the dealer, 47612
pursuant to and in accordance with division (A) of this section, 47613
does not have a certificate of title issued in the name of the 47614
dealer at the time of the sale, the retail purchaser has an 47615
unconditional right to demand the dealer rescind the transaction 47616
if one of the following applies: 47617

(1) The dealer fails, on or before the fortieth day following 47618
the date of the sale, to obtain a title in the name of the retail 47619
purchaser. 47620

(2) The title for the vehicle indicates that it is a rebuilt 47621
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 47622
was not disclosed to the retail purchaser in writing prior to the 47623
execution of the purchase agreement. 47624

(3) The title for the vehicle indicates that the dealer has 47625
made an inaccurate odometer disclosure to the retail purchaser. 47626

(4) The title for the vehicle indicates that it is a 47627
"buyback" vehicle as defined in section 1345.71 of the Revised 47628
Code, and the fact that it is a "buyback" vehicle was not 47629
disclosed to the retail purchaser in the written purchase 47630

agreement. 47631

(5) The motor vehicle is a used manufactured home or used 47632
mobile home, as defined by section 4781.01 of the Revised Code, 47633
that has been repossessed under Chapter 1309. or 1317. of the 47634
Revised Code, but a certificate of title for the repossessed home 47635
has not yet been transferred by the repossessing party to the 47636
dealer on the date the retail purchaser purchases the used 47637
manufactured home or used mobile home from the dealer, and the 47638
dealer fails to obtain a certificate of title on or before the 47639
fortieth day after the dealer obtains the certificate of title for 47640
the home from the repossessing party or the date on which an 47641
occupancy permit for the home is delivered to the purchaser by the 47642
appropriate legal authority, whichever occurs later. 47643

(C)(1) If the circumstance described in division (B)(1) of 47644
this section applies, a retail purchaser or the retail purchaser's 47645
representative shall provide the dealer notice of the request for 47646
recision. Such notification shall occur not later than sixty days 47647
from the date the motor vehicle is titled in the name of the 47648
retail purchaser. The dealer shall have the opportunity to comply 47649
with the dealer's obligation to refund the full purchase price of 47650
the motor vehicle. Reimbursement shall be only in such a manner as 47651
to reimburse the retail purchaser any money the retail purchaser 47652
actually paid and, in the case of a lender of the retail 47653
purchaser, the amount paid by the lender to purchase the contract 47654
or finance the sale of the vehicle. If a vehicle was taken in 47655
trade as a down payment, the dealer shall return the vehicle to 47656
the consumer, unless the dealer remitted payment to a third party 47657
to satisfy any security interest. If the dealer remitted payment, 47658
the dealer shall reimburse the purchaser the value of the vehicle, 47659
as evidenced by the bill of sale. 47660

(2) If any of the circumstances described in ~~divisions~~ 47661
division (B)(2), (3), or (4) of this section apply, a retail 47662

purchaser or the retail purchaser's representative shall provide 47663
notice to the dealer of a request for recision. Such notification 47664
shall occur not later than one hundred eighty days from the date 47665
the vehicle is titled in the name of the retail purchaser. Upon 47666
timely notification, the dealer shall have the opportunity to 47667
comply with the dealer's obligation to refund the full purchase 47668
price of the motor vehicle. Reimbursement shall be only in such a 47669
manner as to reimburse the retail purchaser any money the retail 47670
purchaser actually paid and, in the case of a lender of the retail 47671
purchaser, the amount paid by the lender to purchase the contract 47672
or finance the sale of the vehicle. If a vehicle was taken in 47673
trade as a down payment, the dealer shall return the vehicle to 47674
the consumer, unless the dealer remitted payment to a third party 47675
to satisfy any security interest. If the dealer remitted payment, 47676
the dealer shall reimburse the purchaser the value of the vehicle, 47677
as evidenced by the bill of sale. 47678

(3) If any of the circumstances described in division (B)(5) 47679
of this section apply, a retail purchaser or the retail 47680
purchaser's representative shall notify the dealer and afford the 47681
dealer the opportunity to comply with the dealer's obligation to 47682
rescind the manufactured home or mobile home transaction. 47683

(4) If the retail purchaser does not deliver notice to the 47684
dealer within the applicable time period specified in division 47685
(C)(1), (2), or (3) of this section, the retail purchaser shall 47686
not be entitled to any recovery or have any cause of action under 47687
this section. 47688

(5) Nothing in division (C) of this section shall be 47689
construed as prohibiting the dealer and the retail purchaser or 47690
their representatives from negotiating a compromise resolution 47691
that is satisfactory to both parties. 47692

(D) If a retail purchaser notifies a dealer of one or more of 47693
the circumstances listed in division (B) of this section within 47694

the applicable time period specified in division (C)(1), (2), or 47695
(3) of this section and the dealer fails to comply with the 47696
requirements for recision as prescribed in division (C) of this 47697
section or reach a satisfactory compromise with the retail 47698
purchaser within seven business days of presentation of the retail 47699
purchaser's recision claim, the retail purchaser may apply to the 47700
attorney general for payment from the fund of the full purchase 47701
price to the retail purchaser. 47702

(E)(1) Upon application by a retail purchaser for payment 47703
from the fund, if the attorney general is satisfied that one or 47704
more of the circumstances contained in divisions (B)(1) to (5) of 47705
this section exist, and notification has been given within the 47706
applicable time period specified in division (C)(1), (2), or (3) 47707
of this section, the attorney general shall cause at maximum the 47708
full purchase price of the vehicle, manufactured home, or mobile 47709
home plus the cost of any additional temporary license placards to 47710
be paid to the retail purchaser from the fund. The attorney 47711
general may require delivery of the vehicle, manufactured home, or 47712
mobile home to the attorney general prior to reimbursement from 47713
the fund. Reimbursement shall be only in such a manner as to do 47714
either of the following: 47715

(a) Reimburse the retail purchaser any money the retail 47716
purchaser actually paid and, in the case of a lender of the retail 47717
purchaser, the amount paid by the lender to purchase the contract 47718
or finance the sale of the vehicle; 47719

(b) If the retail purchaser wishes to retain the vehicle, the 47720
attorney general, in the attorney general's sole discretion, may 47721
pay a lienholder of record or other holder of a secured interest 47722
in such manner that title can be transferred to the retail 47723
purchaser free of encumbrances, other than a security interest 47724
granted by the retail purchaser at the time of vehicle purchase. 47725

(2) The attorney general, in the attorney general's sole 47726

discretion, also may cause the cost of additional temporary 47727
license placards to be paid from the fund. 47728

(F) The attorney general may sell or otherwise dispose of any 47729
used motor vehicle, manufactured home, or mobile home that is 47730
delivered to the attorney general under this section, and may 47731
collect the proceeds of any bond posted under division (A) of this 47732
section by a dealer who has failed to comply with division (D) of 47733
this section. The proceeds from all such sales and collections 47734
shall be deposited into the title defect recision fund for use as 47735
specified in section 1345.52 of the Revised Code. 47736

(G) If a dealer fails to submit payment of a secured interest 47737
on a trade-in vehicle as agreed to by the dealer and retail 47738
purchaser and none of the circumstances in divisions (B)(1) to (5) 47739
applies, the retail purchaser may apply to the attorney general 47740
for payment to the secured creditor from the fund. The attorney 47741
general shall demand immediate payment from the dealer and if 47742
payment has not been made or is not immediately forthcoming, the 47743
attorney general may cause an amount equal to that which the 47744
dealer agreed to pay to the secured creditor to be paid from the 47745
fund, along with any additional interest and late fees resulting 47746
from the dealer's failure to pay the secured creditor in a timely 47747
manner. 47748

(H) Failure by a dealer to comply with both divisions (B) and 47749
(C) of this section constitutes a deceptive act or practice in 47750
connection with a consumer transaction, and is a violation of 47751
section 1345.02 of the Revised Code. 47752

(I) The remedy provided in this section to retail purchasers 47753
is in addition to any remedies otherwise available to the retail 47754
purchaser for the same conduct of the dealer or person acting on 47755
behalf of the dealer under federal law or the laws of this state 47756
or a political subdivision of this state. 47757

(J) If, at any time during any calendar year, the balance in the title defect recision fund is less than three hundred thousand dollars, the attorney general may assess all motor vehicle dealers licensed under Chapter 4517. of the Revised Code and all manufactured housing dealers licensed under Chapter 4781. of the Revised Code one hundred fifty dollars for deposit into the title defect rescission fund until the balance in the fund reaches three hundred thousand dollars. A notice of assessment shall be sent to each dealer at its licensed location.

If a motor vehicle dealer or manufactured housing dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

(K) Nothing in this section shall be construed as providing for payment of attorney fees to the retail purchaser.

(L) As used in this section:

(1) "Full purchase price" means the contract price, including charges for dealer installed options and accessories, all finance, credit insurance, and service contract charges incurred by the retail purchaser, all sales tax, license and registration fees, and the amount of any negative equity that was not already paid by the dealer to a third party to satisfy a lien, as reflected in the contract.

(2) "Retail purchaser" means a person, other than a motor vehicle dealer or a manufactured housing dealer, who in good faith purchases a used motor vehicle for purposes other than resale.

Sec. 4511.19. (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

- (a) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 47788
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- (b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood. 47790
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- (c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 47794
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- (d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 47798
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- (e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 47802
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- (f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 47806
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- (g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 47809
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- (h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 47812
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- (i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 47815
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(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(iii) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(v) The person has a concentration of heroin metabolite

(6-monoacetyl morphine) in the person's urine of at least ten 47849
nanograms of heroin metabolite (6-monoacetyl morphine) per 47850
milliliter of the person's urine or has a concentration of heroin 47851
metabolite (6-monoacetyl morphine) in the person's whole blood or 47852
blood serum or plasma of at least ten nanograms of heroin 47853
metabolite (6-monoacetyl morphine) per milliliter of the person's 47854
whole blood or blood serum or plasma. 47855

(vi) The person has a concentration of L.S.D. in the person's 47856
urine of at least twenty-five nanograms of L.S.D. per milliliter 47857
of the person's urine or a concentration of L.S.D. in the person's 47858
whole blood or blood serum or plasma of at least ten nanograms of 47859
L.S.D. per milliliter of the person's whole blood or blood serum 47860
or plasma. 47861

(vii) The person has a concentration of marihuana in the 47862
person's urine of at least ten nanograms of marihuana per 47863
milliliter of the person's urine or has a concentration of 47864
marihuana in the person's whole blood or blood serum or plasma of 47865
at least two nanograms of marihuana per milliliter of the person's 47866
whole blood or blood serum or plasma. 47867

(viii) Either of the following applies: 47868

(I) The person is under the influence of alcohol, a drug of 47869
abuse, or a combination of them, and, ~~as measured by gas~~ 47870
~~chromatography mass spectrometry,~~ the person has a concentration 47871
of marihuana metabolite in the person's urine of at least fifteen 47872
nanograms of marihuana metabolite per milliliter of the person's 47873
urine or has a concentration of marihuana metabolite in the 47874
person's whole blood or blood serum or plasma of at least five 47875
nanograms of marihuana metabolite per milliliter of the person's 47876
whole blood or blood serum or plasma. 47877

(II) ~~As measured by gas chromatography mass spectrometry, the~~ 47878
The person has a concentration of marihuana metabolite in the 47879

person's urine of at least thirty-five nanograms of marihuana 47880
metabolite per milliliter of the person's urine or has a 47881
concentration of marihuana metabolite in the person's whole blood 47882
or blood serum or plasma of at least fifty nanograms of marihuana 47883
metabolite per milliliter of the person's whole blood or blood 47884
serum or plasma. 47885

(ix) The person has a concentration of methamphetamine in the 47886
person's urine of at least five hundred nanograms of 47887
methamphetamine per milliliter of the person's urine or has a 47888
concentration of methamphetamine in the person's whole blood or 47889
blood serum or plasma of at least one hundred nanograms of 47890
methamphetamine per milliliter of the person's whole blood or 47891
blood serum or plasma. 47892

(x) The person has a concentration of phencyclidine in the 47893
person's urine of at least twenty-five nanograms of phencyclidine 47894
per milliliter of the person's urine or has a concentration of 47895
phencyclidine in the person's whole blood or blood serum or plasma 47896
of at least ten nanograms of phencyclidine per milliliter of the 47897
person's whole blood or blood serum or plasma. 47898

(xi) The state board of pharmacy has adopted a rule pursuant 47899
to section 4729.041 of the Revised Code that specifies the amount 47900
of salvia divinorum and the amount of salvinorin A that constitute 47901
concentrations of salvia divinorum and salvinorin A in a person's 47902
urine, in a person's whole blood, or in a person's blood serum or 47903
plasma at or above which the person is impaired for purposes of 47904
operating any vehicle, streetcar, or trackless trolley within this 47905
state, the rule is in effect, and the person has a concentration 47906
of salvia divinorum or salvinorin A of at least that amount so 47907
specified by rule in the person's urine, in the person's whole 47908
blood, or in the person's blood serum or plasma. 47909

(2) No person who, within twenty years of the conduct 47910
described in division (A)(2)(a) of this section, previously has 47911

been convicted of or pleaded guilty to a violation of this 47912
division, a violation of division (A)(1) or (B) of this section, 47913
or any other equivalent offense shall do both of the following: 47914

(a) Operate any vehicle, streetcar, or trackless trolley 47915
within this state while under the influence of alcohol, a drug of 47916
abuse, or a combination of them; 47917

(b) Subsequent to being arrested for operating the vehicle, 47918
streetcar, or trackless trolley as described in division (A)(2)(a) 47919
of this section, being asked by a law enforcement officer to 47920
submit to a chemical test or tests under section 4511.191 of the 47921
Revised Code, and being advised by the officer in accordance with 47922
section 4511.192 of the Revised Code of the consequences of the 47923
person's refusal or submission to the test or tests, refuse to 47924
submit to the test or tests. 47925

(B) No person under twenty-one years of age shall operate any 47926
vehicle, streetcar, or trackless trolley within this state, if, at 47927
the time of the operation, any of the following apply: 47928

(1) The person has a concentration of at least two-hundredths 47929
of one per cent but less than eight-hundredths of one per cent by 47930
weight per unit volume of alcohol in the person's whole blood. 47931

(2) The person has a concentration of at least 47932
three-hundredths of one per cent but less than 47933
ninety-six-thousandths of one per cent by weight per unit volume 47934
of alcohol in the person's blood serum or plasma. 47935

(3) The person has a concentration of at least two-hundredths 47936
of one gram but less than eight-hundredths of one gram by weight 47937
of alcohol per two hundred ten liters of the person's breath. 47938

(4) The person has a concentration of at least twenty-eight 47939
one-thousandths of one gram but less than eleven-hundredths of one 47940
gram by weight of alcohol per one hundred milliliters of the 47941
person's urine. 47942

(C) In any proceeding arising out of one incident, a person 47943
may be charged with a violation of division (A)(1)(a) or (A)(2) 47944
and a violation of division (B)(1), (2), or (3) of this section, 47945
but the person may not be convicted of more than one violation of 47946
these divisions. 47947

(D)(1)(a) In any criminal prosecution or juvenile court 47948
proceeding for a violation of division (A)(1)(a) of this section 47949
or for an equivalent offense that is vehicle-related, the result 47950
of any test of any blood or urine withdrawn and analyzed at any 47951
health care provider, as defined in section 2317.02 of the Revised 47952
Code, may be admitted with expert testimony to be considered with 47953
any other relevant and competent evidence in determining the guilt 47954
or innocence of the defendant. 47955

(b) In any criminal prosecution or juvenile court proceeding 47956
for a violation of division (A) or (B) of this section or for an 47957
equivalent offense that is vehicle-related, the court may admit 47958
evidence on the concentration of alcohol, drugs of abuse, 47959
controlled substances, metabolites of a controlled substance, or a 47960
combination of them in the defendant's whole blood, blood serum or 47961
plasma, breath, urine, or other bodily substance at the time of 47962
the alleged violation as shown by chemical analysis of the 47963
substance withdrawn within three hours of the time of the alleged 47964
violation. The three-hour time limit specified in this division 47965
regarding the admission of evidence does not extend or affect the 47966
two-hour time limit specified in division (A) of section 4511.192 47967
of the Revised Code as the maximum period of time during which a 47968
person may consent to a chemical test or tests as described in 47969
that section. The court may admit evidence on the concentration of 47970
alcohol, drugs of abuse, or a combination of them as described in 47971
this division when a person submits to a blood, breath, urine, or 47972
other bodily substance test at the request of a law enforcement 47973
officer under section 4511.191 of the Revised Code or a blood or 47974

urine sample is obtained pursuant to a search warrant. Only a 47975
physician, a registered nurse, an emergency medical 47976
technician-intermediate, an emergency medical 47977
technician-paramedic, or a qualified technician, chemist, or 47978
phlebotomist shall withdraw a blood sample for the purpose of 47979
determining the alcohol, drug, controlled substance, metabolite of 47980
a controlled substance, or combination content of the whole blood, 47981
blood serum, or blood plasma. This limitation does not apply to 47982
the taking of breath or urine specimens. A person authorized to 47983
withdraw blood under this division may refuse to withdraw blood 47984
under this division, if in that person's opinion, the physical 47985
welfare of the person would be endangered by the withdrawing of 47986
blood. 47987

The bodily substance withdrawn under division (D)(1)(b) of 47988
this section shall be analyzed in accordance with methods approved 47989
by the director of health by an individual possessing a valid 47990
permit issued by the director pursuant to section 3701.143 of the 47991
Revised Code. 47992

(c) As used in division (D)(1)(b) of this section, "emergency 47993
medical technician-intermediate" and "emergency medical 47994
technician-paramedic" have the same meanings as in section 4765.01 47995
of the Revised Code. 47996

(2) In a criminal prosecution or juvenile court proceeding 47997
for a violation of division (A) of this section or for an 47998
equivalent offense that is vehicle-related, if there was at the 47999
time the bodily substance was withdrawn a concentration of less 48000
than the applicable concentration of alcohol specified in 48001
divisions (A)(1)(b), (c), (d), and (e) of this section or less 48002
than the applicable concentration of a listed controlled substance 48003
or a listed metabolite of a controlled substance specified for a 48004
violation of division (A)(1)(j) of this section, that fact may be 48005
considered with other competent evidence in determining the guilt 48006

or innocence of the defendant. This division does not limit or 48007
affect a criminal prosecution or juvenile court proceeding for a 48008
violation of division (B) of this section or for an equivalent 48009
offense that is substantially equivalent to that division. 48010

(3) Upon the request of the person who was tested, the 48011
results of the chemical test shall be made available to the person 48012
or the person's attorney, immediately upon the completion of the 48013
chemical test analysis. 48014

If the chemical test was obtained pursuant to division 48015
(D)(1)(b) of this section, the person tested may have a physician, 48016
a registered nurse, or a qualified technician, chemist, or 48017
phlebotomist of the person's own choosing administer a chemical 48018
test or tests, at the person's expense, in addition to any 48019
administered at the request of a law enforcement officer. If the 48020
person was under arrest as described in division (A)(5) of section 48021
4511.191 of the Revised Code, the arresting officer shall advise 48022
the person at the time of the arrest that the person may have an 48023
independent chemical test taken at the person's own expense. If 48024
the person was under arrest other than described in division 48025
(A)(5) of section 4511.191 of the Revised Code, the form to be 48026
read to the person to be tested, as required under section 48027
4511.192 of the Revised Code, shall state that the person may have 48028
an independent test performed at the person's expense. The failure 48029
or inability to obtain an additional chemical test by a person 48030
shall not preclude the admission of evidence relating to the 48031
chemical test or tests taken at the request of a law enforcement 48032
officer. 48033

(4)(a) As used in divisions (D)(4)(b) and (c) of this 48034
section, "national highway traffic safety administration" means 48035
the national highway traffic safety administration established as 48036
an administration of the United States department of 48037
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 48038

(b) In any criminal prosecution or juvenile court proceeding 48039
for a violation of division (A) or (B) of this section, of a 48040
municipal ordinance relating to operating a vehicle while under 48041
the influence of alcohol, a drug of abuse, or alcohol and a drug 48042
of abuse, or of a municipal ordinance relating to operating a 48043
vehicle with a prohibited concentration of alcohol, a controlled 48044
substance, or a metabolite of a controlled substance in the whole 48045
blood, blood serum or plasma, breath, or urine, if a law 48046
enforcement officer has administered a field sobriety test to the 48047
operator of the vehicle involved in the violation and if it is 48048
shown by clear and convincing evidence that the officer 48049
administered the test in substantial compliance with the testing 48050
standards for any reliable, credible, and generally accepted field 48051
sobriety tests that were in effect at the time the tests were 48052
administered, including, but not limited to, any testing standards 48053
then in effect that were set by the national highway traffic 48054
safety administration, all of the following apply: 48055

(i) The officer may testify concerning the results of the 48056
field sobriety test so administered. 48057

(ii) The prosecution may introduce the results of the field 48058
sobriety test so administered as evidence in any proceedings in 48059
the criminal prosecution or juvenile court proceeding. 48060

(iii) If testimony is presented or evidence is introduced 48061
under division (D)(4)(b)(i) or (ii) of this section and if the 48062
testimony or evidence is admissible under the Rules of Evidence, 48063
the court shall admit the testimony or evidence and the trier of 48064
fact shall give it whatever weight the trier of fact considers to 48065
be appropriate. 48066

(c) Division (D)(4)(b) of this section does not limit or 48067
preclude a court, in its determination of whether the arrest of a 48068
person was supported by probable cause or its determination of any 48069
other matter in a criminal prosecution or juvenile court 48070

proceeding of a type described in that division, from considering 48071
evidence or testimony that is not otherwise disallowed by division 48072
(D)(4)(b) of this section. 48073

(E)(1) Subject to division (E)(3) of this section, in any 48074
criminal prosecution or juvenile court proceeding for a violation 48075
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 48076
or (B)(1), (2), (3), or (4) of this section or for an equivalent 48077
offense that is substantially equivalent to any of those 48078
divisions, a laboratory report from any laboratory personnel 48079
issued a permit by the department of health authorizing an 48080
analysis as described in this division that contains an analysis 48081
of the whole blood, blood serum or plasma, breath, urine, or other 48082
bodily substance tested and that contains all of the information 48083
specified in this division shall be admitted as prima-facie 48084
evidence of the information and statements that the report 48085
contains. The laboratory report shall contain all of the 48086
following: 48087

(a) The signature, under oath, of any person who performed 48088
the analysis; 48089

(b) Any findings as to the identity and quantity of alcohol, 48090
a drug of abuse, a controlled substance, a metabolite of a 48091
controlled substance, or a combination of them that was found; 48092

(c) A copy of a notarized statement by the laboratory 48093
director or a designee of the director that contains the name of 48094
each certified analyst or test performer involved with the report, 48095
the analyst's or test performer's employment relationship with the 48096
laboratory that issued the report, and a notation that performing 48097
an analysis of the type involved is part of the analyst's or test 48098
performer's regular duties; 48099

(d) An outline of the analyst's or test performer's 48100
education, training, and experience in performing the type of 48101

analysis involved and a certification that the laboratory 48102
satisfies appropriate quality control standards in general and, in 48103
this particular analysis, under rules of the department of health. 48104

(2) Notwithstanding any other provision of law regarding the 48105
admission of evidence, a report of the type described in division 48106
(E)(1) of this section is not admissible against the defendant to 48107
whom it pertains in any proceeding, other than a preliminary 48108
hearing or a grand jury proceeding, unless the prosecutor has 48109
served a copy of the report on the defendant's attorney or, if the 48110
defendant has no attorney, on the defendant. 48111

(3) A report of the type described in division (E)(1) of this 48112
section shall not be prima-facie evidence of the contents, 48113
identity, or amount of any substance if, within seven days after 48114
the defendant to whom the report pertains or the defendant's 48115
attorney receives a copy of the report, the defendant or the 48116
defendant's attorney demands the testimony of the person who 48117
signed the report. The judge in the case may extend the seven-day 48118
time limit in the interest of justice. 48119

(F) Except as otherwise provided in this division, any 48120
physician, registered nurse, emergency medical 48121
technician-intermediate, emergency medical technician-paramedic, 48122
or qualified technician, chemist, or phlebotomist who withdraws 48123
blood from a person pursuant to this section or section 4511.191 48124
or 4511.192 of the Revised Code, and any hospital, first-aid 48125
station, or clinic at which blood is withdrawn from a person 48126
pursuant to this section or section 4511.191 or 4511.192 of the 48127
Revised Code, is immune from criminal liability and civil 48128
liability based upon a claim of assault and battery or any other 48129
claim that is not a claim of malpractice, for any act performed in 48130
withdrawing blood from the person. The immunity provided in this 48131
division also extends to an emergency medical service organization 48132
that employs an emergency medical technician-intermediate or 48133

emergency medical technician-paramedic who withdraws blood under 48134
this section. The immunity provided in this division is not 48135
available to a person who withdraws blood if the person engages in 48136
willful or wanton misconduct. 48137

As used in this division, "emergency medical 48138
technician-intermediate" and "emergency medical 48139
technician-paramedic" have the same meanings as in section 4765.01 48140
of the Revised Code. 48141

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 48142
to (i) or (A)(2) of this section is guilty of operating a vehicle 48143
under the influence of alcohol, a drug of abuse, or a combination 48144
of them. Whoever violates division (A)(1)(j) of this section is 48145
guilty of operating a vehicle while under the influence of a 48146
listed controlled substance or a listed metabolite of a controlled 48147
substance. The court shall sentence the offender for either 48148
offense under Chapter 2929. of the Revised Code, except as 48149
otherwise authorized or required by divisions (G)(1)(a) to (e) of 48150
this section: 48151

(a) Except as otherwise provided in division (G)(1)(b), (c), 48152
(d), or (e) of this section, the offender is guilty of a 48153
misdemeanor of the first degree, and the court shall sentence the 48154
offender to all of the following: 48155

(i) If the sentence is being imposed for a violation of 48156
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48157
mandatory jail term of three consecutive days. As used in this 48158
division, three consecutive days means seventy-two consecutive 48159
hours. The court may sentence an offender to both an intervention 48160
program and a jail term. The court may impose a jail term in 48161
addition to the three-day mandatory jail term or intervention 48162
program. However, in no case shall the cumulative jail term 48163
imposed for the offense exceed six months. 48164

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the

court determines that the offender is not conducive to treatment 48198
in a drivers' intervention program, if the offender refuses to 48199
attend a drivers' intervention program, or if the jail at which 48200
the offender is to serve the jail term imposed can provide a 48201
driver's intervention program, the court shall sentence the 48202
offender to a mandatory jail term of at least six consecutive 48203
days. 48204

The court may require the offender, under a community control 48205
sanction imposed under section 2929.25 of the Revised Code, to 48206
attend and satisfactorily complete any treatment or education 48207
programs that comply with the minimum standards adopted pursuant 48208
to Chapter 5119. of the Revised Code by the director of mental 48209
health and addiction services, in addition to the required 48210
attendance at drivers' intervention program, that the operators of 48211
the drivers' intervention program determine that the offender 48212
should attend and to report periodically to the court on the 48213
offender's progress in the programs. The court also may impose any 48214
other conditions of community control on the offender that it 48215
considers necessary. 48216

(iii) In all cases, a fine of not less than three hundred 48217
seventy-five and not more than one thousand seventy-five dollars; 48218

(iv) In all cases, a class five license suspension of the 48219
offender's driver's or commercial driver's license or permit or 48220
nonresident operating privilege from the range specified in 48221
division (A)(5) of section 4510.02 of the Revised Code. The court 48222
may grant limited driving privileges relative to the suspension 48223
under sections 4510.021 and 4510.13 of the Revised Code. 48224

(b) Except as otherwise provided in division (G)(1)(e) of 48225
this section, an offender who, within six years of the offense, 48226
previously has been convicted of or pleaded guilty to one 48227
violation of division (A) or (B) of this section or one other 48228
equivalent offense is guilty of a misdemeanor of the first degree. 48229

The court shall sentence the offender to all of the following: 48230

(i) If the sentence is being imposed for a violation of 48231
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48232
mandatory jail term of ten consecutive days. The court shall 48233
impose the ten-day mandatory jail term under this division unless, 48234
subject to division (G)(3) of this section, it instead imposes a 48235
sentence under that division consisting of both a jail term and a 48236
term of house arrest with electronic monitoring, with continuous 48237
alcohol monitoring, or with both electronic monitoring and 48238
continuous alcohol monitoring. The court may impose a jail term in 48239
addition to the ten-day mandatory jail term. The cumulative jail 48240
term imposed for the offense shall not exceed six months. 48241

In addition to the jail term or the term of house arrest with 48242
electronic monitoring or continuous alcohol monitoring or both 48243
types of monitoring and jail term, the court shall require the 48244
offender to be assessed by a community addiction services provider 48245
that is authorized by section 5119.21 of the Revised Code, subject 48246
to division (I) of this section, and shall order the offender to 48247
follow the treatment recommendations of the services provider. The 48248
purpose of the assessment is to determine the degree of the 48249
offender's alcohol usage and to determine whether or not treatment 48250
is warranted. Upon the request of the court, the services provider 48251
shall submit the results of the assessment to the court, including 48252
all treatment recommendations and clinical diagnoses related to 48253
alcohol use. 48254

(ii) If the sentence is being imposed for a violation of 48255
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48256
section, except as otherwise provided in this division, a 48257
mandatory jail term of twenty consecutive days. The court shall 48258
impose the twenty-day mandatory jail term under this division 48259
unless, subject to division (G)(3) of this section, it instead 48260
imposes a sentence under that division consisting of both a jail 48261

term and a term of house arrest with electronic monitoring, with 48262
continuous alcohol monitoring, or with both electronic monitoring 48263
and continuous alcohol monitoring. The court may impose a jail 48264
term in addition to the twenty-day mandatory jail term. The 48265
cumulative jail term imposed for the offense shall not exceed six 48266
months. 48267

In addition to the jail term or the term of house arrest with 48268
electronic monitoring or continuous alcohol monitoring or both 48269
types of monitoring and jail term, the court shall require the 48270
offender to be assessed by a community addiction service provider 48271
that is authorized by section 5119.21 of the Revised Code, subject 48272
to division (I) of this section, and shall order the offender to 48273
follow the treatment recommendations of the services provider. The 48274
purpose of the assessment is to determine the degree of the 48275
offender's alcohol usage and to determine whether or not treatment 48276
is warranted. Upon the request of the court, the services provider 48277
shall submit the results of the assessment to the court, including 48278
all treatment recommendations and clinical diagnoses related to 48279
alcohol use. 48280

(iii) In all cases, notwithstanding the fines set forth in 48281
Chapter 2929. of the Revised Code, a fine of not less than five 48282
hundred twenty-five and not more than one thousand six hundred 48283
twenty-five dollars; 48284

(iv) In all cases, a class four license suspension of the 48285
offender's driver's license, commercial driver's license, 48286
temporary instruction permit, probationary license, or nonresident 48287
operating privilege from the range specified in division (A)(4) of 48288
section 4510.02 of the Revised Code. The court may grant limited 48289
driving privileges relative to the suspension under sections 48290
4510.021 and 4510.13 of the Revised Code. 48291

(v) In all cases, if the vehicle is registered in the 48292
offender's name, immobilization of the vehicle involved in the 48293

offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose

a jail term in addition to the sixty-day mandatory jail term. 48326
Notwithstanding the jail terms set forth in sections 2929.21 to 48327
2929.28 of the Revised Code, the additional jail term shall not 48328
exceed one year, and the cumulative jail term imposed for the 48329
offense shall not exceed one year. 48330

(iii) In all cases, notwithstanding the fines set forth in 48331
Chapter 2929. of the Revised Code, a fine of not less than eight 48332
hundred fifty and not more than two thousand seven hundred fifty 48333
dollars; 48334

(iv) In all cases, a class three license suspension of the 48335
offender's driver's license, commercial driver's license, 48336
temporary instruction permit, probationary license, or nonresident 48337
operating privilege from the range specified in division (A)(3) of 48338
section 4510.02 of the Revised Code. The court may grant limited 48339
driving privileges relative to the suspension under sections 48340
4510.021 and 4510.13 of the Revised Code. 48341

(v) In all cases, if the vehicle is registered in the 48342
offender's name, criminal forfeiture of the vehicle involved in 48343
the offense in accordance with section 4503.234 of the Revised 48344
Code. Division (G)(6) of this section applies regarding any 48345
vehicle that is subject to an order of criminal forfeiture under 48346
this division. 48347

(vi) In all cases, the court shall order the offender to 48348
participate with a community addiction services provider 48349
authorized by section 5119.21 of the Revised Code, subject to 48350
division (I) of this section, and shall order the offender to 48351
follow the treatment recommendations of the services provider. The 48352
operator of the services provider shall determine and assess the 48353
degree of the offender's alcohol dependency and shall make 48354
recommendations for treatment. Upon the request of the court, the 48355
services provider shall submit the results of the assessment to 48356
the court, including all treatment recommendations and clinical 48357

diagnoses related to alcohol use. 48358

(d) Except as otherwise provided in division (G)(1)(e) of 48359
this section, an offender who, within six years of the offense, 48360
previously has been convicted of or pleaded guilty to three or 48361
four violations of division (A) or (B) of this section or other 48362
equivalent offenses or an offender who, within twenty years of the 48363
offense, previously has been convicted of or pleaded guilty to 48364
five or more violations of that nature is guilty of a felony of 48365
the fourth degree. The court shall sentence the offender to all of 48366
the following: 48367

(i) If the sentence is being imposed for a violation of 48368
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48369
mandatory prison term of one, two, three, four, or five years as 48370
required by and in accordance with division (G)(2) of section 48371
2929.13 of the Revised Code if the offender also is convicted of 48372
or also pleads guilty to a specification of the type described in 48373
section 2941.1413 of the Revised Code or, in the discretion of the 48374
court, either a mandatory term of local incarceration of sixty 48375
consecutive days in accordance with division (G)(1) of section 48376
2929.13 of the Revised Code or a mandatory prison term of sixty 48377
consecutive days in accordance with division (G)(2) of that 48378
section if the offender is not convicted of and does not plead 48379
guilty to a specification of that type. If the court imposes a 48380
mandatory term of local incarceration, it may impose a jail term 48381
in addition to the sixty-day mandatory term, the cumulative total 48382
of the mandatory term and the jail term for the offense shall not 48383
exceed one year, and, except as provided in division (A)(1) of 48384
section 2929.13 of the Revised Code, no prison term is authorized 48385
for the offense. If the court imposes a mandatory prison term, 48386
notwithstanding division (A)(4) of section 2929.14 of the Revised 48387
Code, it also may sentence the offender to a definite prison term 48388
that shall be not less than six months and not more than thirty 48389

months and the prison terms shall be imposed as described in 48390
division (G)(2) of section 2929.13 of the Revised Code. If the 48391
court imposes a mandatory prison term or mandatory prison term and 48392
additional prison term, in addition to the term or terms so 48393
imposed, the court also may sentence the offender to a community 48394
control sanction for the offense, but the offender shall serve all 48395
of the prison terms so imposed prior to serving the community 48396
control sanction. 48397

(ii) If the sentence is being imposed for a violation of 48398
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48399
section, a mandatory prison term of one, two, three, four, or five 48400
years as required by and in accordance with division (G)(2) of 48401
section 2929.13 of the Revised Code if the offender also is 48402
convicted of or also pleads guilty to a specification of the type 48403
described in section 2941.1413 of the Revised Code or, in the 48404
discretion of the court, either a mandatory term of local 48405
incarceration of one hundred twenty consecutive days in accordance 48406
with division (G)(1) of section 2929.13 of the Revised Code or a 48407
mandatory prison term of one hundred twenty consecutive days in 48408
accordance with division (G)(2) of that section if the offender is 48409
not convicted of and does not plead guilty to a specification of 48410
that type. If the court imposes a mandatory term of local 48411
incarceration, it may impose a jail term in addition to the one 48412
hundred twenty-day mandatory term, the cumulative total of the 48413
mandatory term and the jail term for the offense shall not exceed 48414
one year, and, except as provided in division (A)(1) of section 48415
2929.13 of the Revised Code, no prison term is authorized for the 48416
offense. If the court imposes a mandatory prison term, 48417
notwithstanding division (A)(4) of section 2929.14 of the Revised 48418
Code, it also may sentence the offender to a definite prison term 48419
that shall be not less than six months and not more than thirty 48420
months and the prison terms shall be imposed as described in 48421
division (G)(2) of section 2929.13 of the Revised Code. If the 48422

court imposes a mandatory prison term or mandatory prison term and 48423
additional prison term, in addition to the term or terms so 48424
imposed, the court also may sentence the offender to a community 48425
control sanction for the offense, but the offender shall serve all 48426
of the prison terms so imposed prior to serving the community 48427
control sanction. 48428

(iii) In all cases, notwithstanding section 2929.18 of the 48429
Revised Code, a fine of not less than one thousand three hundred 48430
fifty nor more than ten thousand five hundred dollars; 48431

(iv) In all cases, a class two license suspension of the 48432
offender's driver's license, commercial driver's license, 48433
temporary instruction permit, probationary license, or nonresident 48434
operating privilege from the range specified in division (A)(2) of 48435
section 4510.02 of the Revised Code. The court may grant limited 48436
driving privileges relative to the suspension under sections 48437
4510.021 and 4510.13 of the Revised Code. 48438

(v) In all cases, if the vehicle is registered in the 48439
offender's name, criminal forfeiture of the vehicle involved in 48440
the offense in accordance with section 4503.234 of the Revised 48441
Code. Division (G)(6) of this section applies regarding any 48442
vehicle that is subject to an order of criminal forfeiture under 48443
this division. 48444

(vi) In all cases, the court shall order the offender to 48445
participate with a community addiction services provider 48446
authorized by section 5119.21 of the Revised Code, subject to 48447
division (I) of this section, and shall order the offender to 48448
follow the treatment recommendations of the services provider. The 48449
operator of the services provider shall determine and assess the 48450
degree of the offender's alcohol dependency and shall make 48451
recommendations for treatment. Upon the request of the court, the 48452
services provider shall submit the results of the assessment to 48453
the court, including all treatment recommendations and clinical 48454

diagnoses related to alcohol use. 48455

(vii) In all cases, if the court sentences the offender to a 48456
mandatory term of local incarceration, in addition to the 48457
mandatory term, the court, pursuant to section 2929.17 of the 48458
Revised Code, may impose a term of house arrest with electronic 48459
monitoring. The term shall not commence until after the offender 48460
has served the mandatory term of local incarceration. 48461

(e) An offender who previously has been convicted of or 48462
pleaded guilty to a violation of division (A) of this section that 48463
was a felony, regardless of when the violation and the conviction 48464
or guilty plea occurred, is guilty of a felony of the third 48465
degree. The court shall sentence the offender to all of the 48466
following: 48467

(i) If the offender is being sentenced for a violation of 48468
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 48469
mandatory prison term of one, two, three, four, or five years as 48470
required by and in accordance with division (G)(2) of section 48471
2929.13 of the Revised Code if the offender also is convicted of 48472
or also pleads guilty to a specification of the type described in 48473
section 2941.1413 of the Revised Code or a mandatory prison term 48474
of sixty consecutive days in accordance with division (G)(2) of 48475
section 2929.13 of the Revised Code if the offender is not 48476
convicted of and does not plead guilty to a specification of that 48477
type. The court may impose a prison term in addition to the 48478
mandatory prison term. The cumulative total of a sixty-day 48479
mandatory prison term and the additional prison term for the 48480
offense shall not exceed five years. In addition to the mandatory 48481
prison term or mandatory prison term and additional prison term 48482
the court imposes, the court also may sentence the offender to a 48483
community control sanction for the offense, but the offender shall 48484
serve all of the prison terms so imposed prior to serving the 48485
community control sanction. 48486

(ii) If the sentence is being imposed for a violation of 48487
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 48488
section, a mandatory prison term of one, two, three, four, or five 48489
years as required by and in accordance with division (G)(2) of 48490
section 2929.13 of the Revised Code if the offender also is 48491
convicted of or also pleads guilty to a specification of the type 48492
described in section 2941.1413 of the Revised Code or a mandatory 48493
prison term of one hundred twenty consecutive days in accordance 48494
with division (G)(2) of section 2929.13 of the Revised Code if the 48495
offender is not convicted of and does not plead guilty to a 48496
specification of that type. The court may impose a prison term in 48497
addition to the mandatory prison term. The cumulative total of a 48498
one hundred twenty-day mandatory prison term and the additional 48499
prison term for the offense shall not exceed five years. In 48500
addition to the mandatory prison term or mandatory prison term and 48501
additional prison term the court imposes, the court also may 48502
sentence the offender to a community control sanction for the 48503
offense, but the offender shall serve all of the prison terms so 48504
imposed prior to serving the community control sanction. 48505

(iii) In all cases, notwithstanding section 2929.18 of the 48506
Revised Code, a fine of not less than one thousand three hundred 48507
fifty nor more than ten thousand five hundred dollars; 48508

(iv) In all cases, a class two license suspension of the 48509
offender's driver's license, commercial driver's license, 48510
temporary instruction permit, probationary license, or nonresident 48511
operating privilege from the range specified in division (A)(2) of 48512
section 4510.02 of the Revised Code. The court may grant limited 48513
driving privileges relative to the suspension under sections 48514
4510.021 and 4510.13 of the Revised Code. 48515

(v) In all cases, if the vehicle is registered in the 48516
offender's name, criminal forfeiture of the vehicle involved in 48517
the offense in accordance with section 4503.234 of the Revised 48518

Code. Division (G)(6) of this section applies regarding any 48519
vehicle that is subject to an order of criminal forfeiture under 48520
this division. 48521

(vi) In all cases, the court shall order the offender to 48522
participate with a community addiction services provider 48523
authorized by section 5119.21 of the Revised Code, subject to 48524
division (I) of this section, and shall order the offender to 48525
follow the treatment recommendations of the services provider. The 48526
operator of the services provider shall determine and assess the 48527
degree of the offender's alcohol dependency and shall make 48528
recommendations for treatment. Upon the request of the court, the 48529
services provider shall submit the results of the assessment to 48530
the court, including all treatment recommendations and clinical 48531
diagnoses related to alcohol use. 48532

(2) An offender who is convicted of or pleads guilty to a 48533
violation of division (A) of this section and who subsequently 48534
seeks reinstatement of the driver's or occupational driver's 48535
license or permit or nonresident operating privilege suspended 48536
under this section as a result of the conviction or guilty plea 48537
shall pay a reinstatement fee as provided in division (F)(2) of 48538
section 4511.191 of the Revised Code. 48539

(3) If an offender is sentenced to a jail term under division 48540
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 48541
if, within sixty days of sentencing of the offender, the court 48542
issues a written finding on the record that, due to the 48543
unavailability of space at the jail where the offender is required 48544
to serve the term, the offender will not be able to begin serving 48545
that term within the sixty-day period following the date of 48546
sentencing, the court may impose an alternative sentence under 48547
this division that includes a term of house arrest with electronic 48548
monitoring, with continuous alcohol monitoring, or with both 48549
electronic monitoring and continuous alcohol monitoring. 48550

As an alternative to a mandatory jail term of ten consecutive 48551
days required by division (G)(1)(b)(i) of this section, the court, 48552
under this division, may sentence the offender to five consecutive 48553
days in jail and not less than eighteen consecutive days of house 48554
arrest with electronic monitoring, with continuous alcohol 48555
monitoring, or with both electronic monitoring and continuous 48556
alcohol monitoring. The cumulative total of the five consecutive 48557
days in jail and the period of house arrest with electronic 48558
monitoring, continuous alcohol monitoring, or both types of 48559
monitoring shall not exceed six months. The five consecutive days 48560
in jail do not have to be served prior to or consecutively to the 48561
period of house arrest. 48562

As an alternative to the mandatory jail term of twenty 48563
consecutive days required by division (G)(1)(b)(ii) of this 48564
section, the court, under this division, may sentence the offender 48565
to ten consecutive days in jail and not less than thirty-six 48566
consecutive days of house arrest with electronic monitoring, with 48567
continuous alcohol monitoring, or with both electronic monitoring 48568
and continuous alcohol monitoring. The cumulative total of the ten 48569
consecutive days in jail and the period of house arrest with 48570
electronic monitoring, continuous alcohol monitoring, or both 48571
types of monitoring shall not exceed six months. The ten 48572
consecutive days in jail do not have to be served prior to or 48573
consecutively to the period of house arrest. 48574

As an alternative to a mandatory jail term of thirty 48575
consecutive days required by division (G)(1)(c)(i) of this 48576
section, the court, under this division, may sentence the offender 48577
to fifteen consecutive days in jail and not less than fifty-five 48578
consecutive days of house arrest with electronic monitoring, with 48579
continuous alcohol monitoring, or with both electronic monitoring 48580
and continuous alcohol monitoring. The cumulative total of the 48581
fifteen consecutive days in jail and the period of house arrest 48582

with electronic monitoring, continuous alcohol monitoring, or both 48583
types of monitoring shall not exceed one year. The fifteen 48584
consecutive days in jail do not have to be served prior to or 48585
consecutively to the period of house arrest. 48586

As an alternative to the mandatory jail term of sixty 48587
consecutive days required by division (G)(1)(c)(ii) of this 48588
section, the court, under this division, may sentence the offender 48589
to thirty consecutive days in jail and not less than one hundred 48590
ten consecutive days of house arrest with electronic monitoring, 48591
with continuous alcohol monitoring, or with both electronic 48592
monitoring and continuous alcohol monitoring. The cumulative total 48593
of the thirty consecutive days in jail and the period of house 48594
arrest with electronic monitoring, continuous alcohol monitoring, 48595
or both types of monitoring shall not exceed one year. The thirty 48596
consecutive days in jail do not have to be served prior to or 48597
consecutively to the period of house arrest. 48598

(4) If an offender's driver's or occupational driver's 48599
license or permit or nonresident operating privilege is suspended 48600
under division (G) of this section and if section 4510.13 of the 48601
Revised Code permits the court to grant limited driving 48602
privileges, the court may grant the limited driving privileges in 48603
accordance with that section. If division (A)(7) of that section 48604
requires that the court impose as a condition of the privileges 48605
that the offender must display on the vehicle that is driven 48606
subject to the privileges restricted license plates that are 48607
issued under section 4503.231 of the Revised Code, except as 48608
provided in division (B) of that section, the court shall impose 48609
that condition as one of the conditions of the limited driving 48610
privileges granted to the offender, except as provided in division 48611
(B) of section 4503.231 of the Revised Code. 48612

(5) Fines imposed under this section for a violation of 48613
division (A) of this section shall be distributed as follows: 48614

(a) Twenty-five dollars of the fine imposed under division 48615
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 48616
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 48617
fine imposed under division (G)(1)(c)(iii), and two hundred ten 48618
dollars of the fine imposed under division (G)(1)(d)(iii) or 48619
(e)(iii) of this section shall be paid to an enforcement and 48620
education fund established by the legislative authority of the law 48621
enforcement agency in this state that primarily was responsible 48622
for the arrest of the offender, as determined by the court that 48623
imposes the fine. The agency shall use this share to pay only 48624
those costs it incurs in enforcing this section or a municipal OVI 48625
ordinance and in informing the public of the laws governing the 48626
operation of a vehicle while under the influence of alcohol, the 48627
dangers of the operation of a vehicle under the influence of 48628
alcohol, and other information relating to the operation of a 48629
vehicle under the influence of alcohol and the consumption of 48630
alcoholic beverages. 48631

(b) Fifty dollars of the fine imposed under division 48632
(G)(1)(a)(iii) of this section shall be paid to the political 48633
subdivision that pays the cost of housing the offender during the 48634
offender's term of incarceration. If the offender is being 48635
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 48636
(e), or (j) of this section and was confined as a result of the 48637
offense prior to being sentenced for the offense but is not 48638
sentenced to a term of incarceration, the fifty dollars shall be 48639
paid to the political subdivision that paid the cost of housing 48640
the offender during that period of confinement. The political 48641
subdivision shall use the share under this division to pay or 48642
reimburse incarceration or treatment costs it incurs in housing or 48643
providing drug and alcohol treatment to persons who violate this 48644
section or a municipal OVI ordinance, costs of any immobilizing or 48645
disabling device used on the offender's vehicle, and costs of 48646
electronic house arrest equipment needed for persons who violate 48647

this section. 48648

(c) Twenty-five dollars of the fine imposed under division 48649
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 48650
division (G)(1)(b)(iii) of this section shall be deposited into 48651
the county or municipal indigent drivers' alcohol treatment fund 48652
under the control of that court, as created by the county or 48653
municipal corporation under division (F) of section 4511.191 of 48654
the Revised Code. 48655

(d) One hundred fifteen dollars of the fine imposed under 48656
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 48657
fine imposed under division (G)(1)(c)(iii), and four hundred forty 48658
dollars of the fine imposed under division (G)(1)(d)(iii) or 48659
(e)(iii) of this section shall be paid to the political 48660
subdivision that pays the cost of housing the offender during the 48661
offender's term of incarceration. The political subdivision shall 48662
use this share to pay or reimburse incarceration or treatment 48663
costs it incurs in housing or providing drug and alcohol treatment 48664
to persons who violate this section or a municipal OVI ordinance, 48665
costs for any immobilizing or disabling device used on the 48666
offender's vehicle, and costs of electronic house arrest equipment 48667
needed for persons who violate this section. 48668

(e) Fifty dollars of the fine imposed under divisions 48669
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 48670
and (G)(1)(e)(iii) of this section shall be deposited into the 48671
special projects fund of the court in which the offender was 48672
convicted and that is established under division (E)(1) of section 48673
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 48674
of section 1907.24 of the Revised Code, to be used exclusively to 48675
cover the cost of immobilizing or disabling devices, including 48676
certified ignition interlock devices, and remote alcohol 48677
monitoring devices for indigent offenders who are required by a 48678
judge to use either of these devices. If the court in which the 48679

offender was convicted does not have a special projects fund that 48680
is established under division (E)(1) of section 2303.201, division 48681
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 48682
of the Revised Code, the fifty dollars shall be deposited into the 48683
indigent drivers interlock and alcohol monitoring fund under 48684
division (I) of section 4511.191 of the Revised Code. 48685

(f) Seventy-five dollars of the fine imposed under division 48686
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 48687
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 48688
of the fine imposed under division (G)(1)(c)(iii), and five 48689
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 48690
or (e)(iii) of this section shall be transmitted to the treasurer 48691
of state for deposit into the indigent defense support fund 48692
established under section 120.08 of the Revised Code. 48693

(g) The balance of the fine imposed under division 48694
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 48695
section shall be disbursed as otherwise provided by law. 48696

(6) If title to a motor vehicle that is subject to an order 48697
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 48698
this section is assigned or transferred and division (B)(2) or (3) 48699
of section 4503.234 of the Revised Code applies, in addition to or 48700
independent of any other penalty established by law, the court may 48701
fine the offender the value of the vehicle as determined by 48702
publications of the national automobile dealers association. The 48703
proceeds of any fine so imposed shall be distributed in accordance 48704
with division (C)(2) of that section. 48705

(7) In all cases in which an offender is sentenced under 48706
division (G) of this section, the offender shall provide the court 48707
with proof of financial responsibility as defined in section 48708
4509.01 of the Revised Code. If the offender fails to provide that 48709
proof of financial responsibility, the court, in addition to any 48710
other penalties provided by law, may order restitution pursuant to 48711

section 2929.18 or 2929.28 of the Revised Code in an amount not 48712
exceeding five thousand dollars for any economic loss arising from 48713
an accident or collision that was the direct and proximate result 48714
of the offender's operation of the vehicle before, during, or 48715
after committing the offense for which the offender is sentenced 48716
under division (G) of this section. 48717

(8) As used in division (G) of this section, "electronic 48718
monitoring," "mandatory prison term," and "mandatory term of local 48719
incarceration" have the same meanings as in section 2929.01 of the 48720
Revised Code. 48721

(H) Whoever violates division (B) of this section is guilty 48722
of operating a vehicle after underage alcohol consumption and 48723
shall be punished as follows: 48724

(1) Except as otherwise provided in division (H)(2) of this 48725
section, the offender is guilty of a misdemeanor of the fourth 48726
degree. In addition to any other sanction imposed for the offense, 48727
the court shall impose a class six suspension of the offender's 48728
driver's license, commercial driver's license, temporary 48729
instruction permit, probationary license, or nonresident operating 48730
privilege from the range specified in division (A)(6) of section 48731
4510.02 of the Revised Code. 48732

(2) If, within one year of the offense, the offender 48733
previously has been convicted of or pleaded guilty to one or more 48734
violations of division (A) or (B) of this section or other 48735
equivalent offenses, the offender is guilty of a misdemeanor of 48736
the third degree. In addition to any other sanction imposed for 48737
the offense, the court shall impose a class four suspension of the 48738
offender's driver's license, commercial driver's license, 48739
temporary instruction permit, probationary license, or nonresident 48740
operating privilege from the range specified in division (A)(4) of 48741
section 4510.02 of the Revised Code. 48742

(3) If the offender also is convicted of or also pleads 48743
guilty to a specification of the type described in section 48744
2941.1416 of the Revised Code and if the court imposes a jail term 48745
for the violation of division (B) of this section, the court shall 48746
impose upon the offender an additional definite jail term pursuant 48747
to division (E) of section 2929.24 of the Revised Code. 48748

(4) The offender shall provide the court with proof of 48749
financial responsibility as defined in section 4509.01 of the 48750
Revised Code. If the offender fails to provide that proof of 48751
financial responsibility, then, in addition to any other penalties 48752
provided by law, the court may order restitution pursuant to 48753
section 2929.28 of the Revised Code in an amount not exceeding 48754
five thousand dollars for any economic loss arising from an 48755
accident or collision that was the direct and proximate result of 48756
the offender's operation of the vehicle before, during, or after 48757
committing the violation of division (B) of this section. 48758

(I)(1) No court shall sentence an offender to an alcohol 48759
treatment program under this section unless the treatment program 48760
complies with the minimum standards for alcohol treatment programs 48761
adopted under Chapter 5119. of the Revised Code by the director of 48762
mental health and addiction services. 48763

(2) An offender who stays in a drivers' intervention program 48764
or in an alcohol treatment program under an order issued under 48765
this section shall pay the cost of the stay in the program. 48766
However, if the court determines that an offender who stays in an 48767
alcohol treatment program under an order issued under this section 48768
is unable to pay the cost of the stay in the program, the court 48769
may order that the cost be paid from the court's indigent drivers' 48770
alcohol treatment fund. 48771

(J) If a person whose driver's or commercial driver's license 48772
or permit or nonresident operating privilege is suspended under 48773
this section files an appeal regarding any aspect of the person's 48774

trial or sentence, the appeal itself does not stay the operation 48775
of the suspension. 48776

(K) Division (A)(1)(j) of this section does not apply to a 48777
person who operates a vehicle, streetcar, or trackless trolley 48778
while the person has a concentration of a listed controlled 48779
substance or a listed metabolite of a controlled substance in the 48780
person's whole blood, blood serum or plasma, or urine that equals 48781
or exceeds the amount specified in that division, if both of the 48782
following apply: 48783

(1) The person obtained the controlled substance pursuant to 48784
a prescription issued by a licensed health professional authorized 48785
to prescribe drugs. 48786

(2) The person injected, ingested, or inhaled the controlled 48787
substance in accordance with the health professional's directions. 48788

(L) The prohibited concentrations of a controlled substance 48789
or a metabolite of a controlled substance listed in division 48790
(A)(1)(j) of this section also apply in a prosecution of a 48791
violation of division (D) of section 2923.16 of the Revised Code 48792
in the same manner as if the offender is being prosecuted for a 48793
prohibited concentration of alcohol. 48794

(M) All terms defined in section 4510.01 of the Revised Code 48795
apply to this section. If the meaning of a term defined in section 48796
4510.01 of the Revised Code conflicts with the meaning of the same 48797
term as defined in section 4501.01 or 4511.01 of the Revised Code, 48798
the term as defined in section 4510.01 of the Revised Code applies 48799
to this section. 48800

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 48801
as adopted by the supreme court under authority of section 2937.46 48802
of the Revised Code, do not apply to felony violations of this 48803
section. Subject to division (N)(2) of this section, the Rules of 48804
Criminal Procedure apply to felony violations of this section. 48805

(2) If, on or after January 1, 2004, the supreme court 48806
modifies the Ohio Traffic Rules to provide procedures to govern 48807
felony violations of this section, the modified rules shall apply 48808
to felony violations of this section. 48809

Sec. 4561.01. As used in ~~sections 4561.01 to 4561.25 of the~~ 48810
~~Revised Code~~ this chapter: 48811

(A) "Aviation" means transportation by aircraft; operation of 48812
aircraft; the establishment, operation, maintenance, repair, and 48813
improvement of airports, landing fields, and other air navigation 48814
facilities; and all other activities connected therewith or 48815
incidental thereto. 48816

(B) "Aircraft" means any contrivance used or designed for 48817
navigation or flight in the air, excepting a parachute or other 48818
contrivance for such navigation used primarily as safety 48819
equipment. 48820

(C) "Airport" means any location either on land or water 48821
which is used for the landing and taking off of aircraft. 48822

(D) "Landing field" means any location either on land or 48823
water of such size and nature as to permit the landing or taking 48824
off of aircraft with safety, and used for that purpose but not 48825
equipped to provide for the shelter, supply, or care of aircraft. 48826

(E) "Air navigation facility" means any facility used, 48827
available for use, or designed for use in aid of navigation of 48828
aircraft, including airports, landing fields, facilities for the 48829
servicing of aircraft or for the comfort and accommodation of air 48830
travelers, and any structures, mechanisms, lights, beacons, marks, 48831
communicating systems, or other instrumentalities or devices used 48832
or useful as an aid to the safe taking off, navigation, and 48833
landing of aircraft, or to the safe and efficient operation or 48834
maintenance of an airport or landing field, and any combination of 48835

such facilities. 48836

(F) "Air navigation hazard" means any structure, object of 48837
natural growth, or use of land, that obstructs the air space 48838
required for the flight of aircraft in landing or taking off at 48839
any airport or landing field, or that otherwise is hazardous to 48840
such landing or taking off. 48841

(G) "Air navigation," "navigation of aircraft," or "navigate 48842
aircraft" means the operation of aircraft in the air space over 48843
this state. 48844

(H) "Airperson" means any individual who, as the person in 48845
command, or as pilot, mechanic, or member of the crew, engages in 48846
the navigation of aircraft. 48847

(I) "Airway" means a route in the air space over and above 48848
the lands or waters of this state, designated by the Ohio aviation 48849
board as a route suitable for the navigation of aircraft. 48850

(J) "Person" means any individual, firm, partnership, 48851
corporation, company, association, joint stock association, or 48852
body politic, and includes any trustee, receiver, assignee, or 48853
other similar representative thereof. 48854

(K) "Government agency" means a state agency, state 48855
institution of higher education, regional port authority, or any 48856
other political subdivision of the state, or the federal 48857
government or other states. 48858

(L) "Navigable airspace" means the imaginary surfaces around 48859
an airport as specified in 14 C.F.R. part 77, as amended, 48860
including any clear zone surface, horizontal surface, conical 48861
surface, primary surface, approach surface, and transitional 48862
surface, as well as any terminal obstacle clearance area and en 48863
route obstacle clearance area. 48864

(M) "Obstruction" means any structure, natural or 48865

artificially made, permanent or temporary, existing or future, 48866
that penetrates the navigable airspace. 48867

(N) "Structure" means any object, whether permanent or 48868
temporary, including, but not limited to, a building, tower, 48869
crane, scaffold, smokestack, earth formation, transmission line, 48870
flagpole, ship mast, traverse way, and mobile object. 48871

(O) "Commence to install, erect, construct, or establish" 48872
means undertaking any action that affects the natural environment 48873
of the site of a structure or object of natural growth, including, 48874
but not limited to, clearing of land, excavation, or planting, but 48875
excluding surveying changes needed for temporary use of the site 48876
and excluding uses in securing geological data, including making 48877
necessary borings to ascertain foundation conditions. 48878

Sec. 4561.021. There is hereby created in ~~the division of~~ 48879
~~multi-modal planning and programs~~ of the department of 48880
transportation the office of aviation. The director of 48881
transportation shall appoint the administrator of the office of 48882
aviation, ~~who shall serve at the pleasure of the director.~~ The 48883
administrator of the office of aviation shall be responsible to 48884
the director for the organization, direction, and supervision of 48885
the work of the office and the exercise of the powers and the 48886
performance of the duties assigned to the office. Subject to 48887
Chapter 124. of the Revised Code and civil service regulations, 48888
the administrator, with the approval of the director, shall select 48889
and appoint the necessary employees. The director also may employ 48890
experts for assistance in any specific matter at a reasonable rate 48891
of compensation. 48892

Sec. 4561.05. The department of transportation shall 48893
administer Chapter 4561. of the Revised Code. The department may 48894
adopt and promulgate such rules as it determines necessary to 48895

carry out this chapter. 48896

The department may issue and amend orders, and make, 48897
promulgate, and amend, reasonable general and special rules and 48898
procedure, ~~and~~ establish minimum standards, and create application 48899
forms and establish application fees for permits issued under this 48900
chapter. 48901

The department may establish safety rules governing 48902
obstructions, air navigation hazards, and the location, size, use, 48903
and equipment of airports and landing areas, and rules governing 48904
air marking, the use of signs or lights designed to be visible 48905
from the air, and other air navigation facilities. 48906

All rules and amendments thereto, prescribed by the 48907
department, shall conform to and coincide with, so far as 48908
possible, ~~the "Civil Aeronautics Act of 1938," 52 Stat. 973, 49~~ 48909
~~U.S.C. 401, as amended, passed by the congress of the United~~ 48910
~~States, and the air commerce regulations issued pursuant thereto~~ 48911
any federal laws and regulations governing aviation and air 48912
navigation, including 49 U.S.C. 401 to 501 and 14 C.F.R. part 77, 48913
as amended. 48914

All acts of the department authorized under this section 48915
shall be carried on in conformity with Chapter 119. of the Revised 48916
Code. 48917

Sec. 4561.31. (A)(1) Except as provided in divisions (D), and 48918
(E), ~~and (F)~~ of this section, no person shall install, erect, 48919
construct, establish, or commence to install, erect, construct, or 48920
establish, any structure or object of natural growth in this 48921
state, any part of which will penetrate or is reasonably expected 48922
to penetrate into or through any airport's ~~clear zone surface,~~ 48923
~~horizontal surface, conical surface, primary surface, approach~~ 48924
~~surface, or transitional surface~~ navigable airspace without first 48925
obtaining a permit from the department of transportation under 48926

section 4561.34 of the Revised Code. ~~The replacement of an~~ 48927
~~existing structure or object of natural growth with, respectively,~~ 48928
~~a structure or object that is not more than ten feet or twenty per~~ 48929
~~cent higher than the height of the existing structure or object,~~ 48930
~~whichever is higher, does not constitute commencing to install a~~ 48931
~~structure or object, except when any part of the structure or~~ 48932
~~object will penetrate or is reasonably expected to penetrate into~~ 48933
~~or through any airport's clear zone surface, horizontal surface,~~ 48934
~~conical surface, primary surface, approach surface, or~~ 48935
~~transitional surface. Such replacement of a like structure or~~ 48936
~~object is not exempt from any other requirements of state or local~~ 48937
~~law.~~ 48938

(2) No person shall substantially change, as determined by 48939
the department, the height or location of any structure or object 48940
of natural growth in this state, any part of which, as a result of 48941
such change, will penetrate or is reasonably expected to penetrate 48942
into or through any airport's ~~clear zone surface, horizontal~~ 48943
~~surface, conical surface, primary surface, approach surface, or~~ 48944
~~transitional surface~~ navigable airspace, and for which 48945
installation had commenced or which was already installed prior to 48946
October 15, 1991, without first obtaining a permit from the 48947
department under section 4561.34 of the Revised Code. This 48948
division does not exempt the structure or object from any other 48949
requirements of state or local law. 48950

(3) No person shall substantially change, as determined by 48951
the department, the height or location of any structure or object 48952
of natural growth for which a permit was issued pursuant to 48953
section 4561.34 of the Revised Code, without first obtaining an 48954
amended permit from the department under that section. 48955

(B) No person shall install, erect, construct, establish, 48956
operate, or maintain any structure or object of natural growth for 48957

which a permit has been issued under section 4561.34 of the 48958
Revised Code, except in compliance with the permit's terms and 48959
conditions and with any rules or orders issued under ~~sections~~ 48960
~~4561.30 to 4561.39 of the Revised Code~~ this chapter. 48961

(C) The holder of a permit issued under section 4561.34 of 48962
the Revised Code, with the department's approval, may transfer the 48963
permit to another person who agrees to comply with its terms and 48964
conditions. 48965

~~(D) Any person who receives a permit to construct, establish,~~ 48966
~~substantially change, or substantially alter a structure or object~~ 48967
~~of natural growth from an airport zoning board on or after October~~ 48968
~~15, 1991, under Chapter 4563. of the Revised Code is not required~~ 48969
~~to apply for a permit from the department under sections 4561.30~~ 48970
~~to 4561.39 of the Revised Code, provided that the airport zoning~~ 48971
~~board has adopted airport zoning regulations pursuant to section~~ 48972
~~4563.032 of the Revised Code.~~ 48973

~~(E)~~ Any person who receives a certificate from the power 48974
siting board pursuant to section 4906.03 or 4906.10 of the Revised 48975
Code on or after October 15, 1991, is not required to apply for a 48976
permit from the department under ~~sections 4561.30 to 4561.39 of~~ 48977
~~the Revised Code~~ this chapter. 48978

~~(F)~~~~(E)~~ Any person who, in accordance with 14 C.F.R. ~~77.11 to~~ 48979
~~77.19 part 77,~~ notified the federal aviation administration prior 48980
to June 1, 1991, that the person proposes to construct, establish, 48981
substantially change, or substantially alter a structure or object 48982
of natural growth is not required to apply for a permit from the 48983
department under ~~sections 4561.30 to 4561.39 of the Revised Code~~ 48984
this chapter in connection with the construction, establishment, 48985
substantial change, or substantial alteration of the structure or 48986
object of natural growth either as originally proposed to the 48987
federal aviation administration or as altered as the person or the 48988
federal aviation administration considers necessary, provided that 48989

the federal aviation administration, pursuant to 14 C.F.R. ~~Part~~ 48990
part 77, does not determine that the proposed construction, 48991
establishment, substantial change, or substantial alteration of 48992
the structure or object of natural growth would be a hazard to air 48993
navigation. 48994

~~(G)(1) Whoever violates division (A)(1) or (2) of this~~ 48995
~~section is guilty of a misdemeanor of the third degree. Each day~~ 48996
~~of violation constitutes a separate offense.~~ 48997

~~(2)(F)~~ Whoever violates division (A)~~(3)~~ or (B) of this 48998
section is guilty of a misdemeanor of the first degree. Each day 48999
of violation constitutes a separate offense. 49000

Sec. 4561.32. (A) In accordance with Chapter 119. of the 49001
Revised Code, the department of transportation shall adopt, and 49002
may amend and rescind, any rules necessary to administer sections 49003
4561.30 to 4561.39 of the Revised Code and shall adopt rules based 49004
in whole upon the obstruction standards set forth in 14 C.F.R. 49005
~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate the 49006
height and location of structures and objects of natural growth in 49007
any airport's ~~clear zone surface, horizontal surface, conical~~ 49008
~~surface, primary surface, approach surface, or transitional~~ 49009
~~surface~~ navigable airspace. The rules shall provide that the 49010
department may grant a permit under section 4561.34 of the Revised 49011
Code that includes a waiver from full compliance with the 49012
obstruction standards. ~~The rules shall also provide that the~~ 49013
~~department shall base its decision on whether to grant such a~~ 49014
~~waiver on sound aeronautic principles, as set out in F.A.A.~~ 49015
~~technical manuals, as amended, including advisory circular~~ 49016
~~150/5300-13, "airport design standards"; 7400.2c, "airspace~~ 49017
~~procedures handbook,"; and the U.S. terminal procedures handbook.~~ 49018

(B) The department may conduct any studies or investigations 49019
it considers necessary to carry out sections ~~4561.30~~ 4561.31 to 49020

~~4561.39~~ 4561.99 of the Revised Code. 49021

Sec. 4561.33. (A) An applicant for a permit required by 49022
section 4561.31 of the Revised Code shall ~~file with the department~~ 49023
~~of transportation an application made on forms the department~~ 49024
~~prescribes, which shall contain the following information:~~ 49025

~~(1) A description of the structure or object of natural~~ 49026
~~growth for which the permit is sought, its location, and the~~ 49027
~~planned date of commencement of installation;~~ 49028

~~(2) A statement explaining the need for the structure or~~ 49029
~~object;~~ 49030

~~(3) A statement of the reasons why the proposed location is~~ 49031
~~best suited for the structure or object;~~ 49032

~~(4) Any additional information the applicant considers~~ 49033
~~relevant or the department requires.~~ 49034

~~An application for an amended permit shall be in the form and~~ 49035
~~contain the information the department prescribes.~~ 49036

~~In lieu of an application prescribed by the department, an~~ 49037
~~applicant may file a copy of the federal aviation administration's~~ 49038
~~form 7460-1, notice of proposed construction or alteration do the~~ 49039
~~following not less than forty-five days nor more than two years~~ 49040
~~prior to the proposed installation, erection, construction,~~ 49041
~~establishment, change, alteration, or use:~~ 49042

~~(1) File a completed federal aviation administration "notice~~ 49043
~~of proposed construction or alteration" form 7460-1 with the~~ 49044
~~federal aviation administration;~~ 49045

~~(2) If the office of aviation requires the submission of an~~ 49046
~~application in addition to the submission of form 7460-1, file a~~ 49047
~~completed application with the office of aviation in the form and~~ 49048
~~containing the information required by the office of aviation.~~ 49049

The applicant also shall pay any applicable fees at the time 49050
the applicant submits the form, application, or both, as 49051
applicable. 49052

The time period within which an application must be submitted 49053
may be waived at the discretion of the administrator of the office 49054
of aviation for unforeseen emergencies. 49055

(B) An applicant for an amended permit shall file ~~an~~ a 49056
completed application with the office of aviation if the applicant 49057
has received notice of the denial of a permit from the office. The 49058
applicant shall submit the application in the form and containing 49059
the information required by the office of aviation not less than 49060
thirty days nor more than two years prior to the planned date of 49061
commencement of installation or substantial change. This period 49062
may be waived by the department for unforeseen emergencies. 49063

(C) If the structure or object in the application could have 49064
a potential impact on a military installation, as such an impact 49065
is described in the airfield land use compatibility study of that 49066
military installation, the applicant shall send, within seven days 49067
after the filing of ~~his~~ the application, a copy of the application 49068
to the commander of the installation and the appropriate branch of 49069
the United States department of defense. 49070

(D) It is not necessary that ownership of, option for, or 49071
other possessory right to a specific site be held by the applicant 49072
before an application may be filed under this section. 49073

(E) If the department has reason to believe that any person 49074
has installed, erected, constructed, established, changed, or 49075
altered, or is commencing to install, erect, construct, establish, 49076
change, or alter, a structure or object of natural growth for 49077
which a permit appears to be required under section 4561.31 of the 49078
Revised Code, but concerning which no application for a permit 49079
under section 4561.34 of the Revised Code has been filed, the 49080

department shall issue an order to such person to appear before 49081
the department and show cause why a permit need not be obtained. 49082

Sec. 4561.34. (A) The department of transportation, subject 49083
to Chapter 119. of the Revised Code, shall grant or deny a permit 49084
for which an application has been filed under section 4561.33 of 49085
the Revised Code. In determining whether to grant or deny a 49086
permit, the department shall determine whether the height and 49087
location of a structure or object of natural growth, as set forth 49088
in the permit application, will be an obstruction to air 49089
navigation based upon the rules adopted under section 4561.32 of 49090
the Revised Code if installed, erected, constructed, or 49091
established as proposed. In the case of an application to 49092
substantially change an existing structure or object, the 49093
department shall determine whether the change in the height or 49094
location of the structure or object, as set forth in the 49095
application, will create such an obstruction. The consideration of 49096
safety shall be paramount to considerations of economic or 49097
technical factors. In making a determination under this division 49098
the department shall render its decision upon the record, but may 49099
consider findings and recommendations of other governmental 49100
entities and interested persons concerning the proposed structure 49101
or object; however, those findings and recommendations are not 49102
binding on the department. 49103

(B) The department may grant a permit under this section 49104
subject to any modification of the height or location of a 49105
structure or object the department considers necessary. In the 49106
absence of such modification or unless it grants a waiver from 49107
compliance with the obstruction standards, the department shall 49108
deny a permit if it determines, in accordance with division (A) of 49109
this section, that a proposed structure or object or a change to 49110
an existing structure or object, as set forth in the application, 49111
would be an obstruction to air navigation based upon the rules 49112

adopted under section 4561.32 of the Revised Code. 49113

(C) In rendering a decision on an application for a permit, 49114
the department shall issue an opinion stating its reasons for the 49115
action taken. The department shall serve upon the applicant and 49116
each party, as provided in division (C) of section 4561.33 of the 49117
Revised Code, a copy of its decision regarding a permit and the 49118
opinion. 49119

Sec. 4561.341. Pursuant to any consultation with the power 49120
siting board regarding an application for certification under 49121
section 4906.03 or 4906.10 of the Revised Code, the office of 49122
~~aviation of the division of multi-modal planning and programs~~ of 49123
the department of transportation shall review the application to 49124
determine whether the facility constitutes or will constitute an 49125
obstruction to air navigation based upon the rules adopted under 49126
section 4561.32 of the Revised Code. Upon review of the 49127
application, if the office determines that the facility 49128
constitutes or will constitute an obstruction to air navigation, 49129
it shall provide, in writing, this determination and either the 49130
terms, conditions, and modifications that are necessary for the 49131
applicant to eliminate the obstruction or a statement that 49132
compliance with the obstruction standards may be waived, to the 49133
power siting board under section 4906.03 or 4906.10 of the Revised 49134
Code, as appropriate. 49135

Sec. 4561.36. (A) The department of transportation shall not 49136
issue any permit under ~~sections 4561.30 to 4561.39 of the Revised~~ 49137
~~Code~~ this chapter that will result in the creation of an 49138
obstruction to air navigation based upon the rules adopted under 49139
section 4561.32 of the Revised Code, unless the department waives 49140
compliance with the obstruction standards included in those rules. 49141

(B) ~~Sections 4561.30 to 4561.39 of the Revised Code do~~ This 49142

chapter does not authorize the department to restrict the height 49143
or location of structures or objects of natural growth under those 49144
sections for any reason other than to ensure the safety of 49145
aircraft in landing and taking off at an airport, the safety of 49146
persons occupying or using the area, and the security of property. 49147

Sec. 4561.37. ~~Sections 4561.30 to 4561.39 of the Revised Code~~ 49148
(A)(1) This chapter and rules adopted under it shall not be 49149
construed to require the removal or lowering of, or the making of 49150
any other change ~~in to,~~ any structure or object of natural growth 49151
~~not conforming to rules or orders of the department of~~ 49152
~~transportation under those sections when adopted or amended, or~~ 49153
~~otherwise interfere with the continuance of any nonconforming use;~~ 49154
~~except that, if ordered by the department, the~~ that was in 49155
existence prior to October 15, 1991. 49156

(2) Division (A)(1) of this section does not apply if the 49157
structure or object of natural growth is substantially changed, as 49158
determined by the department of transportation, after the 49159
effective date of this amendment. 49160

(B)(1) If any provision of this chapter or rule adopted under 49161
it is enacted, adopted, or amended after a permit has been issued 49162
for a structure or object of natural growth under this chapter, 49163
the provision does not apply to that structure or object of 49164
natural growth. 49165

(2) Division (B)(1) of this section does not apply if the 49166
structure or object of natural growth is substantially changed, as 49167
determined by the department, after the effective date of the 49168
enacted, adopted, or amended provision. 49169

(C) The owner of a nonconforming structure or object with 49170
regard to which a nonconforming use is voluntarily discontinued 49171
for two years or more, or a nonconforming structure or object that 49172
is permanently placed out of service or partially dismantled, 49173

destroyed, deteriorated, or decayed shall demolish or remove that 49174
structure or object; ~~and, if ordered to do so by the department.~~ 49175
If any nonconforming use is voluntarily discontinued for two years 49176
or more, any future use of the premises shall be in conformity 49177
with sections ~~4561.30 to 4561.39~~ of the Revised Code this chapter. 49178

Sec. 4561.38. With respect to any structure or object of 49179
natural growth for which a permit is required under section 49180
4561.34 of the Revised Code, rules adopted or orders issued under 49181
~~sections 4561.30 to 4561.39 of the Revised Code this chapter~~ and 49182
the terms and conditions of any permit issued under ~~those sections~~ 49183
this chapter prevail in the event of a conflict with any airport 49184
zoning regulation adopted under sections 4563.01 to 4563.21 of the 49185
Revised Code, any local regulation under section 4905.65 of the 49186
Revised Code, any zoning regulation otherwise applicable to the 49187
structure or object, or the terms or conditions of any permit 49188
issued under sections 4563.01 to 4563.21 of the Revised Code after 49189
~~the effective date of this section October 15, 1991.~~ 49190

Sec. 4561.39. In addition to any other remedy provided by 49191
law, the department of transportation may institute in any court 49192
of competent jurisdiction an action to prevent, restrain, correct, 49193
or abate any alleged violation or threatened violation of sections 49194
~~4561.30~~ 4561.31 to 4561.39 of the Revised Code or any rule adopted 49195
or order issued under them. The court may grant such relief as may 49196
be necessary, including either of the following: 49197

(A) Authorizing the department or an agent of the department 49198
to enter upon the property on which the structure or object of 49199
natural growth is located; 49200

(B) Authorizing the department or an agent of the department 49201
to remove or demolish the structure or object of natural growth or 49202
to otherwise correct or abate the violation or threatened 49203

violation at the expense of the owner of the property. 49204

Sec. 4561.40. The department of transportation and the office 49205
of aviation is not liable for any damages caused by a structure or 49206
object of natural growth that is an obstruction to the navigable 49207
airspace if either of the following applies: 49208

(A) The structure or object of natural growth was installed, 49209
erected, constructed, established, changed, or altered without a 49210
permit issued under this chapter. 49211

(B) A permit was issued under this chapter for the structure 49212
or object of natural growth but the structure or object of natural 49213
growth was installed, erected, constructed, established, changed, 49214
or altered in a manner not in compliance with the terms and 49215
conditions of the permit. 49216

Sec. 4563.01. As used in sections 4563.01 to 4563.21 of the 49217
Revised Code: 49218

(A) "Airport" means any area of land designed and set aside 49219
for the landing and taking off of aircraft, and for that purpose 49220
possessing one or more hard surfaced runways of a length of not 49221
less than three thousand five hundred feet, and designed for the 49222
storing, repair, and operation of aircraft, and utilized or to be 49223
utilized in the interest of the public for such purposes, and any 49224
area of land designed for such purposes for which designs, plans, 49225
and specifications conforming to the above requirements have been 49226
approved by the office of aviation ~~of the division of multi-modal~~ 49227
~~planning and programs~~ of the department of transportation and for 49228
which not less than seventy per cent of the area shown by such 49229
designs and plans to constitute the total area has been acquired. 49230
An airport is "publicly owned" if the portion thereof used for the 49231
landing and taking off of aircraft is owned, operated, leased to, 49232
or leased by the United States, any agency or department thereof, 49233

this state or any other state, or any political subdivision of 49234
this state or any other state, or any other governmental body, 49235
public agency, or public corporation, or any combination thereof. 49236

(B) "Airport hazard" means any structure or object of natural 49237
growth or use of land within an airport hazard area that obstructs 49238
the air space required for the flight of aircraft in landing or 49239
taking off at any airport or is otherwise hazardous to such 49240
landing or taking off of aircraft. 49241

(C) "Airport hazard area" means any area of land adjacent to 49242
an airport that has been declared to be an "airport hazard area" 49243
by the office of aviation in connection with any airport approach 49244
plan recommended by the office. 49245

(D) "Political subdivision" means any municipal corporation, 49246
township, or county. 49247

(E) "Person" means any individual, firm, copartnership, 49248
corporation, company, association, joint stock association, or 49249
body politic and includes any trustee, receiver, assignee, or 49250
other similar representative thereof. 49251

(F) "Structure" means any erected object, including, without 49252
limitation, buildings, towers, smokestacks, and overhead 49253
transmission lines. 49254

Sec. 4563.032. Any airport zoning board that adopts, 49255
administers, and enforces airport zoning regulations for an 49256
airport hazard area under section 4563.03 of the Revised Code 49257
shall adopt, as regulations, the rules adopted by the department 49258
of transportation under section 4561.32 of the Revised Code that 49259
are based in whole upon the obstruction standards set forth in 14 49260
C.F.R. ~~77.21 to 77.29~~ part 77, as amended, to uniformly regulate 49261
the height and location of structures and objects of natural 49262
growth in any airport's ~~clear zone surface, horizontal surface,~~ 49263

~~conical surface, primary surface, approach surface, or~~ 49264
~~transitional surface~~ navigable airspace as defined in section 49265
4561.01 of the Revised Code. 49266

Sec. 4709.01. As used in this chapter: 49267

(A)(1) Except as provided in division (A)(2) of this section, 49268
"the practice of barbering" means any one or more of the following 49269
when performed upon the head, neck, or face for cosmetic purposes 49270
and when performed upon the public for pay, free, or otherwise: 49271

(a) Shaving the face, shaving around the vicinity of the ears 49272
and neckline, or trimming facial hair; 49273

(b) Cutting or styling hair; 49274

(c) Facials, skin care, or scalp massages; 49275

(d) Shampooing, bleaching, coloring, straightening, or 49276
permanent waving hair; 49277

(e) Cutting, fitting, or forming head caps for wigs or hair 49278
pieces. 49279

(2) "The practice of barbering" does not include the practice 49280
of natural hair styling. 49281

(B) "Sanitary" means free of infectious agents, disease, or 49282
infestation by insects or vermin and free of soil, dust, or 49283
foreign material. 49284

(C) "Barber" means any person who engages in or attempts to 49285
engage in the practice of barbering. 49286

(D) "Barber school" means any establishment that engages in 49287
or attempts to engage in the teaching of the practice of 49288
barbering. 49289

(E) "Barber teacher" means any person who engages in or 49290
attempts to engage in the teaching of the practice of barbering. 49291

(F) "Assistant barber teacher" means any person who assists a barber teacher in the teaching of the practice of barbering.

(G) "Barber pole" means a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue, which run diagonally along the length of the cylinder or pole.

(H) "The practice of natural hair styling" means work done for a fee or other form of compensation, by any person, utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair, and which work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(I) "Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

(J) "Straight-razor license" means a license granted pursuant to division (E) of section 4709.07 of the Revised Code that permits an individual to engage in the conduct described in division (A)(1)(a) of this section.

Sec. 4709.02. Except as provided in this chapter, no person shall do any of the following:

(A) ~~Engage~~ Subject to division (M) of this section, engage in or attempt to engage in the practice of barbering, hold themselves out as a practicing barber, or advertise in a manner that indicates they are a barber, without a barber license issued

pursuant to this chapter;	49322
(B) Operate or attempt to operate a barber shop without a	49323
barber shop license issued pursuant to this chapter;	49324
(C) Engage in or attempt to engage in the teaching of or	49325
assist in the teaching of the practice of barbering without a	49326
barber teacher or assistant barber teacher license issued pursuant	49327
to this chapter;	49328
(D) Advertise barbering services unless the establishment and	49329
personnel employed therein are licensed pursuant to this chapter;	49330
(E) Use or display a barber pole for the purpose of offering	49331
barber services to the consuming public without a barber shop	49332
license issued pursuant to this chapter;	49333
(F) Operate or attempt to operate a barber school without a	49334
barber school license issued pursuant to this chapter;	49335
(G) Teach or attempt to teach any phase of barbering for pay,	49336
free, or otherwise without approval from the <u>state cosmetology and</u>	49337
barber board;	49338
(H) Being a barber, knowingly continue the practice of	49339
barbering, or being a student, knowingly continue as a student in	49340
any barber school, while such person has an infectious,	49341
contagious, or communicable disease;	49342
(I) Obtain or attempt to obtain a license by fraudulent	49343
misrepresentation for money, other than the required fee, or any	49344
other thing of value;	49345
(J) Practice or attempt to practice barbering by fraudulent	49346
misrepresentation;	49347
(K) Employ another person to perform or himself perform the	49348
practice of barbering in a licensed barber shop unless that person	49349
is licensed as a barber under this chapter;	49350
(L) Use any room or place for barbering which is also used	49351

for residential or other business purposes, unless it is separated 49352
by a substantial ceiling-high partition. This does not exclude 49353
hair care products used and sold in barber shops or the sale of 49354
clothing and related accessories as authorized by division (F) of 49355
section 4709.09 of the Revised Code. 49356

(M) On or after April 21, 2018, engage in or attempt to 49357
engage in the activities described in division (A)(1)(a) of 49358
section 4709.01 of the Revised Code without a straight-razor 49359
license issued pursuant to this chapter; 49360

(N) Violate any rule adopted by the board or department of 49361
health for barber shops or barber schools. 49362

Sec. 4709.05. In addition to any other duty imposed on the 49363
state cosmetology and barber board under this chapter or Chapter 49364
4713. of the Revised Code, the board shall do all of the 49365
following: 49366

(A) ~~Organize by electing a chairperson from its members to 49367~~
~~serve a one-year term; 49368~~

~~(B)~~ Hold regular meetings, at the times and places as it 49369
determines for the purpose of conducting the examinations required 49370
under this chapter, and hold additional meetings for the 49371
transaction of necessary business; 49372

~~(C) Provide for suitable quarters, in the city of Columbus, 49373~~
~~for the conduct of its business and the maintenance of its 49374~~
~~records; 49375~~

~~(D) Adopt a common seal for the authentication of its orders, 49376~~
~~communications, and records; 49377~~

~~(E)~~(B) Maintain a record of its proceedings and a register of 49378
persons licensed as barbers. The register shall include each 49379
licensee's name, place of business, residence, and licensure date 49380
and number, and a record of all licenses issued, refused, renewed, 49381

suspended, or revoked. The records are open to public inspection 49382
at all reasonable times. 49383

~~(F) Annually, on or before the first day of January, make a 49384
report to the governor of all its official acts during the 49385
preceding year, its receipts and disbursements, recommendations it 49386
determines appropriate, and an evaluation of board activities 49387
intended to aid or protect consumers of barber services; 49388~~

~~(G) Employ an executive director who shall do all things 49389
requested by the board for the administration and enforcement of 49390
this chapter. The executive director shall employ inspectors, 49391
clerks, and other assistants as the executive director determines 49392
necessary. 49393~~

~~(H)~~(C) Ensure that the practice of barbering is conducted 49394
only in a licensed barber shop, except when the practice of 49395
barbering is performed on a person whose physical or mental 49396
disability prevents that person from going to a licensed barber 49397
shop; 49398

~~(I)~~(D) Conduct or have conducted the examination for 49399
applicants to practice as licensed barbers at least four times per 49400
year at the times and places the board determines; 49401

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the 49402
Revised Code, to administer and enforce this chapter and which 49403
cover all of the following: 49404

(1) Sanitary standards for the operation of barber shops and 49405
barber schools that conform to guidelines established by the 49406
department of health; 49407

(2) The content of the examination required of an applicant 49408
for a barber license. The examination shall include a practical 49409
demonstration and a written test, shall relate only to the 49410
practice of barbering, and shall require the applicant to 49411
demonstrate that the applicant has a thorough knowledge of and 49412

competence in the proper techniques in the safe use of chemicals 49413
used in the practice of barbering. 49414

(3) Continuing education requirements for persons licensed 49415
pursuant to this chapter. The board may impose continuing 49416
education requirements upon a licensee for a violation of this 49417
chapter or the rules adopted pursuant thereto or if the board 49418
determines that the requirements are necessary to preserve the 49419
health, safety, or welfare of the public. 49420

(4) Requirements for the licensure of barber schools, barber 49421
teachers, and assistant barber teachers; 49422

(5) Requirements for students of barber schools; 49423

(6) Any other area the board determines appropriate to 49424
administer or enforce this chapter. 49425

~~(K) Annually review the rules adopted pursuant to division 49426~~
~~(J) of this section in order to compare those rules with the rules 49427~~
~~adopted by the state board of cosmetology pursuant to section 49428~~
~~4713.08 of the Revised Code. If the barber board determines that 49429~~
~~the rules adopted by the state board of cosmetology, including, 49430~~
~~but not limited to, rules concerning using career technical 49431~~
~~schools, would be beneficial to the barbering profession, the 49432~~
~~barber board shall adopt rules similar to those it determines 49433~~
~~would be beneficial for barbers. 49434~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 49435
indicate at a formal hearing the reasons why the rule is necessary 49436
as a protection of the persons who use barber services or as an 49437
improvement of the professional standing of barbers in this state; 49438

~~(M)~~(G) Furnish each owner or manager of a barber shop and 49439
barber school with a copy of all sanitary rules adopted pursuant 49440
to division ~~(J)~~(E) of this section; 49441

~~(N)~~(H) Conduct such investigations and inspections of persons 49442

and establishments licensed or unlicensed pursuant to this chapter 49443
and for that purpose, any member of the board or any of its 49444
authorized agents may enter and inspect any place of business of a 49445
licensee or a person suspected of violating this chapter or the 49446
rules adopted pursuant thereto, during normal business hours; 49447

~~(O)~~(I) Upon the written request of an applicant and the 49448
payment of the appropriate fee, provide to the applicant licensure 49449
information concerning the applicant; 49450

~~(P)~~(J) Do all things necessary for the proper administration 49451
and enforcement of this chapter. 49452

Sec. 4709.07. (A) Each person who desires to obtain an 49453
initial license to practice barbering shall apply to the state 49454
cosmetology and barber board, on forms provided by the board. The 49455
application form shall include the name of the person applying for 49456
the license and evidence that the applicant meets all of the 49457
requirements of division (B) of this section. The application 49458
shall be accompanied by two signed current photographs of the 49459
applicant, in the size determined by the board, that show only the 49460
head and shoulders of the applicant, and the examination 49461
application fee. 49462

(B) In order to take the required barber examination and to 49463
qualify for licensure as a barber, an applicant must demonstrate 49464
that the applicant meets all of the following: 49465

(1) Is of good moral character; 49466

(2) Is at least eighteen years of age; 49467

(3) Has an eighth grade education or an equivalent education 49468
as determined by the state board of education in the state where 49469
the applicant resides; 49470

(4) Has graduated with at least ~~eighteen~~ one thousand eight 49471
hundred hours of training from a board-approved barber school or 49472

has graduated with at least one thousand hours of training from a 49473
board-approved barber school in this state and has a current 49474
cosmetology or hair designer license issued pursuant to Chapter 49475
4713. of the Revised Code. No hours of instruction earned by an 49476
applicant five or more years prior to the examination apply to the 49477
hours of study required by this division. 49478

(C) Any applicant who meets all of the requirements of 49479
divisions (A) and (B) of this section may take the barber 49480
examination at the time and place specified by the board. If the 49481
applicant fails to attain at least a seventy-five per cent pass 49482
rate on each part of the examination, the applicant is ineligible 49483
for licensure; however, the applicant may reapply for examination 49484
within ninety days after the date of the release of the 49485
examination scores by paying the required reexamination fee. An 49486
applicant is only required to take that part or parts of the 49487
examination on which the applicant did not receive a score of 49488
seventy-five per cent or higher. If the applicant fails to reapply 49489
for examination within ninety days or fails the second 49490
examination, in order to reapply for examination for licensure the 49491
applicant shall complete an additional course of study of not less 49492
than two hundred hours, in a board-approved barber school. The 49493
board shall provide to an applicant, upon request, a report which 49494
explains the reasons for the applicant's failure to pass the 49495
examination. 49496

(D) The board shall issue a license to practice barbering to 49497
any applicant who, to the satisfaction of the board, meets the 49498
requirements of divisions (A) and (B) of this section, who passes 49499
the required examination, and pays the initial licensure fee. 49500
Every licensed barber shall display the certificate of licensure 49501
in a conspicuous place adjacent to or near the licensed barber's 49502
work chair, along with a signed current photograph, in the size 49503
determined by the board, showing head and shoulders only. 49504

(E) Notwithstanding any other provision in this section, a person who desires to engage in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code shall apply to the board for a straight-razor license as follows:

(1) The applicant shall include, on a form provided by the board, the name of the person applying for the straight-razor license and evidence that the applicant meets all of the requirements of division (E)(2) of this section. The application shall be accompanied by two signed, current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and an application fee specified by the board.

(2) In conjunction with the application required by division (E)(1) of this section, an applicant for a straight-razor license must demonstrate the following:

(a) That the applicant is at least eighteen years of age;

(b) That the applicant has an eighth grade education or an equivalent education in the state where the applicant resides;

(c) That the applicant has completed at least two hundred forty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school or has completed one hundred twenty hours of training in the activities described in division (A)(1)(a) of section 4709.01 of the Revised Code from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the submission of an application count towards the hours of training required by this division.

(3) The board shall issue a straight-razor license to any

applicant who, to the satisfaction of the board, meets the 49536
requirements of divisions (E)(1) and (2) of this section and pays 49537
the initial licensure fee as established by rules adopted by the 49538
board. Every individual maintaining an active straight-razor 49539
license shall display the certificate of licensure in a 49540
conspicuous place along with a signed current photograph, in the 49541
size determined by the board, showing head and shoulders only. 49542

Sec. 4709.08. Any person who holds a current license or 49543
registration to practice as a barber in any other state or 49544
district of the United States or country whose requirements for 49545
licensure or registration of barbers are substantially equivalent 49546
to the requirements of this chapter and rules adopted under it and 49547
that extends similar reciprocity to persons licensed as barbers in 49548
this state may apply to the state cosmetology and barber board for 49549
a barber license. The board shall, without examination, unless the 49550
board determines to require an examination, issue a license to 49551
practice as a licensed barber in this state if the person meets 49552
the requirements of this section, is at least eighteen years of 49553
age and of good moral character, and pays the required fees. The 49554
board may waive any of the requirements of this section. 49555

Sec. 4709.09. (A) Each person who desires to obtain a barber 49556
shop license shall apply to the state cosmetology and barber 49557
board, on forms provided by the board. The board shall issue a 49558
barber shop license to a person if the board determines that the 49559
person meets all of the requirements of division (B) of this 49560
section and pays the required license and inspection fees. 49561

(B) In order for a person to qualify for a license to operate 49562
a barber shop, the barber shop shall meet all of the following 49563
requirements: 49564

(1) Be in the charge and under the immediate supervision of a 49565

licensed barber; 49566

(2) Be equipped to provide running hot and cold water and 49567
proper drainage; 49568

(3) Sanitize and maintain in a sanitary condition, all 49569
instruments and supplies; 49570

(4) Keep towels and linens clean and sanitary and in a dry, 49571
dust-proof container; 49572

(5) Display the shop license and a copy of the board's 49573
sanitary rules in a conspicuous place in the working area. 49574

(C) Any licensed barber who leases space in a licensed barber 49575
shop and engages in the practice of barbering independent and free 49576
from supervision of the owner or manager of the barber shop is 49577
considered to be engaged in the operation of a separate and 49578
distinct barber shop and shall obtain a license to operate a 49579
barber shop pursuant to this section. 49580

(D) A shop license is not transferable from one owner to 49581
another and if an owner or operator of a barber shop permanently 49582
ceases offering barber services at the shop, the owner or operator 49583
shall return the barber shop license to the board within ten days 49584
of the cessation of services. 49585

(E)(1) Manicurists licensed under Chapter 4713. of the 49586
Revised Code may practice manicuring in a barber shop. 49587

(2) Tanning facilities issued a permit under section 4713.48 49588
of the Revised Code may be operated in a barber shop. 49589

(F) Clothing and related accessories may be sold at retail in 49590
a barber shop so long as these sales maintain the integrity of the 49591
facility as a barber shop. 49592

Sec. 4709.10. (A) Each person who desires to obtain a license 49593
to operate a barber school shall apply to the state cosmetology 49594

and barber board, on forms provided by the board. The board shall 49595
issue a barber school license to a person if the board determines 49596
that the person meets and will comply with all of the requirements 49597
of division (B) of this section and pays the required licensure 49598
and inspection fees. 49599

(B) In order for a person to qualify for a license to operate 49600
a barber school, the barber school to be operated by the person 49601
must meet all of the following requirements: 49602

(1) Have a training facility sufficient to meet the required 49603
educational curriculum established by the board, including enough 49604
space to accommodate all the facilities and equipment required by 49605
rule by the board; 49606

(2) Provide sufficient licensed teaching personnel to meet 49607
the minimum pupil-teacher ratio established by rule of the board; 49608

(3) Have established and provide to the board proof that it 49609
has met all of the board requirements to operate a barber school, 49610
as adopted by rule of the board; 49611

(4) File with the board a program of its curriculum, 49612
accounting for not less than ~~eighteen~~ one thousand eight hundred 49613
hours of instruction in the courses of theory and practical 49614
demonstration required by rule of the board; 49615

(5) File with the board a surety bond in the amount of ten 49616
thousand dollars issued by a bonding company licensed to do 49617
business in this state. The bond shall be in the form prescribed 49618
by the board and conditioned upon the barber school's continued 49619
instruction in the theory and practice of barbering. The bond 49620
shall continue in effect until notice of its termination is 49621
provided to the board. In no event, however, shall the bond be 49622
terminated while the barber school is in operation. Any student 49623
who is injured or damaged by reason of a barber school's failure 49624
to continue instruction in the theory and practice of barbering 49625

may maintain an action on the bond against the barber school or 49626
the surety, or both, for the recovery of any money or tuition paid 49627
in advance for instruction in the theory and practice of barbering 49628
which was not received. The aggregate liability of the surety to 49629
all students shall not exceed the sum of the bond. 49630

(6) Maintain adequate record keeping to ensure that it has 49631
met the requirements for records of student progress as required 49632
by board rule; 49633

(7) Establish minimum standards for acceptance of student 49634
applicants for admission to the barber school. The barber school 49635
may establish entrance requirements which are more stringent than 49636
those prescribed by the board, but the requirements must at a 49637
minimum require the applicant to meet all of the following: 49638

(a) Be at least seventeen years of age; 49639

(b) Be of good moral character; 49640

(c) Have an eighth grade education, or an equivalent 49641
education as determined by the state board of education; 49642

(d) Submit two signed current photographs of ~~himself~~ the 49643
applicant, in the size determined by the board. 49644

(8) Have a procedure to submit every student applicant's 49645
admission application to the board for the board's review and 49646
approval prior to the applicant's admission to the barber school; 49647

(9) Operate in a manner which reflects credit upon the 49648
barbering profession; 49649

(10) Offer a curriculum of study which covers all aspects of 49650
the scientific fundamentals of barbering as specified by rule of 49651
the board; 49652

(11) Employ no more than two licensed assistant barber 49653
teachers for each licensed barber teacher employed or fewer than 49654
two licensed teachers or one licensed teacher and one licensed 49655

assistant teacher at each facility. 49656

(C) Each person who desires to obtain a barber teacher or 49657
assistant barber teacher license shall apply to the ~~barber~~ board, 49658
on forms provided by the ~~barber~~ board. The board shall only issue 49659
a barber teacher license to a person who meets all of the 49660
following requirements: 49661

(1) Holds a current barber license issued pursuant to this 49662
chapter and has at least eighteen months of work experience in a 49663
licensed barber shop or has been employed as an assistant barber 49664
teacher under the supervision of a licensed barber teacher for at 49665
least one year, unless, for good cause, the board waives this 49666
requirement; 49667

(2) Meets such other requirements as adopted by rule by the 49668
board; 49669

(3) Passes the required examination; and 49670

(4) Pays the required fees. If an applicant fails to pass the 49671
examination, ~~he~~ the applicant may reapply for the examination and 49672
licensure no earlier than one year after the failure to pass and 49673
provided that during that period, ~~he~~ the applicant remains 49674
employed as an assistant barber teacher. 49675

The board shall only issue an assistant barber teacher 49676
license to a person who holds a current barber license issued 49677
pursuant to this chapter and pays the required fees. 49678

(D) Any person who meets the qualifications of an assistant 49679
teacher pursuant to division (C) of this section, may be employed 49680
as an assistant teacher, provided that within five days after the 49681
commencement of the employment the barber school submits to the 49682
board, on forms provided by the board, the applicant's 49683
qualifications. 49684

Sec. 4709.12. (A) The state cosmetology and barber board 49685

shall charge and collect the following fees:	49686
(1) For the application to take the barber examination,	49687
ninety dollars;	49688
(2) For an application to retake any part of the barber	49689
examination, forty-five dollars;	49690
(3) For the initial issuance of a license to practice as a	49691
barber, thirty dollars;	49692
(4) For the biennial renewal of the license to practice as a	49693
barber, one hundred ten dollars;	49694
(5) For the restoration of an expired barber license, one	49695
hundred dollars, and seventy-five dollars for each lapsed year,	49696
provided that the total fee shall not exceed six hundred ninety	49697
dollars;	49698
(6) For the issuance of a duplicate barber or shop license,	49699
forty-five dollars;	49700
(7) For the inspection of a new barber shop, change of	49701
ownership, or reopening of premises or facilities formerly	49702
operated as a barber shop, and issuance of a shop license, one	49703
hundred ten dollars;	49704
(8) For the biennial renewal of a barber shop license,	49705
seventy-five dollars;	49706
(9) For the restoration of a barber shop license, one hundred	49707
ten dollars;	49708
(10) For each inspection of premises for location of a new	49709
barber school, or each inspection of premises for relocation of a	49710
currently licensed barber school, seven hundred fifty dollars;	49711
(11) For the initial barber school license, one thousand	49712
dollars, and one thousand dollars for the renewal of the license;	49713
(12) For the restoration of a barber school license, one	49714

thousand dollars;	49715
(13) For the issuance of a student registration, forty dollars;	49716 49717
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	49718 49719
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	49720 49721
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	49722 49723 49724 49725
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	49726 49727 49728
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	49729 49730
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	49731 49732 49733 49734
(C) In addition to any other fee charged and collected under this section, the ~~barber~~ board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.	49735 49736 49737 49738 49739 49740 49741
Sec. 4709.13. (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for	49742 49743 49744

any one or more of the following causes:	49745
(1) Advertising by means of knowingly false or deceptive statements;	49746 49747
(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;	49748 49749
(3) Immoral or unprofessional conduct;	49750
(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;	49751 49752
(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;	49753 49754
(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;	49755 49756 49757 49758 49759 49760
(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;	49761 49762 49763 49764
(8) Violating any sanitary rules approved by the department of health or the board;	49765 49766
(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	49767 49768 49769
(10) Gross incompetence.	49770
(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter,	49771 49772 49773 49774

shown by a certified copy of the record of the court in which the 49775
person was convicted or pleaded guilty. 49776

(2) A conviction or plea of guilty to a felony committed 49777
prior to being issued a license under this chapter shall not 49778
disqualify a person from being issued an initial license under 49779
this chapter. 49780

(C) Prior to taking any action under division (A) or (B) of 49781
this section, the board shall provide the person with a statement 49782
of the charges against the person and notice of the time and place 49783
of a hearing on the charges. The board shall conduct the hearing 49784
according to Chapter 119. of the Revised Code. Any person 49785
dissatisfied with a decision of the board may appeal the board's 49786
decision to the court of common pleas in Franklin county. 49787

(D) The board may adopt rules in accordance with Chapter 119. 49788
of the Revised Code, specifying additional grounds upon which the 49789
board may take action under division (A) of this section. 49790

Sec. 4709.14. (A) If the state cosmetology and barber board 49791
determines that any person is violating or threatening to violate 49792
any provision of this chapter or the rules adopted pursuant 49793
thereto and such violation or threatened violation is a threat to 49794
the health or safety of persons who use barber services, the board 49795
may apply to a court of competent jurisdiction in the county in 49796
which the violation or threatened violation occurred or will occur 49797
for injunctive relief and such other relief to prevent further 49798
violations. The attorney general shall, at the board's request, 49799
represent the board in any such action. 49800

(B) If the board determines, after a hearing conducted in 49801
accordance with Chapter 119. of the Revised Code, that any person 49802
has violated any provision of this chapter or the rules adopted 49803
pursuant thereto, the board may, in addition to any other action 49804
it may take or any other penalty imposed pursuant to this chapter, 49805

impose one or more fines upon the person. In no event, however, 49806
shall the fines imposed under this division exceed five hundred 49807
dollars for a first offense or one thousand dollars for each 49808
subsequent offense. 49809

(C) A person who allegedly has violated a provision of this 49810
chapter for which the board proposes to impose a fine may pay the 49811
board the amount of the fine and waive the right to an 49812
adjudicatory hearing conducted under Chapter 119. of the Revised 49813
Code and described in division (B) of this section. 49814

Sec. 4709.23. No phase of barbering shall be taught for pay, 49815
free, or otherwise, without approval from the state cosmetology 49816
and barber board. 49817

Sec. 4713.01. As used in this chapter: 49818

"Apprentice instructor" means an individual holding a 49819
practicing license issued by the state ~~board of~~ cosmetology and 49820
barber board who is engaged in learning or acquiring knowledge of 49821
the occupation of an instructor of a branch of cosmetology at a 49822
school of cosmetology. 49823

"Beauty salon" means a salon in which an individual is 49824
authorized to engage in all branches of cosmetology. 49825

"Biennial licensing period" means the two-year period 49826
beginning on the first day of February of an odd-numbered year and 49827
ending on the last day of January of the next odd-numbered year. 49828

"Boutique salon" means a salon in which an individual engages 49829
in boutique services and no other branch of cosmetology. 49830

"Boutique services" means braiding, threading, and 49831
shampooing. 49832

"Braiding" means intertwining the hair in a systematic motion 49833
to create patterns in a three-dimensional form, inverting the hair 49834

against the scalp along part of a straight or curved row of 49835
intertwined hair, or twisting the hair in a systematic motion, and 49836
includes extending the hair with natural or synthetic hair fibers. 49837

"Branch of cosmetology" means the practice of cosmetology, 49838
practice of esthetics, practice of hair design, practice of 49839
manicuring, practice of natural hair styling, or practice of 49840
boutique services. 49841

"Cosmetic therapy" has the same meaning as in section 4731.15 49842
of the Revised Code. 49843

"Cosmetologist" means an individual authorized to engage in 49844
all branches of cosmetology in a licensed facility. 49845

"Cosmetology" means the art or practice of embellishment, 49846
cleansing, beautification, and styling of hair, wigs, postiches, 49847
face, body, or nails. 49848

"Cosmetology instructor" means an individual authorized to 49849
teach the theory and practice of all branches of cosmetology at a 49850
school of cosmetology. 49851

"Esthetician" means an individual who engages in the practice 49852
of esthetics but no other branch of cosmetology in a licensed 49853
facility. 49854

"Esthetics instructor" means an individual who teaches the 49855
theory and practice of esthetics, but no other branch of 49856
cosmetology, at a school of cosmetology. 49857

"Esthetics salon" means a salon in which an individual 49858
engages in the practice of esthetics but no other branch of 49859
cosmetology. 49860

"Eye lash extensions" include temporary and semi-permanent 49861
enhancements designed to add length, thickness, and fullness to 49862
natural eyelashes. 49863

"Hair designer" means an individual who engages in the 49864

practice of hair design but no other branch of cosmetology in a 49865
licensed facility. 49866

"Hair design instructor" means an individual who teaches the 49867
theory and practice of hair design, but no other branch of 49868
cosmetology, at a school of cosmetology. 49869

"Hair design salon" means a salon in which an individual 49870
engages in the practice of hair design but no other branch of 49871
cosmetology. 49872

"Hair removal" includes tweezing, waxing, sugaring, and 49873
threading. "Hair removal" does not include electrolysis. 49874

"Independent contractor" means an individual who is not an 49875
employee of a salon but practices a branch of cosmetology within a 49876
salon in a licensed facility. 49877

"Instructor license" means a license to teach the theory and 49878
practice of a branch of cosmetology at a school of cosmetology. 49879

"Licensed facility" means any premises, building, or part of 49880
a building licensed under section 4713.41 of the Revised Code in 49881
which cosmetology services are authorized by the state ~~board of~~ 49882
cosmetology and barber board to be performed. 49883

"Advanced cosmetologist" means an individual authorized to 49884
work in a beauty salon and engage in all branches of cosmetology. 49885

"Advanced esthetician" means an individual authorized to work 49886
in an esthetics salon, but no other type of salon, and engage in 49887
the practice of esthetics, but no other branch of cosmetology. 49888

"Advanced hair designer" means an individual authorized to 49889
work in a hair design salon, but no other type of salon, and 49890
engage in the practice of hair design, but no other branch of 49891
cosmetology. 49892

"Advanced license" means a license to work in a salon and 49893
practice the branch of cosmetology practiced at the salon. 49894

"Advanced manicurist" means an individual authorized to work	49895
in a nail salon, but no other type of salon, and engage in the	49896
practice of manicuring, but no other branch of cosmetology.	49897
"Advanced natural hair stylist" means an individual	49898
authorized to work in a natural hair style salon, but no other	49899
type of salon, and engage in the practice of natural hair styling,	49900
but no other branch of cosmetology.	49901
"Manicurist" means an individual who engages in the practice	49902
of manicuring but no other branch of cosmetology in a licensed	49903
facility.	49904
"Manicurist instructor" means an individual who teaches the	49905
theory and practice of manicuring, but no other branch of	49906
cosmetology, at a school of cosmetology.	49907
"Nail salon" means a salon in which an individual engages in	49908
the practice of manicuring but no other branch of cosmetology.	49909
"Natural hair stylist" means an individual who engages in the	49910
practice of natural hair styling but no other branch of	49911
cosmetology in a licensed facility.	49912
"Natural hair style instructor" means an individual who	49913
teaches the theory and practice of natural hair styling, but no	49914
other branch of cosmetology, at a school of cosmetology.	49915
"Natural hair style salon" means a salon in which an	49916
individual engages in the practice of natural hair styling but no	49917
other branch of cosmetology.	49918
"Practice of braiding" means utilizing the technique of	49919
intertwining hair in a systematic motion to create patterns in a	49920
three-dimensional form, including patterns that are inverted,	49921
upright, or singled against the scalp that follow along straight	49922
or curved partings. It may include twisting or locking the hair	49923
while adding bulk or length with human hair, synthetic hair, or	49924

both and using simple devices such as clips, combs, and hairpins. 49925

"Practice of braiding" does not include application of weaving, 49926

bonding, and fusion of individual strands or wefts; application of 49927

dyes, reactive chemicals, or other preparations to alter the color 49928

or straighten, curl, or alter the structure of hair; embellishing 49929

or beautifying hair by cutting or singeing, except as needed to 49930

finish the ends of synthetic fibers used to add bulk to or 49931

lengthen hair. 49932

"Practice of cosmetology" means the practice of all branches 49933

of cosmetology. 49934

"Practice of esthetics" means the application of cosmetics, 49935

tonics, antiseptics, creams, lotions, or other preparations for 49936

the purpose of skin beautification and includes preparation of the 49937

skin by manual massage techniques or by use of electrical, 49938

mechanical, or other apparatus; enhancement of the skin by skin 49939

care, facials, body treatments, hair removal, and other 49940

treatments; and eye lash extension services. 49941

"Practice of hair design" means embellishing or beautifying 49942

hair, wigs, or hairpieces by arranging, dressing, pressing, 49943

curling, waving, permanent waving, cleansing, cutting, singeing, 49944

bleaching, coloring, braiding, weaving, or similar work. "Practice 49945

of hair design" includes utilizing techniques performed by hand 49946

that result in tension on hair roots such as twisting, wrapping, 49947

weaving, extending, locking, or braiding of the hair. 49948

"Practice of manicuring" means cleaning, trimming, shaping 49949

the free edge of, or applying polish to the nails of any 49950

individual; applying nail enhancements and embellishments to any 49951

individual; massaging the hands and lower arms up to the elbow of 49952

any individual; massaging the feet and lower legs up to the knee 49953

of any individual; using lotions or softeners on the hands and 49954

feet of any individual; or any combination of these types of 49955

services. 49956

"Practice of natural hair styling" means utilizing techniques 49957
performed by hand that result in tension on hair roots such as 49958
twisting, wrapping, weaving, extending, locking, or braiding of 49959
the hair. "Practice of natural hair styling" does not include the 49960
application of dyes, reactive chemicals, or other preparations to 49961
alter the color or to straighten, curl, or alter the structure of 49962
the hair. "Practice of natural hair styling" also does not include 49963
embellishing or beautifying hair by cutting or singeing, except as 49964
needed to finish off the end of a braid, or by dressing, pressing, 49965
curling, waving, permanent waving, or similar work. 49966

"Practicing license" means a license to practice a branch of 49967
cosmetology in a licensed facility. 49968

"Salon" means a licensed facility on any premises, building, 49969
or part of a building in which an individual engages in the 49970
practice of one or more branches of cosmetology. "Salon" does not 49971
include a barber shop licensed under Chapter 4709. of the Revised 49972
Code. "Salon" does not mean a tanning facility, although a tanning 49973
facility may be located in a salon. 49974

"School of cosmetology" means any premises, building, or part 49975
of a building in which students are instructed in the theories and 49976
practices of one or more branches of cosmetology. 49977

"Shampooing" means the act of cleansing and conditioning an 49978
individual's hair under the supervision of an individual licensed 49979
under this chapter and in preparation to immediately receive a 49980
service from a licensee. 49981

"Student" means an individual, other than an apprentice 49982
instructor, who is engaged in learning or acquiring knowledge of 49983
the practice of a branch of cosmetology at a school of 49984
cosmetology. 49985

"Tanning facility" means any premises, building, or part of a 49986
building that contains one or more rooms or booths with any of the 49987

following:	49988
(A) Equipment or beds used for tanning human skin by the use	49989
of fluorescent sun lamps using ultraviolet or other artificial	49990
radiation;	49991
(B) Equipment or booths that use chemicals applied to human	49992
skin, including chemical applications commonly referred to as	49993
spray-on, mist-on, or sunless tans;	49994
(C) Equipment or beds that use visible light for cosmetic	49995
purposes.	49996
"Threading" includes a service that results in the removal of	49997
hair from its follicle from around the eyebrows and from other	49998
parts of the face with the use of a single strand of thread and an	49999
astringent, if the service does not use chemicals of any kind,	50000
wax, or any implements, instruments, or tools to remove hair.	50001
Sec. 4713.02. (A) There is hereby created the state ~~board of~~	50002
cosmetology <u>and barber board</u> , consisting of all of the following	50003
members appointed by the governor, with the advice and consent of	50004
the senate:	50005
(1) One individual holding a current, valid cosmetologist or	50006
cosmetology instructor license at the time of appointment;	50007
(2) Two individuals holding current, valid cosmetologist	50008
licenses and actively engaged in managing beauty salons for a	50009
period of not less than five years at the time of appointment;	50010
(3) One individual who holds a current, valid independent	50011
contractor license at the time of appointment and practices a	50012
branch of cosmetology;	50013
(4) One individual who represents individuals who teach the	50014
theory and practice of a branch of cosmetology at a vocational or	50015
career-technical school;	50016

(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;	50017 50018
(6) One owner of at least five licensed salons;	50019
(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	50020 50021 50022 50023 50024 50025
(8) One individual representing the general public;	50026
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	50027 50028 50029
(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;	50030 50031 50032 50033
<u>(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment.</u>	50034 50035 50036 50037
(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section.	50038 50039 50040
(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology ~~or~~ , <u>salon, barber school, or barber shop.</u>	50041 50042 50043 50044 50045 50046

Terms of office are for five years. Terms shall commence on 50047
the first day of November and end on the thirty-first day of 50048
October. Each member shall hold office from the date of 50049
appointment until the end of the term for which appointed. In case 50050
of a vacancy occurring on the board, the governor shall, in the 50051
same manner prescribed for the regular appointment to the board, 50052
fill the vacancy by appointing a member. Any member appointed to 50053
fill a vacancy occurring prior to the expiration of the term for 50054
which the member's predecessor was appointed shall hold office for 50055
the remainder of such term. Any member shall continue in office 50056
subsequent to the expiration date of the member's term until the 50057
member's successor takes office, or until a period of sixty days 50058
has elapsed, whichever occurs first. Before entering upon the 50059
discharge of the duties of the office of member, each member shall 50060
take, and file with the secretary of state, the oath of office 50061
required by Section 7 of Article XV, Ohio Constitution. 50062

The members of the board shall receive an amount fixed 50063
pursuant to Chapter 124. of the Revised Code per diem for every 50064
meeting of the board which they attend, together with their 50065
necessary expenses, and mileage for each mile necessarily 50066
traveled. 50067

The members of the board shall annually elect, from among 50068
their number, a chairperson and a vice-chairperson. The executive 50069
director appointed pursuant to section 4713.06 of the Revised Code 50070
shall serve as the board's secretary. 50071

(D) The board shall prescribe the duties of its officers and 50072
establish an office within Franklin county. The board shall keep 50073
all records and files at the office and have the records and files 50074
at all reasonable hours open to public inspection in accordance 50075
with section 149.43 of the Revised Code and any rules adopted by 50076
the board in compliance with this state's record retention policy. 50077
The board also shall adopt a seal for the authentication of its 50078

orders, communications, and records. 50079

(E) The governor may remove any member for cause prior to the 50080
expiration of the member's term of office. 50081

(F) Whenever the term "state board of cosmetology" is used, 50082
referred to, or designated in statute, rule, contract, grant, or 50083
other document, the use, reference, or designation shall be deemed 50084
to mean the "state cosmetology and barber board" or the executive 50085
director of the state cosmetology and barber board, whichever is 50086
appropriate in context. Whenever the term "barber board" is used, 50087
referred to, or designated in statute, rule, contract, grant, or 50088
other document, the use, reference, or designation shall be deemed 50089
to mean the "state cosmetology and barber board" or the executive 50090
director of the state cosmetology and barber board, whichever is 50091
appropriate in context. 50092

Sec. 4713.03. The state ~~board~~ of cosmetology and barber board 50093
shall hold meetings to transact its business at least four times a 50094
year. The board may hold additional meetings as, in its judgment, 50095
are necessary. The board shall meet at the times and places it 50096
selects. 50097

Sec. 4713.04. The state ~~board~~ of cosmetology and barber board 50098
may authorize any of its members, in writing, to undertake any 50099
proceedings authorized by this chapter, and the finding or order 50100
of such members is the finding of the board when confirmed by it. 50101
50102

Sec. 4713.05. All receipts of the state ~~board~~ of cosmetology 50103
and barber board shall be deposited into the state treasury to the 50104
credit of the occupational licensing and regulatory fund. All 50105
vouchers of the board shall be approved by the board chairperson 50106
or executive director, or both, as authorized by the board. 50107

Sec. 4713.06. The state ~~board of~~ cosmetology and barber board 50108
shall annually appoint an executive director. The executive 50109
director may not be a member of the board, but subsequent to 50110
appointment, shall serve as secretary of the board. The executive 50111
director, before entering upon the discharge of the executive 50112
director's duties, shall file with the secretary of state a good 50113
and sufficient bond payable to the state, to ensure the faithful 50114
performance of duties of the office of executive director. The 50115
bond shall be in an amount the board requires. The premium of the 50116
bond shall be paid from appropriations made to the board for 50117
operating purposes. Whenever the term "executive director of the 50118
state board of cosmetology" or the term "executive director of the 50119
barber board," or variations thereof, is used, referred to, or 50120
designated in statute, rule, contract, grant, or other document, 50121
the use, reference, or designation shall be deemed to mean the 50122
"executive director of the state cosmetology and barber board." 50123

The board may employ inspectors, examiners, consultants on 50124
contents of examinations, clerks, or other individuals as 50125
necessary for the administration of this chapter and Chapter 4709. 50126
of the Revised Code. All inspectors and examiners shall be 50127
licensed cosmetologists pursuant to this chapter or licensed 50128
barbers pursuant to Chapter 4709. of the Revised Code. 50129

The board may appoint inspectors to inspect and investigate 50130
all facilities regulated by this chapter and Chapter 4709. of the 50131
Revised Code, including tanning facilities, to ensure compliance 50132
with this chapter and Chapter 4709. of the Revised Code, the rules 50133
adopted ~~pursuant to it~~ by the board, and the board's policies, in 50134
accordance with division (A)(11) of section 4713.07 of the Revised 50135
Code. 50136

Sec. 4713.07. (A) The state ~~board of~~ cosmetology and barber 50137
board shall do all of the following: 50138

(1) Regulate the practice of cosmetology and all of its branches in this state;	50139 50140
(2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual;	50141 50142 50143 50144
(3) Adopt rules in accordance with section 4713.08 of the Revised Code;	50145 50146
(4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter;	50147 50148 50149 50150
(5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter;	50151 50152 50153
(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter <u>or Chapter 4709. of the Revised Code</u> ;	50154 50155 50156
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;	50157 50158
(8) Submit a written report annually to the governor that provides all of the following:	50159 50160
(a) A discussion of the conditions in this state of the branches of cosmetology;	50161 50162
(b) <u>An evaluation of board activities intended to aid or protect consumers</u> ;	50163 50164
~~(c)~~ (d) A brief summary of the board's proceedings during the year the report covers;	50165 50166
~~(c)~~ (d) A statement of all money that the board received and expended during the year the report covers.	50167 50168

(9) Keep a record of all of the following:	50169
(a) The board's proceedings;	50170
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	50171 50172 50173
(c) The date and number of each license, permit, and registration that the board issues.	50174 50175
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	50176 50177 50178
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it <u>or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code.</u> In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.	50179 50180 50181 50182 50183 50184 50185 50186 50187 50188 50189 50190 50191 50192 50193 50194 50195 50196 50197 50198
(12) Supply a copy of the poster created pursuant to division	50199

(B) of section 5502.63 of the Revised Code to each person	50200
authorized to operate a salon, school of cosmetology, tanning	50201
facility, or other type of facility under this chapter;	50202
(13) All other duties that this chapter imposes on the board.	50203
(B) The board may delegate any of the duties listed in	50204
division (A) of this section to the executive director of the	50205
board or to an individual designated by the executive director.	50206
Sec. 4713.071. (A) ~~Beginning one year after the effective~~	50207
~~date of this section, the~~ <u>The state board of cosmetology and</u>	50208
<u>barber board</u> shall annually submit a written report to the	50209
governor, president of the senate, and speaker of the house of	50210
representatives. The report shall list all of the following for	50211
the preceding twelve-month period:	50212
(1) The number of students enrolled in courses at licensed	50213
public and private schools of cosmetology <u>and barbering</u> ;	50214
(2) The number of students graduating from licensed public	50215
and private schools of cosmetology <u>and barbering</u> ;	50216
(3) The annual cost for students to attend each licensed	50217
public or private school of cosmetology <u>and barbering</u> ;	50218
(4) The loan default rates for licensed public and private	50219
schools of cosmetology <u>and barbering</u> ;	50220
(5) The first-time licensure passage rate for graduates of	50221
all public and private schools <u>of cosmetology and barbering</u> ;	50222
(6) The total number of new and renewal licenses in each	50223
profession;	50224
(7) The total number of complaint-driven inspections	50225
conducted by the board;	50226
(8) The total number and type of violations, including a list	50227
of the top ten violations, which shall aid in the identification	50228

of focus areas for continuing education purposes;	50229
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	50230 50231
(10) The number of adjudications or other disciplinary action taken by the board.	50232 50233
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter <u>or Chapter 4709. of the Revised Code.</u>	50234 50235 50236
Sec. 4713.08. (A) The state ~~board of~~ cosmetology <u>and barber board</u> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	50237 50238 50239 50240
(1) Govern the practice of the branches of cosmetology;	50241
(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;	50242 50243 50244 50245
(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;	50246 50247
(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;	50248 50249 50250 50251 50252
(5) Provide for the granting of waivers under section 4713.29 of the Revised Code;	50253 50254
(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination	50255 50256 50257

conducted under section 4713.24 of the Revised Code;	50258
(7) Specify locations in which glamour photography services	50259
in which a branch of cosmetology is practiced may be provided;	50260
(8) Establish conditions and the fee for a temporary special	50261
occasion work permit under section 4713.37 of the Revised Code and	50262
specify the amount of time such a permit is valid;	50263
(9) Specify conditions an applicant must satisfy for the	50264
board to issue the applicant an independent contractor license	50265
under section 4713.39 of the Revised Code and the fee for issuance	50266
and renewal of the license;	50267
(10) Establish conditions under which food may be sold at a	50268
salon;	50269
(11) Specify which professions regulated by a professional	50270
regulatory board of this state may be practiced in a salon under	50271
section 4713.42 of the Revised Code;	50272
(12) Establish standards for the provision of cosmetic	50273
therapy, massage therapy, or other professional service in a salon	50274
pursuant to section 4713.42 of the Revised Code;	50275
(13) Establish standards for board approval of, and the	50276
granting of credits for, training in branches of cosmetology at	50277
schools of cosmetology licensed in this state;	50278
(14) Establish the manner in which a school of cosmetology	50279
licensed under section 4713.44 of the Revised Code may offer	50280
post-secondary and advanced practice programs;	50281
(15) Establish sanitary standards for the practice of the	50282
branches of cosmetology, salons, and schools of cosmetology;	50283
(16) Establish the application process for obtaining a	50284
tanning facility permit under section 4713.48 of the Revised Code,	50285
including the amount of the fee for an initial or renewed permit;	50286
(17) Establish standards for installing and operating a	50287

tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	50288 50289
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	50290 50291
(b) Require consumers to wear protective eyeglasses;	50292
(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;	50293 50294
(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;	50295 50296 50297 50298 50299
(e) Require the installation of protective shielding for sun lamps and handrails for consumers;	50300 50301
(f) Require floors to be dry during operation of lamps;	50302
(g) Establish procedures an operator must follow in making reasonable efforts in compliance with section 4713.50 of the Revised Code to determine the age of an individual seeking to use sun lamp tanning services.	50303 50304 50305 50306
(18)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive, do both of the following:	50307 50308 50309
(i) Establish a fee for having a license classified inactive that reflects the cost to the board of providing the inactive license service. If one or more renewal periods have elapsed since the license was valid, the fee shall not include lapsed renewal fees for more than three of those renewal periods;	50310 50311 50312 50313 50314
(ii) Specify the continuing education that an individual whose license has been classified inactive must complete to have the license restored. The continuing education shall be sufficient	50315 50316 50317

to ensure the minimum competency in the use or administration of a 50318
new procedure or product required by a licensee necessary to 50319
protect public health and safety. The requirement shall not exceed 50320
the cumulative number of hours of continuing education that the 50321
individual would have been required to complete had the individual 50322
retained an active license. 50323

(b) In addition, the board may specify the conditions and 50324
method for granting a temporary work permit to practice a branch 50325
of cosmetology to an individual whose license has been classified 50326
inactive. 50327

(19) Establish a fee for approval of a continuing education 50328
program under section 4713.62 of the Revised Code that is adequate 50329
to cover any expense the board incurs in the approval process; 50330

(20) Anything else necessary to implement this chapter. 50331

(B)(1) The rules adopted under division (A)(2) of this 50332
section may establish additional conditions for a temporary 50333
pre-examination work permit under section 4713.22 of the Revised 50334
Code that are applicable to individuals who practice a branch of 50335
cosmetology in another state or country. 50336

(2) The rules adopted under division (A)(18)(b) of this 50337
section may establish additional conditions for a temporary work 50338
permit that are applicable to individuals who practice a branch of 50339
cosmetology in another state. 50340

(C) The conditions specified in rules adopted under division 50341
(A)(6) of this section may include that an applicant is applying 50342
for a license to practice a branch of cosmetology for which the 50343
board determines an examination is unnecessary. 50344

(D) The rules adopted under division (A)(11) of this section 50345
shall not include a profession if practice of the profession in a 50346
salon is a violation of a statute or rule governing the 50347
profession. 50348

(E) The sanitary standards established under division (A)(15) 50349
of this section shall focus in particular on precautions to be 50350
employed to prevent infectious or contagious diseases being 50351
created or spread. The board shall consult with the Ohio 50352
department of health when establishing the sanitary standards. 50353

(F) The fee established by rules adopted under division 50354
(A)(16) of this section shall cover the cost the board incurs in 50355
inspecting tanning facilities and enforcing the board's rules but 50356
may not exceed one hundred dollars per location of such 50357
facilities. 50358

Sec. 4713.081. The state ~~board of~~ cosmetology and barber 50359
board shall furnish a copy of the sanitary standards established 50360
by rules adopted under section 4713.08 of the Revised Code to each 50361
individual to whom the board issues a practicing license, advanced 50362
license, license to operate a salon or school of cosmetology, or 50363
boutique services registration. The board also shall furnish a 50364
copy of the sanitary standards to each individual providing 50365
cosmetic therapy, massage therapy, or other professional service 50366
in a salon under section 4713.42 of the Revised Code. A salon or 50367
school of cosmetology provided a copy of the sanitary standards 50368
shall post the standards in a public and conspicuous place in the 50369
salon or school. 50370

Sec. 4713.082. The state ~~board of~~ cosmetology and barber 50371
board shall furnish a copy of the standards established by rules 50372
adopted under section 4713.08 of the Revised Code for installing 50373
and operating a tanning facility to each individual to whom the 50374
board issues a permit to operate a tanning facility. An individual 50375
provided a copy of the standards shall post the standards in a 50376
public and conspicuous place in the tanning facility. 50377

Sec. 4713.09. The state ~~board of~~ cosmetology and barber board 50378

may adopt rules in accordance with section 4713.08 of the Revised 50379
Code to establish a continuing education requirement, not to 50380
exceed eight hours in a biennial licensing period, as a condition 50381
of renewal for a practicing license, advanced license, instructor 50382
license, or boutique services registration. These hours may 50383
include training in identifying and addressing the crime of 50384
trafficking in persons as described in section 2905.32 of the 50385
Revised Code. At least two of the eight hours of the continuing 50386
education requirement must be achieved in courses concerning 50387
safety and sanitation, and at least one hour of the eight hours of 50388
the continuing education requirement must be achieved in courses 50389
concerning law and rule updates. 50390

Sec. 4713.10. (A) The state board of cosmetology shall charge 50391
and collect the following fees: 50392

(1) For a temporary pre-examination work permit under section 50393
4713.22 of the Revised Code, ~~seven~~ not more than fifteen dollars 50394
~~and fifty cents~~; 50395

(2) For initial application to take an examination under 50396
section 4713.24 of the Revised Code, ~~thirty-one~~ not more than 50397
forty dollars ~~and fifty cents~~; 50398

(3) For application to take an examination under section 50399
4713.24 of the Revised Code by an applicant who has previously 50400
applied to take, but failed to appear for, the examination, ~~forty~~ 50401
not more than fifty-five dollars; 50402

(4) For application to re-take an examination under section 50403
4713.24 of the Revised Code by an applicant who has previously 50404
appeared for, but failed to pass, the examination, ~~thirty-one~~ not 50405
more than forty dollars ~~and fifty cents~~; 50406

(5) For the issuance of a license under section 4713.28, 50407
4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than 50408

<u>seventy-five</u> dollars;	50409
(6) For the issuance of a license under section 4713.34 of the Revised Code, <u>not more than</u> seventy dollars;	50410 50411
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ <u>not more than seventy</u> dollars;	50412 50413 50414
(8) For the issuance or renewal of a cosmetology school license, <u>not more than</u> two hundred fifty dollars;	50415 50416
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ <u>not more than one hundred</u> dollars;	50417 50418 50419
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ <u>not more than ninety</u> dollars;	50420 50421
(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of <u>not more than</u> forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;	50422 50423 50424 50425 50426 50427
(12) For the issuance of a duplicate of any license, ~~twenty~~ <u>not more than thirty</u> dollars;	50428 50429
(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, <u>not more than</u> fifty dollars;	50430 50431 50432
(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.	50433 50434 50435
(B) <u>The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.</u>	50436 50437 50438

(C) The board may establish an installment plan for the 50439
payment of fines and fees and may reduce fees as considered 50440
appropriate by the board. 50441

~~(C)~~(D) At the request of a person who is temporarily unable 50442
to pay a fee imposed under division (A) of this section, or on its 50443
own motion, the board may extend the date payment is due by up to 50444
ninety days. If the fee remains unpaid after the date payment is 50445
due, the amount of the fee shall be certified to the attorney 50446
general for collection in the form and manner prescribed by the 50447
attorney general. The attorney general may assess the collection 50448
cost to the amount certified in such a manner and amount as 50449
prescribed by the attorney general. 50450

Sec. 4713.11. The state ~~board of~~ cosmetology and barber 50451
board, subject to the approval of the controlling board, may 50452
establish fees in excess of the amounts provided by section 50453
4713.10 of the Revised Code, provided that any fee increase does 50454
not exceed the amount permitted by more than fifty per cent. 50455

Sec. 4713.13. Whenever in the judgment of the state ~~board of~~ 50456
cosmetology and barber board any individual has engaged in or is 50457
about to engage in any acts or practices that constitute a 50458
violation of this chapter, or any rule adopted under this chapter, 50459
the board may apply to the appropriate court for an order 50460
enjoining the acts or practices, and upon a showing by the board 50461
that the individual has engaged in the acts or practices, the 50462
court shall grant an injunction, restraining order, or other order 50463
as may be appropriate. 50464

Sec. 4713.141. An inspector employed by the state ~~board of~~ 50465
cosmetology and barber board may take a sample of a product used 50466
or sold in a salon or school of cosmetology for the purpose of 50467
examining the sample, or causing an examination of the sample to 50468

be made, to determine whether division (M) of section 4713.14 of
the Revised Code has been violated.

Should the results of the test prove that division (M) of
section 4713.14 of the Revised Code has been violated, the board
shall take action in accordance with section 4713.64 of the
Revised Code. A fine imposed under that section shall include the
cost of the test. The person's license may be suspended or
revoked.

Sec. 4713.17. (A) The following persons are exempt from the
provisions of this chapter, except, as applicable, section 4713.42
of the Revised Code:

(1) All individuals authorized to practice medicine, surgery,
dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United
States army, navy, air force, or marine hospital service when
engaged in the actual performance of their official duties, and
attendants attached to same;

~~(3) Barbers, insofar as their usual and ordinary vocation and
profession is concerned;~~

~~(4)~~ Funeral directors, embalmers, and apprentices licensed or
registered under Chapter 4717. of the Revised Code;

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning,
or beautification of wigs and hairpieces but who do not engage in
any other act constituting the practice of a branch of
cosmetology;

~~(6)~~(5) Volunteers of hospitals, and homes as defined in
section 3721.01 of the Revised Code, who render service to
registered patients and inpatients who reside in such hospitals or
homes. Such volunteers shall not use or work with any chemical

products such as permanent wave, hair dye, or chemical hair 50498
relaxer, which without proper training would pose a health or 50499
safety problem to the patient. 50500

~~(7)~~(6) Nurse aides and other employees of hospitals and homes 50501
as defined in section 3721.01 of the Revised Code, who practice a 50502
branch of cosmetology on registered patients only as part of 50503
general patient care services and who do not charge patients 50504
directly on a fee for service basis; 50505

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 50506
current, valid certificates to practice cosmetic or massage 50507
therapy issued by the state medical board under section 4731.15 of 50508
the Revised Code, to the extent their actions are authorized by 50509
their certificates to practice; 50510

~~(9)~~(8) Inmates who provide services related to a branch of 50511
cosmetology to other inmates, except when those services are 50512
provided in a licensed school of cosmetology within a state 50513
correctional institution for females. 50514

(B) The director of rehabilitation and correction shall 50515
oversee the services described in division (A)~~(9)~~(8) of this 50516
section with respect to sanitation and adopt rules governing those 50517
types of services provided by inmates. 50518

Sec. 4713.20. Each individual who seeks admission to an 50519
examination conducted under section 4713.24 of the Revised Code 50520
shall submit both of the following to the state ~~board of~~ 50521
cosmetology and barber board: 50522

(A) As part of a license application, proof that the 50523
individual satisfies all conditions to obtain the license for 50524
which the examination is conducted, other than the requirement to 50525
have passed the examination; 50526

(B) A set of the individual's biometric fingerprint scan 50527

taken at the board's offices. 50528

Sec. 4713.22. (A) The state ~~board of~~ cosmetology and barber 50529
board shall issue a temporary pre-examination work permit to an 50530
individual who applies under section 4713.20 of the Revised Code 50531
for admission to an examination conducted under section 4713.24 of 50532
the Revised Code, if the individual satisfies all of the following 50533
conditions: 50534

(1) Is seeking a practicing license or an instructor license; 50535

(2) Has not previously failed an examination conducted under 50536
section 4713.24 of the Revised Code to determine the applicant's 50537
fitness to practice or instruct the branch of cosmetology for 50538
which the individual seeks a license; 50539

(3) Pays to the board the applicable fee; 50540

(4) Satisfies all other conditions established by rules 50541
adopted under section 4713.08 of the Revised Code. 50542

(B) An individual issued a temporary pre-examination work 50543
permit may practice the branch of cosmetology for which the 50544
individual seeks a practicing license until the date the 50545
individual is scheduled to take an examination under section 50546
4713.24 of the Revised Code. The individual shall practice under 50547
the supervision of an individual holding a current, valid license 50548
appropriate for the type of salon in which the permit holder 50549
practices. 50550

(C) An individual issued a temporary pre-examination work 50551
permit may instruct the branch of cosmetology for which the 50552
individual seeks an instructor license for a period not to exceed 50553
one hundred twenty days. 50554

(D) A temporary pre-examination work permit is renewable in 50555
accordance with rules adopted under section 4713.08 of the Revised 50556
Code. 50557

Sec. 4713.24. (A) The state ~~board~~ of cosmetology and barber
board shall conduct an examination for each individual who
satisfies the requirements established by section 4713.20 of the
Revised Code for admission to the examination. Examinations for
licensure for any branch of cosmetology shall assess the ability
of a prospective cosmetology professional to maintain a safe and
sanitary place of service delivery. The board may develop and
administer the appropriate examination or enter into an agreement
with a national testing service to develop the examination,
administer the examination, or both. The examination shall be
specific to the type of license the individual seeks and satisfy
all of the following conditions:

(1) Include both practical demonstrations and written or oral
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be
confined to any special system or method;

(3) Be consistent in both practical and technical
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to
the individual's skill in and knowledge of the branch of
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~
~~amendment~~ September 13, 2016, the board shall create a curriculum
and an examination for individuals seeking licensure to become an
instructor and shall conduct an examination for each individual
who satisfies the requirements established pursuant to section
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or
supplies an individual is required to bring to an examination
described in this section.

(D) The board shall not release the questions developed for 50588
the examinations and the practical demonstrations used in the 50589
testing process, except for the following purposes: 50590

(1) Reviewing or rewriting of any part of the examination on 50591
a periodic basis as prescribed in rules adopted under section 50592
4713.08 of the Revised Code; 50593

(2) Testing of individuals in another state for admission to 50594
the profession of cosmetology or any of its branches as required 50595
under a contract or by means of a license with that state; 50596

(3) Complying with a public records request after which the 50597
questions or the demonstrations have become a public record under 50598
division (F) of this section and otherwise may lawfully be 50599
released. 50600

(E) The examination papers and the scored results of the 50601
practical demonstrations of each individual examined by the board 50602
shall be open for inspection by the individual or the individual's 50603
attorney for at least ninety days following the announcement of 50604
the individual's grade, except for papers that under the terms of 50605
a contract with a testing service are not available for 50606
inspection. On written request of an individual or the 50607
individual's attorney made to the board not later than ninety days 50608
after announcement of the individual's grade, the board shall have 50609
the individual's practical examination papers regraded manually. 50610

(F) Test materials, examinations, or evaluation tools used in 50611
an examination for licensure under this chapter that the board 50612
develops or contracts with a private or government entity to 50613
administer shall become public records under section 149.43 of the 50614
Revised Code fifteen years after the materials, examinations, or 50615
tools were first used in an assessment for licensure, unless the 50616
release of the record is otherwise prohibited by state or federal 50617
law, or the record is deemed to be the proprietary information of 50618

a private entity. 50619

Sec. 4713.25. (A) The state ~~board of~~ cosmetology and barber 50620
board may administer a separate advanced cosmetologist examination 50621
for individuals who complete an advanced cosmetologist training 50622
course separate from a cosmetologist training course. The board 50623
may combine the advanced cosmetologist examination with the 50624
cosmetologist examination for individuals who complete a combined 50625
cosmetologist and advanced cosmetologist training course. 50626

(B) The board may administer a separate advanced esthetician 50627
examination for individuals who complete an advanced esthetician 50628
training course separate from an esthetician training course. The 50629
board may combine the advanced esthetician examination with the 50630
esthetician examination for individuals who complete an 50631
esthetician and advanced esthetician training course. 50632

(C) The board may administer a separate advanced hair 50633
designer examination for individuals who complete an advanced hair 50634
designer training course separate from a hair designer training 50635
course. The board may combine the advanced hair designer 50636
examination with the hair designer examination for individuals who 50637
complete a hair designer and advanced hair designer training 50638
course. 50639

(D) The board may administer a separate advanced manicurist 50640
examination for individuals who complete an advanced manicurist 50641
training course separate from a manicurist training course. The 50642
board may combine the advanced manicurist examination with the 50643
manicurist examination for individuals who complete a manicurist 50644
and advanced manicurist training course. 50645

(E) The board may administer a separate advanced natural hair 50646
stylist examination for individuals who complete an advanced 50647
natural hair stylist training course separate from a natural hair 50648
stylist training course. The board may combine the advanced 50649

natural hair stylist examination with the natural hair stylist 50650
examination for individuals who complete a natural hair stylist 50651
and advanced natural hair stylist training course. 50652

Sec. 4713.28. (A) The state ~~board of~~ cosmetology and barber 50653
board shall issue a practicing license to an applicant who 50654
satisfies all of the following applicable conditions: 50655

(1) Is at least sixteen years of age; 50656

(2) Is of good moral character; 50657

(3) Has the equivalent of an Ohio public school tenth grade 50658
education; 50659

(4) Has submitted a written application on a form furnished 50660
by the board that contains all of the following: 50661

(a) The name of the individual and any other identifying 50662
information required by the board; 50663

(b) A recent photograph of the individual that meets the 50664
specifications established by the board; 50665

(c) A photocopy of the individual's current driver's license 50666
or other proof of legal residence; 50667

(d) Proof that the individual is qualified to take the 50668
applicable examination as required by section 4713.20 of the 50669
Revised Code; 50670

(e) An oath verifying that the information in the application 50671
is true; 50672

(f) The applicable application fee. 50673

(5) Passes an examination conducted under division (A) of 50674
section 4713.24 of the Revised Code for the branch of cosmetology 50675
the applicant seeks to practice; 50676

(6) Pays to the board the applicable license fee; 50677

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 50709

Sec. 4713.29. In accordance with rules adopted under section 50710
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 50711
barber board may waive a condition established by section 4713.28 50712
of the Revised Code for a license to practice a branch of 50713
cosmetology for an applicant who practices that branch of 50714
cosmetology in a state or country that does not license or 50715
register branches of cosmetology. 50716

Sec. 4713.30. The state ~~board of~~ cosmetology and barber board 50717
shall issue an advanced license to an applicant who satisfies all 50718
of the following applicable conditions: 50719

(A) Is at least sixteen years of age; 50720

(B) Is of good moral character; 50721

(C) Has the equivalent of an Ohio public school tenth grade 50722
education; 50723

(D) Pays to the board the applicable fee; 50724

(E) Passes the appropriate advanced license examination; 50725

(F) In the case of an applicant for an initial advanced 50726
cosmetologist license, does either of the following: 50727

(1) Has a licensed advanced cosmetologist or owner of a 50728
licensed beauty salon located in this or another state certify to 50729
the board that the applicant has practiced as a cosmetologist for 50730
at least one thousand eight hundred hours in a licensed beauty 50731
salon; 50732

(2) Has a school of cosmetology licensed in this state 50733
certify to the board that the applicant has successfully 50734
completed, in addition to the hours required for licensure as a 50735
cosmetologist, at least three hundred hours of board-approved 50736
advanced cosmetologist training. 50737

(G) In the case of an applicant for an initial advanced 50738
esthetician license, does either of the following: 50739

(1) Has the licensed advanced esthetician, licensed advanced 50740
cosmetologist, or owner of a licensed esthetics salon or licensed 50741
beauty salon located in this or another state certify to the board 50742
that the applicant has practiced esthetics for at least one 50743
thousand eight hundred hours as an esthetician in a licensed 50744
esthetics salon or as a cosmetologist in a licensed beauty salon; 50745

(2) Has a school of cosmetology licensed in this state 50746
certify to the board that the applicant has successfully 50747
completed, in addition to the hours required for licensure as an 50748
esthetician or cosmetologist, at least one hundred fifty hours of 50749
board-approved advanced esthetician training. 50750

(H) In the case of an applicant for an initial advanced hair 50751
designer license, does either of the following: 50752

(1) Has the licensed advanced hair designer, licensed 50753
advanced cosmetologist, or owner of a licensed hair design salon 50754
or licensed beauty salon located in this or another state certify 50755
to the board that the applicant has practiced hair design for at 50756
least one thousand eight hundred hours as a hair designer in a 50757
licensed hair design salon or as a cosmetologist in a licensed 50758
beauty salon; 50759

(2) Has a school of cosmetology licensed in this state 50760
certify to the board that the applicant has successfully 50761
completed, in addition to the hours required for licensure as a 50762
hair designer or cosmetologist, at least two hundred forty hours 50763
of board-approved advanced hair designer training. 50764

(I) In the case of an applicant for an initial advanced 50765
manicurist license, does either of the following: 50766

(1) Has the licensed advanced manicurist, licensed advanced 50767
cosmetologist, or owner of a licensed nail salon, licensed beauty 50768

salon, or licensed barber shop located in this or another state 50769
certify to the board that the applicant has practiced manicuring 50770
for at least one thousand eight hundred hours as a manicurist in a 50771
licensed nail salon or licensed barber shop or as a cosmetologist 50772
in a licensed beauty salon or licensed barber shop; 50773

(2) Has a school of cosmetology licensed in this state 50774
certify to the board that the applicant has successfully 50775
completed, in addition to the hours required for licensure as a 50776
manicurist or cosmetologist, at least one hundred hours of 50777
board-approved advanced manicurist training. 50778

(J) In the case of an applicant for an initial advanced 50779
natural hair stylist license, does either of the following: 50780

(1) Has the licensed advanced natural hair stylist, licensed 50781
advanced cosmetologist, or owner of a licensed natural hair style 50782
salon or licensed beauty salon located in this or another state 50783
certify to the board that the applicant has practiced natural hair 50784
styling for at least one thousand eight hundred hours as a natural 50785
hair stylist in a licensed natural hair style salon or as a 50786
cosmetologist in a licensed beauty salon; 50787

(2) Has a school of cosmetology licensed in this state 50788
certify to the board that the applicant has successfully 50789
completed, in addition to the hours required for licensure as 50790
natural hair stylist or cosmetologist, at least one hundred fifty 50791
hours of board-approved advanced natural hair stylist training. 50792

Sec. 4713.31. The state ~~board of~~ cosmetology and barber board 50793
shall issue an instructor license to an applicant who satisfies 50794
all of the following applicable conditions: 50795

(A) Is at least eighteen years of age; 50796

(B) Is of good moral character; 50797

(C) Has the equivalent of an Ohio public school twelfth grade 50798

education;	50799
(D) Pays to the board the applicable fee;	50800
(E) In the case of an applicant for an initial cosmetology	50801
instructor license, holds a current, valid advanced cosmetologist	50802
license issued in this state and does either of the following:	50803
(1) Has the licensed advanced cosmetologist or owner of the	50804
licensed beauty salon in which the applicant has been employed	50805
certify to the board that the applicant has engaged in the	50806
practice of cosmetology in a licensed beauty salon for at least	50807
one thousand eight hundred hours;	50808
(2) Has a school of cosmetology licensed in this state	50809
certify to the board that the applicant has successfully completed	50810
one thousand hours of board-approved cosmetology instructor	50811
training as an apprentice instructor.	50812
(F) In the case of an applicant for an initial esthetics	50813
instructor license, holds a current, valid advanced esthetician or	50814
advanced cosmetologist license issued in this state and does	50815
either of the following:	50816
(1) Has the licensed advanced esthetician, licensed advanced	50817
cosmetologist, or owner of the licensed esthetics salon or	50818
licensed beauty salon in which the applicant has been employed	50819
certify to the board that the applicant has engaged in the	50820
practice of esthetics in a licensed esthetics salon or practice of	50821
cosmetology in a licensed beauty salon for at least one thousand	50822
eight hundred hours;	50823
(2) Has a school of cosmetology licensed in this state	50824
certify to the board that the applicant has successfully completed	50825
at least five hundred hours of board-approved esthetics instructor	50826
training as an apprentice instructor.	50827
(G) In the case of an applicant for an initial hair design	50828

instructor license, holds a current, valid advanced hair designer 50829
or advanced cosmetologist license and does either of the 50830
following: 50831

(1) Has the licensed advanced hair designer, licensed 50832
advanced cosmetologist, or owner of the licensed hair design salon 50833
or licensed beauty salon in which the applicant has been employed 50834
certify to the board that the applicant has engaged in the 50835
practice of hair design in a licensed hair design salon or 50836
practice of cosmetology in a licensed beauty salon for at least 50837
one thousand eight hundred hours; 50838

(2) Has a school of cosmetology licensed in this state 50839
certify to the board that the applicant has successfully completed 50840
at least eight hundred hours of board-approved hair design 50841
instructor's training as an apprentice instructor. 50842

(H) In the case of an applicant for an initial manicurist 50843
instructor license, holds a current, valid advanced manicurist or 50844
advanced cosmetologist license and does either of the following: 50845

(1) Has the licensed advanced manicurist, licensed advanced 50846
cosmetologist, or owner of the licensed nail salon or licensed 50847
beauty salon in which the applicant has been employed certify to 50848
the board that the applicant has engaged in the practice of 50849
manicuring in a licensed nail salon or practice of cosmetology in 50850
a licensed beauty salon for at least one thousand eight hundred 50851
hours; 50852

(2) Has a school of cosmetology licensed in this state 50853
certify to the board that the applicant has successfully completed 50854
at least three hundred hours of board-approved manicurist 50855
instructor training as an apprentice instructor. 50856

(I) In the case of an applicant for an initial natural hair 50857
style instructor license, holds a current, valid advanced natural 50858
hair stylist or advanced cosmetologist license and does either of 50859

the following: 50860

(1) Has the licensed advanced natural hair stylist, licensed 50861
advanced cosmetologist, or owner of the licensed natural hair 50862
style salon or licensed beauty salon in which the applicant has 50863
been employed certify to the board that the applicant has engaged 50864
in the practice of natural hair styling in a licensed natural hair 50865
style salon or practice of cosmetology in a licensed beauty salon 50866
for at least one thousand eight hundred hours; 50867

(2) Has a school of cosmetology licensed in this state 50868
certify to the board that the applicant has successfully completed 50869
at least four hundred hours of board-approved natural hair style 50870
instructor training as an apprentice instructor. 50871

(J) In the case of all applicants, passes an examination 50872
conducted under division (B) of section 4713.24 of the Revised 50873
Code for the branch of cosmetology the applicant seeks to 50874
instruct. 50875

Sec. 4713.32. When determining the total hours of instruction 50876
received by an applicant for a license under section 4713.28, 50877
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 50878
cosmetology and barber board shall not take into account more than 50879
ten hours of instruction per day. The board shall take into 50880
account instruction received more than five years prior to the 50881
date of application for the license in accordance with rules 50882
adopted under section 4713.08 of the Revised Code. 50883

Sec. 4713.34. The state ~~board of~~ cosmetology and barber board 50884
shall issue a license to practice a branch of cosmetology or 50885
instructor license to an applicant who is licensed or registered 50886
in another state or country to practice that branch of cosmetology 50887
or teach the theory and practice of that branch of cosmetology, as 50888
appropriate, if all of the following conditions are satisfied: 50889

(A) The applicant satisfies all of the following conditions:	50890
(1) Is not less than eighteen years of age;	50891
(2) Is of good moral character;	50892
(3) In the case of an applicant for a practicing license,	50893
passes an examination conducted under section 4713.24 of the	50894
Revised Code for the license the applicant seeks, unless the	50895
applicant satisfies conditions specified in rules adopted under	50896
section 4713.08 of the Revised Code for the board to issue the	50897
applicant a license without taking the examination;	50898
(4) Pays the applicable fee.	50899
(B) At the time the applicant obtained the license or	50900
registration in the other state or country, the requirements in	50901
this state for obtaining the license the applicant seeks were	50902
substantially equal to the other state or country's requirements.	50903
(C) The jurisdiction that issued the applicant's license or	50904
registration extends similar reciprocity to individuals holding a	50905
license issued by the board.	50906
Sec. 4713.35. An individual who holds a current, valid	50907
cosmetologist or advanced cosmetologist license issued by the	50908
state ~~board of cosmetology and barber board~~ may engage in the	50909
practice of one or more branches of cosmetology as the individual	50910
chooses in a licensed facility.	50911
An individual who holds a current, valid esthetician or	50912
advanced esthetician license issued by the board may engage in the	50913
practice of esthetics but no other branch of cosmetology in a	50914
licensed facility.	50915
An individual who holds a current, valid hair designer or	50916
advanced hair designer license issued by the board may engage in	50917
the practice of hair design but no other branch of cosmetology in	50918
a licensed facility.	50919

An individual who holds a current, valid manicurist or 50920
advanced manicurist license issued by the board may engage in the 50921
practice of manicuring but no other branch of cosmetology in a 50922
licensed facility. 50923

An individual who holds a current, valid natural hair stylist 50924
or advanced natural hair stylist license issued by the board may 50925
engage in the practice of natural hair styling but no other branch 50926
of cosmetology in a licensed facility. 50927

An individual who holds a current, valid cosmetology 50928
instructor license issued by the board may teach the theory and 50929
practice of one or more branches of cosmetology at a school of 50930
cosmetology as the individual chooses. 50931

An individual who holds a current, valid esthetics instructor 50932
license issued by the board may teach the theory and practice of 50933
esthetics, but no other branch of cosmetology, at a school of 50934
cosmetology. 50935

An individual who holds a current, valid hair design 50936
instructor license issued by the board may teach the theory and 50937
practice of hair design, but no other branch of cosmetology, at a 50938
school of cosmetology. 50939

An individual who holds a current, valid manicurist 50940
instructor license issued by the board may teach the theory and 50941
practice of manicuring, but no other branch of cosmetology, at a 50942
school of cosmetology. 50943

An individual who holds a current, valid natural hair style 50944
instructor license issued by the board may teach the theory and 50945
practice of natural hair styling, but no other branch of 50946
cosmetology, at a school of cosmetology. 50947

An individual who holds a current, valid boutique 50948
registration with the board may engage in the practice of boutique 50949
services but no other branch of cosmetology. 50950

Sec. 4713.37. (A) The state ~~board of~~ cosmetology and barber
board may issue a temporary special occasion work permit to an
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or
country to practice a branch of cosmetology or teach the theory
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the
theory and practice of that branch of cosmetology in this state as
part of a promotional or instructional program for not more than
the amount of time a temporary special occasion work permit is
effective;

(4) Satisfies all other conditions for a temporary special
occasion work permit established by rules adopted under section
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work
permit may practice the branch of cosmetology the individual
practices in another state or country, or teach the theory and
practice of the branch of cosmetology the individual teaches in
another state or country, until the expiration date of the permit.
A temporary special occasion work permit is valid for the period
of time specified in rules adopted under section 4713.08 of the
Revised Code.

Sec. 4713.39. The state ~~board of~~ cosmetology and barber board
shall issue a license to engage in the practice of a branch of
cosmetology as an independent contractor to an applicant who pays
the applicable fee; holds a current, valid license for the type of

salon in which the applicant will practice that branch of 50981
cosmetology; and satisfies the conditions for the license 50982
established by rules adopted under section 4713.08 of the Revised 50983
Code. 50984

Sec. 4713.41. The state ~~board of~~ cosmetology and barber board 50985
shall issue a license to operate a salon, including a boutique 50986
salon, to an applicant who pays the applicable fee and affirms 50987
that all of the following conditions will be met: 50988

(A)(1) An individual holding a current, valid cosmetologist 50989
license or boutique services registration pertaining to the branch 50990
of cosmetology services performed at the salon or boutique salon, 50991
shall have charge of and immediate supervision over the salon at 50992
all times when the salon is open for business except as permitted 50993
under division (A)(2) of this section. 50994

(2) A business establishment that is engaged primarily in 50995
retail sales but is also licensed as a salon shall have present an 50996
individual holding a current, valid license or registration to 50997
practice in that type of salon in charge of and in immediate 50998
supervision of the salon during posted or advertised service 50999
hours, if the practice of cosmetology is restricted to those 51000
posted or advertised service hours. 51001

(B) The salon is equipped to do all of the following: 51002

(1) Provide potable running hot and cold water and proper 51003
drainage; 51004

(2) Sanitize all instruments and supplies used in the branch 51005
of cosmetology provided at the salon; 51006

(3) If cosmetic therapy, massage therapy, or other 51007
professional service is provided at the salon under section 51008
4713.42 of the Revised Code, sanitize all instruments and supplies 51009
used in the cosmetic therapy, massage therapy, or other 51010

professional service. 51011

(C) Except as provided in sections 4713.42 and 4713.49 of the 51012
Revised Code, only the branch of cosmetology that the salon is 51013
licensed to provide is practiced at the salon. 51014

(D) The salon is kept in a clean and sanitary condition and 51015
properly ventilated. 51016

(E) No food is sold at the salon in a manner inconsistent 51017
with rules adopted under section 4713.08 of the Revised Code. 51018

(F) A notice that contains a toll-free number and online 51019
process for reporting alleged violations of this chapter, as 51020
prescribed by the board of cosmetology, is posted at the salon in 51021
a common area for all customers of salon services. 51022

Sec. 4713.44. (A) The state ~~board of~~ cosmetology and barber 51023
board shall issue a license to operate a school of cosmetology to 51024
an applicant who pays the applicable fee and satisfies all of the 51025
following requirements: 51026

(1) Maintains a course of practical training and technical 51027
instruction for the branch or branches of cosmetology to be taught 51028
at the school equal to the requirements for admission to an 51029
examination under section 4713.24 of the Revised Code that an 51030
individual must pass to obtain a license to practice that branch 51031
or those branches of cosmetology; 51032

(2) Possesses or makes available apparatus and equipment 51033
sufficient for the ready and full teaching of all subjects of the 51034
curriculum; 51035

(3) Maintains individuals licensed under section 4713.31 or 51036
4713.34 of the Revised Code to teach the theory and practice of 51037
the branches of cosmetology; 51038

(4) Notifies the board of the enrollment of each new student, 51039
keeps a record devoted to the different practices, establishes 51040

grades, and holds examinations in order to certify the students' 51041
completion of the prescribed course of study before the issuance 51042
of certificates of completion; 51043

(5) In the case of a school of cosmetology that offers clock 51044
hours for the purpose of satisfying minimum hours of training and 51045
instruction, keeps a daily record of the attendance of each 51046
student; 51047

(6) On the date that an apprentice cosmetology instructor 51048
begins cosmetology instructor training at the school, certifies 51049
the name of the apprentice cosmetology instructor to the board 51050
along with the date on which the apprentice's instructor training 51051
began; 51052

(7) Instructs not more than six apprentice cosmetology 51053
instructors at any one time; 51054

(8) Files with the board a good and sufficient surety bond 51055
executed by the individual, firm, or corporation operating the 51056
school of cosmetology as principal and by a surety company as 51057
surety in the amount of ten thousand dollars; provided, that this 51058
requirement does not apply to a vocational or career-technical 51059
school program conducted by a city, exempted village, local, or 51060
joint vocational school district. The bond shall be in the form 51061
prescribed by the board and be conditioned upon the school's 51062
continued instruction in the theory and practice of the branches 51063
of cosmetology. Every bond shall continue in effect until notice 51064
of its termination is given to the board by registered mail and 51065
every bond shall so provide. 51066

(9) Establishes and maintains an internal procedure for 51067
processing complaints filed against the school and for providing 51068
students with instructions on how to file a complaint directly 51069
with the board pursuant to section 4713.641 of the Revised Code. 51070

(B) A school of cosmetology holding a license issued under 51071

division (A) of this section is an educational institution and is 51072
authorized to offer educational programs beyond secondary 51073
education, advanced practice programs, or both in accordance with 51074
rules adopted by the board pursuant to section 4713.08 of the 51075
Revised Code. 51076

(C) A school of cosmetology holding a license to operate a 51077
school of cosmetology on September 29, 2013, shall establish and 51078
maintain an internal procedure for processing complaints filed 51079
against the school and shall provide each of the school's students 51080
with instructions on how to file a complaint directly with the 51081
board pursuant to section 4713.641 of the Revised Code. 51082

Sec. 4713.45. (A) A school of cosmetology may do the 51083
following: 51084

(1) In accordance with rules adopted under section 4713.08 of 51085
the Revised Code, a school of cosmetology operated by a public 51086
entity or a private person may offer clock hours, credit hours, or 51087
competency-based credits for the purpose of satisfying minimum 51088
hours of training and instruction; 51089

(2) Allow an apprentice cosmetology instructor the regular 51090
quota of students prescribed by the state ~~board of~~ cosmetology and 51091
barber board if a cosmetology instructor is present; 51092

(3) Compensate an apprentice cosmetology instructor; 51093

(4) Subject to division (B) of this section, employ an 51094
individual who does not hold a current, valid instructor license 51095
to teach subjects related to a branch of cosmetology. 51096

(B) A school of cosmetology shall have a licensed cosmetology 51097
instructor present when an individual employed pursuant to 51098
division (A)(4) of this section teaches at the school, unless the 51099
individual is one of the following: 51100

(1) An individual with a current, valid teacher's certificate 51101

or educator license issued by the state board of education; 51102

(2) An individual with a bachelor's degree in the subject the 51103
person teaches at the school; 51104

(3) An individual also employed by a university or college to 51105
teach the subject the person teaches at the school. 51106

(C) A school of cosmetology shall annually review the 51107
subjects and coursework required to receive an initial cosmetology 51108
license and advanced license and, in doing so, shall incorporate 51109
standards adopted by the state ~~board of~~ cosmetology and barber 51110
board pursuant to division (A)(13) of section 4713.08 of the 51111
Revised Code. 51112

Sec. 4713.48. (A) The state ~~board of~~ cosmetology and barber 51113
board shall issue a permit to operate a tanning facility to an 51114
applicant if all of the following conditions are satisfied: 51115

(1) The applicant applies in accordance with the application 51116
process adopted by rules adopted under section 4713.08 of the 51117
Revised Code. 51118

(2) The applicant pays to the treasurer of state the fee 51119
established by those rules. 51120

(3) An initial inspection of the premises indicates that the 51121
tanning facility has been installed and will be operated in 51122
accordance with those rules. 51123

(B) A permit holder shall post the permit in a public and 51124
conspicuous place on any premises where the tanning facility is 51125
located. An individual shall obtain a separate permit for each of 51126
the premises owned or operated by that individual at which the 51127
individual seeks to operate a tanning facility. 51128

(C) To continue operating, a permit holder shall biennially 51129
renew the permit by the last day of January of each odd-numbered 51130
year. The board shall renew the permit upon the holder's payment 51131

to the treasurer of state of the biennial renewal fee. 51132

Sec. 4713.50. (A) A tanning facility operator or employee 51133
shall make reasonable efforts, in accordance with procedures 51134
established under section 4713.08 of the Revised Code, to 51135
determine whether an individual seeking to use the facility's sun 51136
lamp tanning services is less than sixteen years of age, at least 51137
sixteen but less than eighteen years of age, or eighteen years of 51138
age or older. 51139

(B)(1) A tanning facility operator or employee shall not 51140
allow an individual who is eighteen years of age or older to use 51141
the facility's sun lamp tanning services without first obtaining 51142
the consent of the individual. The consent shall be evidenced by 51143
the individual's signature on the form developed by the state 51144
~~board of cosmetology and barber board~~ under section 4713.51 of the 51145
Revised Code. The consent is valid indefinitely. 51146

(2) A tanning facility operator or employee shall not allow 51147
an individual who is at least sixteen but less than eighteen years 51148
of age to use the facility's sun lamp tanning services without 51149
first obtaining the consent of a parent or legal guardian of the 51150
individual. The consent shall be evidenced by the signature of the 51151
parent or legal guardian on the form developed by the board under 51152
section 4713.51 of the Revised Code. The form must be signed in 51153
the presence of the operator or an employee of the tanning 51154
facility. The consent is valid for ninety days from the date the 51155
form is signed. A tanning facility operator or employee shall not 51156
allow an individual who is at least sixteen but less than eighteen 51157
years of age to use the facility's sun lamp tanning services for 51158
more than forty-five sessions during the ninety-day period covered 51159
by the consent. No such session may be longer than the maximum 51160
safe time of exposure specified in rules adopted under division 51161
(A)(17) of section 4713.08 of the Revised Code. 51162

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

Sec. 4713.51. The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

Sec. 4713.55. Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal 51193
of the board attached. 51194

The board shall specify on each practicing license that the 51195
board issues the branch of cosmetology that the license entitles 51196
the holder to practice. The board shall specify on each advanced 51197
license that the board issues the type of salon in which the 51198
license entitles the holder to work and the branch of cosmetology 51199
that the license entitles the holder to practice. The board shall 51200
specify on each instructor license that the board issues the 51201
branch of cosmetology that the license entitles the holder to 51202
teach. The board shall specify on each salon license that the 51203
board issues the branch of cosmetology that the license entitles 51204
the holder to offer. The board shall specify on each independent 51205
contractor license that the board issues the branch of cosmetology 51206
that the license entitles the holder to offer within a licensed 51207
salon. Such licenses are prima-facie evidence of the right of the 51208
holder to practice or teach the branch of cosmetology that the 51209
license specifies. 51210

Sec. 4713.56. Every holder of a practicing license, 51211
instructor license, independent contractor license, or boutique 51212
service registration issued by the state board of cosmetology 51213
shall maintain the board-issued, wallet-sized license or 51214
electronically generated license certification or registration and 51215
a current government-issued photo identification that can be 51216
produced upon inspection or request. 51217

Every holder of a license to operate a salon issued by the 51218
board shall display the license in a public and conspicuous place 51219
in the salon. 51220

Every holder of a license to operate a school of cosmetology 51221
issued by the board shall display the license in a public and 51222

conspicuous place in the school. 51223

Every individual who provides cosmetic therapy, massage 51224
therapy, or other professional service in a salon under section 51225
4713.42 of the Revised Code shall maintain the individual's 51226
professional license or certificate or electronically generated 51227
license certification or registration and a state of Ohio issued 51228
photo identification that can be produced upon inspection or 51229
request. 51230

Sec. 4713.57. A license or registration issued by the state 51231
~~board of~~ cosmetology and barber board pursuant to this chapter is 51232
valid until the last day of January of the odd-numbered year 51233
following its original issuance or renewal, unless the license is 51234
revoked or suspended prior to that date. Renewal shall be done in 51235
accordance with the standard renewal procedure of Chapter 4745. of 51236
the Revised Code. The board may refuse to renew a license if the 51237
individual holding the license has an outstanding unpaid fine 51238
levied under section 4713.64 of the Revised Code. 51239

Sec. 4713.58. (A) Except as provided in division (B) of this 51240
section, on payment of the renewal fee and submission of proof 51241
satisfactory to the state ~~board of~~ cosmetology and barber board 51242
that any applicable continuing education requirements have been 51243
completed, an individual currently licensed as: 51244

(1) A cosmetology instructor who has previously been licensed 51245
as a cosmetologist or an advanced cosmetologist, is entitled to 51246
the reissuance of a cosmetologist or advanced cosmetologist 51247
license; 51248

(2) An esthetics instructor who has previously been licensed 51249
as an esthetician or an advanced esthetician, is entitled to the 51250
reissuance of an esthetician or advanced esthetician license; 51251

(3) A hair design instructor who has previously been licensed 51252

as a hair designer or an advanced hair designer, is entitled to 51253
the reissuance of a hair designer or advanced hair designer 51254
license; 51255

(4) A manicurist instructor who has previously been licensed 51256
as a manicurist or an advanced manicurist, is entitled to the 51257
reissuance of a manicurist or advanced manicurist license; 51258

(5) A natural hair style instructor who has previously been 51259
licensed as a natural hair stylist or an advanced natural hair 51260
stylist, is entitled to the reissuance of a natural hair stylist 51261
or advanced natural hair stylist license. 51262

(B) No individual is entitled to the reissuance of a license 51263
under division (A) of this section if the license was revoked or 51264
suspended or the individual has an outstanding unpaid fine levied 51265
under section 4713.64 of the Revised Code. 51266

Sec. 4713.59. If the state ~~board of~~ cosmetology and barber 51267
board adopts rules under section 4713.09 of the Revised Code to 51268
establish a continuing education requirement as a condition of 51269
renewal for a practicing license, advanced license, or instructor 51270
license, the board shall inform each affected licensee of the 51271
continuing education requirement that applies to the next biennial 51272
licensing period by including that information in the renewal 51273
notification it sends the licensee. The notification shall state 51274
that the licensee must complete the continuing education 51275
requirement by the fifteenth day of January of the next 51276
odd-numbered year. 51277

Hours completed in excess of the continuing education 51278
requirement may not be applied to the next biennial licensing 51279
period. 51280

Sec. 4713.61. (A) If the state ~~board of~~ cosmetology and 51281
barber board adopts a continuing education requirement under 51282

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

Sec. 4713.62. (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 51313
conditions are satisfied: 51314

(1) The person operating the program submits to the board a 51315
written application for approval. 51316

(2) The person operating the program pays to the board a fee 51317
established by rules adopted under section 4713.08 of the Revised 51318
Code. 51319

(3) The program is operated by an employee, officer, or 51320
director of a nonprofit professional association, college or 51321
university, proprietary continuing education institutions 51322
providing programs approved by the board, vocational school, 51323
postsecondary proprietary school of cosmetology licensed by the 51324
board, salon licensed by the board, or manufacturer of supplies or 51325
equipment used in the practice of a branch of cosmetology. 51326

(4) The program will do at least one of the following: 51327

(a) Enhance the professional competency of the affected 51328
licensees or registrants; 51329

(b) Protect the public; 51330

(c) Educate the affected licensees or registrants in the 51331
application of the laws and rules regulating the practice of a 51332
branch of cosmetology. 51333

(5) The person operating the program provides the board a 51334
tentative schedule of when the program will be available so that 51335
the board can make the schedule readily available to all licensees 51336
and registrants throughout the state. 51337

Sec. 4713.63. A practicing license, advanced license, or 51338
instructor license that has not been renewed for any reason other 51339
than because it has been revoked, suspended, or classified 51340
inactive, or because the license holder has been given a waiver or 51341
extension under section 4713.60 of the Revised Code, is expired. 51342

An expired license may be restored if the individual who held the 51343
license meets all of the following applicable conditions: 51344

(A) Pays to the state ~~board of~~ cosmetology and barber board 51345
the restoration fee established under section 4713.10 of the 51346
Revised Code; 51347

(B) In the case of a practicing license or advanced license 51348
that has been expired for more than two consecutive license 51349
renewal periods, completes eight hours of continuing education for 51350
each license renewal period that has elapsed since the license was 51351
last issued or renewed, up to a maximum of twenty-four hours. At 51352
least four of those hours shall include a course pertaining to 51353
sanitation and safety methods. 51354

The board shall deposit all fees it receives under division 51355
(B) of this section into the general revenue fund. 51356

Sec. 4713.64. (A) The state ~~board of~~ cosmetology and barber 51357
board may take disciplinary action under this chapter for any of 51358
the following: 51359

(1) Failure to comply with the safety, sanitation, and 51360
licensing requirements of this chapter or rules adopted under it; 51361

(2) Continued practice by an individual knowingly having an 51362
infectious or contagious disease; 51363

(3) Habitual drunkenness or addiction to any habit-forming 51364
drug; 51365

(4) Willful false and fraudulent or deceptive advertising; 51366

(5) Falsification of any record or application required to be 51367
filed with the board; 51368

(6) Failure to pay a fine or abide by a suspension order 51369
issued by the board; 51370

(7) Failure to cooperate with an investigation or inspection;	51371
(8) Failure to respond to a subpoena;	51372
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	51373 51374
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	51375 51376 51377
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	51378 51379
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	51380 51381
(2) Impose a fine;	51382
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	51383 51384
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	51385 51386 51387
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	51388 51389 51390 51391 51392 51393 51394
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board	51395 51396 51397 51398 51399 51400

does not ratify a consent agreement, the admissions and findings 51401
contained in the agreement are of no effect, and the case shall be 51402
scheduled for adjudication under Chapter 119. of the Revised Code. 51403

(D) The amount and content of corrective action courses and 51404
other relevant criteria shall be established by the board in rules 51405
adopted under section 4713.08 of the Revised Code. 51406

(E)(1) The board may impose a separate fine for each offense 51407
listed in division (A) of this section. The amount of the first 51408
fine issued for a violation as the result of an inspection shall 51409
be not more than two hundred fifty dollars if the violator has not 51410
previously been fined for that offense. Any fines issued for 51411
additional violations during such an inspection shall not be more 51412
than one hundred dollars for each additional violation. The fine 51413
shall be not more than five hundred dollars if the violator has 51414
been fined for the same offense once before. Any fines issued for 51415
additional violations during a second inspection shall not be more 51416
than two hundred dollars for each additional violation. The fine 51417
shall be not more than one thousand dollars if the violator has 51418
been fined for the same offense two or more times before. Any 51419
fines issued for additional violations during a third inspection 51420
shall not be more than three hundred dollars for each additional 51421
violation. 51422

(2) The board shall issue an order notifying a violator of a 51423
fine imposed under division (E)(1) of this section. The notice 51424
shall specify the date by which the fine is to be paid. The date 51425
shall be less than forty-five days after the board issues the 51426
order. 51427

(3) At the request of a violator who is temporarily unable to 51428
pay a fine, or upon its own motion, the board may extend the time 51429
period within which the violator shall pay the fine up to ninety 51430
days after the date the board issues the order. 51431

(4) If a violator fails to pay a fine by the date specified 51432
in the board's order and does not request an extension within ten 51433
days after the date the board issues the order, or if the violator 51434
fails to pay the fine within the extended time period as described 51435
in division (E)(3) of this section, the board shall add to the 51436
fine an additional penalty equal to ten per cent of the fine. 51437

(5) If a violator fails to pay a fine within ninety days 51438
after the board issues the order, the board shall add to the fine 51439
interest at a rate specified by the board in rules adopted under 51440
section 4713.08 of the Revised Code. 51441

(6) If the fine, including any interest or additional 51442
penalty, remains unpaid on the ninety-first day after the board 51443
issues an order under division (E)(2) of this section, the amount 51444
of the fine and any interest or additional penalty shall be 51445
certified to the attorney general for collection in the form and 51446
manner prescribed by the attorney general. The attorney general 51447
may assess the collection cost to the amount certified in such a 51448
manner and amount as prescribed by the attorney general. 51449

(F) In the case of an offense of failure to comply with 51450
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 51451
Code, the board shall impose a fine of five hundred dollars if the 51452
violator has not previously been fined for that offense. If the 51453
violator has previously been fined for the offense, the board may 51454
impose a fine in accordance with this division or take another 51455
action in accordance with division (B) of this section. 51456

(G) The board shall notify a licensee or registrant who is in 51457
violation of division (A) of this section and the owner of the 51458
salon in which the conditions constituting the violation were 51459
found. The individual receiving the notice of violation and the 51460
owner of the salon may request a hearing pursuant to section 51461
119.07 of the Revised Code. If the individual or owner fails to 51462
request a hearing or enter into a consent agreement thirty days 51463

after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the

delivery person obtain a signature to verify that the notice has 51496
been delivered. The board also may send the notices by electronic 51497
mail, provided that the electronic mail delivery system certifies 51498
that a notice has been received. 51499

Sec. 4713.641. Any student or former student of a school of 51500
cosmetology licensed under division (A) of section 4713.44 of the 51501
Revised Code may file a complaint with the state ~~board of~~ 51502
cosmetology and barber board alleging that the school has violated 51503
division (A) of section 4713.64 of the Revised Code. The complaint 51504
shall be in writing and signed by the individual bringing the 51505
complaint. Upon receiving a complaint, the board shall initiate a 51506
preliminary investigation to determine whether it is probable that 51507
a violation was committed. If the board determines after 51508
preliminary investigation that it is not probable that a violation 51509
was committed, the board shall notify the individual who filed the 51510
complaint of the board's findings and that the board will not 51511
issue a formal complaint in the matter. If the board determines 51512
after a preliminary investigation that it is probable that a 51513
violation was committed, the board shall proceed against the 51514
school pursuant to the board's authority under section 4713.64 of 51515
the Revised Code and in accordance with the hearing and notice 51516
requirements prescribed in Chapter 119. of the Revised Code. 51517

Sec. 4713.65. On receipt of a notice pursuant to section 51518
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 51519
barber board shall comply with sections 3123.41 to 3123.50 of the 51520
Revised Code and any applicable rules adopted under section 51521
3123.63 of the Revised Code with respect to a license issued 51522
pursuant to this chapter or licenses issued pursuant to Chapter 51523
4709. of the Revised Code. 51524

Sec. 4713.66. (A) The state ~~board of~~ cosmetology and barber 51525

board, on its own motion or on receipt of a written complaint, may 51526
investigate or inspect the activities or premises of an individual 51527
or entity who is alleged to have violated this chapter or rules 51528
adopted under it, regardless of whether the individual or entity 51529
holds a license or registration issued under this chapter. 51530

(B) If, based on its investigation, the board determines that 51531
there is reasonable cause to believe that an individual or entity 51532
has violated this chapter or rules adopted under it, the board 51533
shall afford the individual or entity an opportunity for a 51534
hearing. Notice shall be given and any hearing conducted in 51535
accordance with Chapter 119. of the Revised Code. 51536

(C) The board shall maintain a transcript of the hearing and 51537
issue a written opinion to all parties, citing its findings and 51538
ground for any action it takes. Any action shall be taken in 51539
accordance with section 4713.64 of the Revised Code. 51540

Sec. 4713.68. The state ~~board of cosmetology and barber board~~ 51541
shall comply with section 4776.20 of the Revised Code. 51542

Sec. 4713.69. (A) The state ~~board of cosmetology and barber~~ 51543
board shall issue a boutique services registration to an applicant 51544
who satisfies all of the following applicable conditions: 51545

(1) Is at least sixteen years of age; 51546

(2) Is of good moral character; 51547

(3) Has the equivalent of an Ohio public school tenth grade 51548
education; 51549

(4) Has submitted a written application on a form prescribed 51550
by the board containing all of the following: 51551

(a) The applicant's name and home address; 51552

(b) The applicant's home telephone number and cellular 51553

telephone number, if any; 51554

(c) The applicant's electronic mail address, if any; 51555

(d) The applicant's date of birth; 51556

(e) The address and telephone number where boutique services 51557
will be performed. The address shall not contain a post office box 51558
number. 51559

(f) Whether the applicant has an occupational license, 51560
certification, or registration to provide beauty services in 51561
another state, and if so, what type of license and in what state; 51562

(g) Whether the applicant has ever had an occupational 51563
license, certification, or registration suspended, revoked, or 51564
denied in any state; 51565

(h) An affidavit providing proof of formal training or 51566
apprenticeship under an individual providing such services. 51567

(B) The place of business where boutique services are 51568
performed must comply with the safety and sanitation requirements 51569
for licensed salon facilities as described in section 4713.41 of 51570
the Revised Code. 51571

(C) ~~Within six months of the effective date of this section,~~ 51572
~~the~~ The board shall specify the manner by which boutique services 51573
registrants shall fulfill the continuing education requirements 51574
set forth in section 4713.09 of the Revised Code. 51575

Sec. 4715.13. (A) Applicants for licenses to practice 51576
dentistry or for a general anesthesia permit or a conscious 51577
intravenous sedation permit shall pay to the secretary of the 51578
state dental board the following fees: 51579

(1) For license to practice dentistry, two hundred ~~ten~~ 51580
sixty-seven dollars if issued in an odd-numbered year or ~~three~~ 51581
four hundred ~~fifty-seven~~ fifty-four dollars if issued in an 51582

even-numbered year; 51583

(2) For duplicate license, to be granted upon proof of loss 51584
of the original, twenty dollars; 51585

(3) For a general anesthesia permit, one hundred twenty-seven 51586
dollars; 51587

(4) For a conscious intravenous sedation permit, one hundred 51588
twenty-seven dollars. 51589

(B) Forty dollars of each fee collected under division (A)(1) 51590
of this section for a license issued in an even-numbered year and 51591
twenty dollars of each fee collected under division (A)(1) of this 51592
section in an odd-numbered year shall be paid to the dentist loan 51593
repayment fund established under section 3702.95 of the Revised 51594
Code. 51595

(C) In the case of a person who applies for a license to 51596
practice dentistry by taking an examination administered by the 51597
state dental board, both of the following apply: 51598

(1) The fee in division (A)(1) of this section may be 51599
refunded to an applicant who is unavoidably prevented from 51600
attending the examination, or the applicant may be examined at the 51601
next regular or special meeting of the board without an additional 51602
fee. 51603

(2) An applicant who fails the first examination may be 51604
re-examined at the next regular or special meeting of the board 51605
without an additional fee. 51606

Sec. 4715.14. (A)(1) Each person who is licensed to practice 51607
dentistry in Ohio shall, on or before the first day of January of 51608
each even-numbered year, register with the state dental board. The 51609
registration shall be made on a form prescribed by the board and 51610
furnished by the secretary, shall include the licensee's name, 51611
address, license number, and such other reasonable information as 51612

the board may consider necessary, and shall include payment of a 51613
biennial registration fee of ~~two~~ three hundred ~~forty-five~~ twelve 51614
dollars. ~~Except as provided in division (E) of this section, this~~ 51615
~~fee shall be paid to the treasurer of state.~~ Subject to division 51616
(C) of this section, a registration shall be in effect for the 51617
two-year period beginning on the first day of January of the 51618
even-numbered year and ending on the last day of December of the 51619
following odd-numbered year, and shall be renewed in accordance 51620
with the standard renewal procedure of sections 4745.01 to 4745.03 51621
of the Revised Code. 51622

(2)(a) Except as provided in division (A)(2)(b) of this 51623
section, in the case of a licensee seeking registration who 51624
prescribes or personally furnishes opioid analgesics or 51625
benzodiazepines, as defined in section 3719.01 of the Revised 51626
Code, the licensee shall certify to the board whether the licensee 51627
has been granted access to the drug database established and 51628
maintained by the state board of pharmacy pursuant to section 51629
4729.75 of the Revised Code. 51630

(b) The requirement in division (A)(2)(a) of this section 51631
does not apply if any of the following is the case: 51632

(i) The state board of pharmacy notifies the state dental 51633
board pursuant to section 4729.861 of the Revised Code that the 51634
licensee has been restricted from obtaining further information 51635
from the drug database. 51636

(ii) The state board of pharmacy no longer maintains the drug 51637
database. 51638

(iii) The licensee does not practice dentistry in this state. 51639

(3) If a licensee certifies to the state dental board that 51640
the licensee has been granted access to the drug database and the 51641
board finds through an audit or other means that the licensee has 51642
not been granted access, the board may take action under section 51643

4715.30 of the Revised Code. 51644

(B) A licensed dentist who desires to temporarily retire from 51645
practice and who has given the board notice in writing to that 51646
effect shall be granted such a retirement, provided only that at 51647
that time all previous registration fees and additional costs of 51648
reinstatement have been paid. 51649

(C) Not later than the thirty-first day of January of an 51650
even-numbered year, the board shall send a notice by certified 51651
mail to a dentist who fails to renew a license in accordance with 51652
division (A) of this section. The notice shall state all of the 51653
following: 51654

(1) That the board has not received the registration form and 51655
fee described in that division; 51656

(2) That the license shall remain valid and in good standing 51657
until the first day of April following the last day of December of 51658
the odd-numbered year in which the dentist was scheduled to renew 51659
if the dentist remains in compliance with all other applicable 51660
provisions of this chapter and any rule adopted under it; 51661

(3) That the license may be renewed until the first day of 51662
April following the last day of December of the odd-numbered year 51663
in which the dentist was scheduled to renew by the payment of the 51664
biennial registration fee and an additional fee of one hundred 51665
twenty-seven dollars to cover the cost of late renewal; 51666

(4) That unless the board receives the registration form and 51667
fee before the first day of April following the last day of 51668
December of the odd-numbered year in which the dentist was 51669
scheduled to renew, the board may, on or after the relevant first 51670
day of April, initiate disciplinary action against the dentist 51671
pursuant to Chapter 119. of the Revised Code; 51672

(5) That a dentist whose license has been suspended as a 51673
result of disciplinary action initiated pursuant to division 51674

(C)(4) of this section may be reinstated by the payment of the 51675
biennial registration fee and an additional fee of three hundred 51676
eighty-one dollars to cover the cost of reinstatement. 51677

(D) Each dentist licensed to practice, whether a resident or 51678
not, shall notify the secretary in writing or electronically of 51679
any change in the dentist's office address or employment within 51680
ten days after such change has taken place. On the first day of 51681
July of every even-numbered year, the secretary shall issue a 51682
printed roster of the names and addresses so registered. 51683

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 51684
shall be paid to the dentist loan repayment fund created under 51685
section 3702.95 of the Revised Code. 51686

Sec. 4715.16. (A) Upon payment of a fee of ~~ten~~ thirteen 51687
dollars, the state dental board may without examination issue a 51688
limited resident's license to any person who is a graduate of a 51689
dental college, is authorized to practice in another state or 51690
country or qualified to take the regular licensing examination in 51691
this state, and furnishes the board satisfactory proof of having 51692
been appointed a dental resident at an accredited dental college 51693
in this state or at an accredited program of a hospital in this 51694
state, but has not yet been licensed as a dentist by the board. 51695
Any person receiving a limited resident's license may practice 51696
dentistry only in connection with programs operated by the dental 51697
college or hospital at which the person is appointed as a resident 51698
as designated on the person's limited resident's license, and only 51699
under the direction of a licensed dentist who is a member of the 51700
dental staff of the college or hospital or a dentist holding a 51701
current limited teaching license issued under division (B) of this 51702
section, and only on bona fide patients of such programs. The 51703
holder of a limited resident's license may be disciplined by the 51704
board pursuant to section 4715.30 of the Revised Code. 51705

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 51706
upon application endorsed by an accredited dental college in this 51707
state, the board may without examination issue a limited teaching 51708
license to a dentist who is a graduate of a dental college, is 51709
authorized to practice dentistry in another state or country, and 51710
has full-time appointment to the faculty of the endorsing dental 51711
college. A limited teaching license is subject to annual renewal 51712
in accordance with the standard renewal procedure of Chapter 4745. 51713
of the Revised Code, and automatically expires upon termination of 51714
the full-time faculty appointment. A person holding a limited 51715
teaching license may practice dentistry only in connection with 51716
programs operated by the endorsing dental college. The board may 51717
discipline the holder of a limited teaching license pursuant to 51718
section 4715.30 of the Revised Code. 51719

(C)(1) As used in this division: 51720

(a) "Continuing dental education practicum" or "practicum" 51721
means a course of instruction, approved by the American dental 51722
association, Ohio dental association, or academy of general 51723
dentistry, that is designed to improve the clinical skills of a 51724
dentist by requiring the dentist to participate in clinical 51725
exercises on patients. 51726

(b) "Director" means the person responsible for the operation 51727
of a practicum. 51728

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 51729
application endorsed by the director of a continuing dental 51730
education practicum, the board shall, without examination, issue a 51731
temporary limited continuing education license to a resident of a 51732
state other than Ohio who is licensed to practice dentistry in 51733
such state and is in good standing, is a graduate of an accredited 51734
dental college, and is registered to participate in the endorsing 51735
practicum. The determination of whether a dentist is in good 51736
standing shall be made by the board. 51737

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 51770
continuing dental education practicum and shall expire at the end 51771
of one year. If the dentist fails to complete the endorsing 51772
practicum in one year, the board may, upon the dentist's 51773
application and payment of a fee of ~~seventy-five~~ ninety-four 51774
dollars, renew the temporary limited continuing education license 51775
for a consecutive one-year period. Only two renewals may be 51776
granted. The holder of a temporary limited continuing education 51777
license may be disciplined by the board pursuant to section 51778
4715.30 of the Revised Code. 51779

(D) The board shall act either to approve or to deny any 51780
application for a limited license pursuant to division (A), (B), 51781
or (C) of this section not later than sixty days of the date the 51782
board receives the application. 51783

Sec. 4715.21. Each person who desires to practice as a dental 51784
hygienist shall file with the secretary of the state dental board 51785
a written application for a license, under oath, upon the form 51786
prescribed. Such applicant shall furnish satisfactory proof of 51787
being at least eighteen years of age and of good moral character. 51788
An applicant shall present a diploma or certificate of graduation 51789
from an accredited dental hygiene school and shall pay the 51790
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 51791
license is issued in an odd-numbered year or one hundred 51792
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 51793
year. Those passing such examination as the board prescribes 51794
relating to dental hygiene shall receive a certificate of 51795
registration entitling them to practice. If an applicant fails to 51796
pass the first examination the applicant may apply for a 51797
re-examination at the next regular or special examination meeting 51798
of the board. 51799

No applicant shall be admitted to more than two examinations 51800

without first presenting satisfactory proof that the applicant has 51801
successfully completed such refresher courses in an accredited 51802
dental hygiene school as the state dental board may prescribe. 51803

An accredited dental hygiene school shall be one accredited 51804
by the American dental association commission on dental 51805
accreditation or whose educational standards are recognized by the 51806
American dental association commission on dental accreditation and 51807
approved by the state dental board. 51808

Sec. 4715.24. (A) Each person who is licensed to practice as 51809
a dental hygienist in Ohio shall, on or before the first day of 51810
January of each even-numbered year, register with the state dental 51811
board, unless the person is temporarily retired pursuant to 51812
section 4715.241 of the Revised Code. The registration shall be 51813
made on a form prescribed by the board and furnished by the 51814
secretary, shall include the licensee's name, address, license 51815
number, and such other reasonable information as the board may 51816
consider necessary, and shall include payment of a biennial 51817
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 51818
fee shall be paid to the treasurer of state. All such 51819
registrations shall be in effect for the two-year period beginning 51820
on the first day of January of each even-numbered year and ending 51821
on the last day of December of the following odd-numbered year, 51822
and shall be renewed in accordance with the standard renewal 51823
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 51824
failure of a licensee to renew registration in accordance with 51825
this section shall result in the automatic suspension of the 51826
licensee's license to practice as a dental hygienist, unless the 51827
licensee is temporarily retired pursuant to section 4715.241 of 51828
the Revised Code. 51829

(B) Any dental hygienist whose license has been automatically 51830
suspended under this section may be reinstated on application to 51831

the board on a form prescribed by the board for licensure 51832
reinstatement and payment of the biennial registration fee and in 51833
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 51834
of reinstatement. 51835

(C) The license of a dental hygienist shall be exhibited in a 51836
conspicuous place in the room in which the dental hygienist 51837
practices. Each dental hygienist licensed to practice, whether a 51838
resident or not, shall notify the secretary in writing or 51839
electronically of any change in the dental hygienist's office 51840
address or employment within ten days after the change takes 51841
place. 51842

(D) Ten dollars of each biennial registration fee collected 51843
under division (A) or (B) of this section shall be paid to the 51844
dental hygienist loan repayment fund established under section 51845
3702.967 of the Revised Code. 51846

Sec. 4715.27. The state dental board may issue a license to 51847
an applicant who furnishes satisfactory proof of being at least 51848
eighteen years of age, of good moral character and who 51849
demonstrates, to the satisfaction of the board, knowledge of the 51850
laws, regulations, and rules governing the practice of a dental 51851
hygienist; who proves, to the satisfaction of the board, intent to 51852
practice as a dental hygienist in this state; who is a graduate 51853
from an accredited school of dental hygiene and who holds a 51854
license by examination from a similar dental board, and who passes 51855
an examination as prescribed by the board relating to dental 51856
hygiene. 51857

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 51858
application endorsed by an accredited dental hygiene school in 51859
this state, the state dental board may without examination issue a 51860
teacher's certificate to a dental hygienist, authorized to 51861
practice in another state or country. A teacher's certificate 51862

shall be subject to annual renewal in accordance with the standard 51863
renewal procedure of sections 4745.01 to 4745.03 of the Revised 51864
Code, and shall not be construed as authorizing anything other 51865
than teaching or demonstrating the skills of a dental hygienist in 51866
the educational programs of the accredited dental hygiene school 51867
which endorsed the application. 51868

Sec. 4715.362. A dentist who desires to participate in the 51869
oral health access supervision program shall apply to the state 51870
dental board for an oral health access supervision permit. The 51871
application shall be under oath, on a form prescribed by the board 51872
in rules adopted under section 4715.372 of the Revised Code, and 51873
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 51874
To be eligible to receive the permit, an applicant shall meet the 51875
requirements established by the board in rules adopted under 51876
section 4715.372 of the Revised Code. 51877

The state dental board shall issue an oral health access 51878
supervision permit to a dentist who is in good standing with the 51879
board and satisfies all of the requirements of this section. 51880

Sec. 4715.363. (A) A dental hygienist who desires to 51881
participate in the oral health access supervision program shall 51882
apply to the state dental board for a permit to practice under the 51883
oral health access supervision of a dentist. The application shall 51884
be under oath, on a form prescribed by the board in rules adopted 51885
under section 4715.372 of the Revised Code, and accompanied by an 51886
application fee of ~~twenty~~ twenty-five dollars, which may be paid 51887
by ~~personal check or~~ credit card. 51888

(B) The applicant shall provide evidence satisfactory to the 51889
board that the applicant has done all of the following: 51890

(1) Completed at least one year and attained a minimum of one 51891
thousand five hundred hours of experience in the practice of 51892

dental hygiene; 51893

(2) Completed at least twenty-four hours of continuing dental hygiene education during the two years prior to submission of the application; 51894
51895
51896

(3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rules adopted under section 4715.372 of the Revised Code; 51897
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(4) Completed, during the two years prior to submission of the application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the Revised Code. 51901
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(C) The state dental board shall issue a permit to practice under the oral health access supervision of a dentist to a dental hygienist who is in good standing with the board and meets all of the requirements of divisions (A) and (B) of this section. 51906
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51909

Sec. 4715.369. (A) An oral health access supervision permit issued under section 4715.362 of the Revised Code expires on the thirty-first day of December of the odd-numbered year that occurs after the permit's issuance. A dentist who desires to renew a permit shall apply, under oath, to the state dental board on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code. At the time of application, the dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 51910
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(B) The board shall renew an oral health access supervision permit for a two-year period if the dentist submitted a complete application, paid the renewal fee, is in good standing with the board, and verified with the board all of the following: 51918
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(1) The locations at which dental hygienists have, under the 51922

dentist's authorization, provided services during the two years 51923
prior to submission of the renewal application; 51924

(2) The number of patients treated, during the two years 51925
prior to submission of the renewal application, by each dental 51926
hygienist providing dental hygiene services under the dentist's 51927
authorization; 51928

(3) For each number of patients provided under division 51929
(B)(2) of this section, the number of patients whom the dentist 51930
clinically evaluated following the provision of dental hygiene 51931
services by a dental hygienist. 51932

Sec. 4715.37. (A) A permit to practice under the oral health 51933
access supervision of a dentist issued under section 4715.363 of 51934
the Revised Code expires on the thirty-first day of December of 51935
the odd-numbered year that occurs after the permit's issuance. A 51936
dental hygienist who desires to renew a permit to practice under 51937
the oral health access supervision of a dentist shall apply, under 51938
oath, to the state dental board on a form prescribed by the board 51939
in rules adopted under section 4715.372 of the Revised Code. At 51940
the time of application, the dental hygienist shall pay a renewal 51941
fee of ~~twenty~~ twenty-five dollars. 51942

(B) The state dental board shall renew a permit for a 51943
two-year period if the dental hygienist submitted a complete 51944
application, paid the renewal fee, is in good standing with the 51945
board, and has verified with the board both of the following: 51946

(1) The locations at which the hygienist has provided dental 51947
hygiene services under a permit to practice under the oral health 51948
access supervision of a dentist; 51949

(2) The number of patients that the hygienist has treated 51950
under a permit during the two years prior to submission of the 51951
renewal application. 51952

Sec. 4715.53. (A) Each individual seeking a certificate to 51953
practice as a dental x-ray machine operator shall apply to the 51954
state dental board on a form the board shall prescribe and 51955
provide. The application shall be accompanied by an application 51956
fee of ~~twenty-five~~ thirty-two dollars. 51957

(B) The board shall review all applications received and 51958
issue a dental x-ray machine operator certificate to each 51959
applicant who submits evidence satisfactory to the board of one of 51960
the following: 51961

(1) The applicant holds certification from the dental 51962
assisting national board or the Ohio commission on dental 51963
assistant certification. 51964

(2) The applicant holds a license, certificate, permit, 51965
registration, or other credential issued by another state that the 51966
board determines uses standards for dental x-ray machine operators 51967
that are at least equal to those established under this chapter. 51968

(3) The applicant has successfully completed an educational 51969
program consisting of at least seven hours of instruction in 51970
dental x-ray machine operation that meets either of the following 51971
requirements: 51972

(a) Has been approved by the board in accordance with section 51973
4715.57 of the Revised Code; 51974

(b) Is conducted by an institution accredited by the American 51975
dental association commission on dental accreditation. 51976

(C) A certificate issued under this section expires two years 51977
after it is issued and may be renewed if the certificate holder 51978
does both of the following: 51979

(1) Certifies to the board that the certificate holder has 51980
completed at least two hours of instruction in dental x-ray 51981
machine operation approved by the board in accordance with section 51982

4715.57 of the Revised Code during the two-year period preceding 51983
the date the renewal application is received by the board. 51984

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 51985
to the board. 51986

Renewals shall be made in accordance with the standard 51987
renewal procedure established under Chapter 4745. of the Revised 51988
Code. 51989

Sec. 4715.62. (A) Each individual seeking to register with 51990
the state dental board as an expanded function dental auxiliary 51991
shall file with the secretary of the board a written application 51992
for registration, under oath, on a form the board shall prescribe 51993
and provide. An applicant shall include with the completed 51994
application all of the following: 51995

(1) An application fee of ~~twenty~~ twenty-five dollars; 51996

(2) Proof satisfactory to the board that the applicant has 51997
successfully completed, at an educational institution accredited 51998
by the commission on dental accreditation of the American dental 51999
association or the higher learning commission of the north central 52000
association of colleges and schools, the education or training 52001
specified by the board in rules adopted under section 4715.66 of 52002
the Revised Code as the education or training that is necessary to 52003
obtain registration under this chapter to practice as an expanded 52004
function dental auxiliary, as evidenced by a diploma or other 52005
certificate of graduation or completion that has been signed by an 52006
appropriate official of the accredited institution that provided 52007
education or training; 52008

(3) Proof satisfactory to the board that the applicant has 52009
passed an examination that meets the standards established by the 52010
board in rules adopted under section 4715.66 of the Revised Code 52011
to be accepted by the board as an examination of competency to 52012

practice as an expanded function dental auxiliary; 52013

(4) Proof that the applicant holds current certification to 52014
perform basic life-support procedures, evidenced by documentation 52015
showing the successful completion of a basic life-support training 52016
course certified by the American red cross, the American heart 52017
association, or the American safety and health institute. 52018

(B) If an applicant complies with division (A) of this 52019
section, the board shall register the applicant as an expanded 52020
function dental auxiliary. 52021

Sec. 4715.63. (A) Registration under section 4715.62 of the 52022
Revised Code expires on the thirty-first day of December of the 52023
year following the year in which the registration occurs. An 52024
individual may renew a registration for subsequent two-year 52025
periods by submitting both of the following to the secretary of 52026
the state dental board each time the individual seeks to renew a 52027
registration: 52028

(1) A completed application for renewal, under oath, on a 52029
form the board shall prescribe and provide; 52030

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 52031

(B) If an individual complies with division (A) of this 52032
section and is not in violation of any section of this chapter or 52033
rule adopted under it, the board shall renew the individual's 52034
registration for a two-year period that expires on the 52035
thirty-first day of December of the year following the year in 52036
which the registration was renewed. 52037

(C) Registration renewals shall be made in accordance with 52038
the standard renewal procedure established under Chapter 4745. of 52039
the Revised Code. 52040

Sec. 4715.70. Any person applying for issuance of or renewing 52041

a certificate, license, permit, or registration under this chapter 52042
shall pay, in addition to any fee associated with the certificate, 52043
license, permit, or registration, a five dollar financial services 52044
fee. 52045

Sec. 4723.05. The board of nursing shall appoint an executive 52046
director, ~~who shall be a registered nurse of this state with at~~ 52047
~~least five years experience in the practice of nursing as a~~ 52048
~~registered nurse,~~ shall be a resident of this state during the 52049
term of appointment, and shall not be a member of the board at the 52050
time of appointment or during the term of appointment. The board 52051
shall meet at such times and places as it may direct and provide 52052
in its rules. The president may call special meetings, and the 52053
executive director shall call special meetings upon the written 52054
request of two or more board members. The board shall provide 52055
itself with a seal. The president and executive director may 52056
administer oaths. The executive director is the chief 52057
administrative officer of the board and shall serve as a full time 52058
employee of the board and shall be entitled to attend all meetings 52059
of the board except meetings concerning the appointment and terms 52060
of employment of the executive director. 52061

The term of the executive director shall be one year 52062
commencing on the first day of January. The executive director 52063
shall receive necessary expenses in addition to salary. The 52064
executive director shall give a surety bond to the state in such 52065
sum as the board requires, and conditioned upon the faithful 52066
performance of the duties of executive director. 52067

The executive director is an appointing authority as defined 52068
in section 124.01 of the Revised Code, and may appoint such 52069
nursing education consultants, nursing practice consultants, 52070
investigative personnel, and any additional employees for 52071
professional, clerical, and special work necessary to carry out 52072

the board's functions and with the board's approval, may establish 52073
standards for the conduct of employees. 52074

Sec. 4725.01. As used in this chapter: 52075

(A)(1) The "practice of optometry" means the application of 52076
optical principles, through technical methods and devices, in the 52077
examination of human eyes for the purpose of ascertaining 52078
departures from the normal, measuring their functional powers, 52079
adapting optical accessories for the aid thereof, and detecting 52080
ocular abnormalities that may be evidence of disease, pathology, 52081
or injury. 52082

(2) In the case of a licensed optometrist who holds a topical 52083
ocular pharmaceutical agents certificate, the "practice of 52084
optometry" has the same meaning as in division (A)(1) of this 52085
section, except that it also includes administering topical ocular 52086
pharmaceutical agents. 52087

(3) In the case of a licensed optometrist who holds a 52088
therapeutic pharmaceutical agents certificate, the "practice of 52089
optometry" has the same meaning as in division (A)(1) of this 52090
section, except that it also includes all of the following: 52091

(a) Employing, applying, administering, and prescribing 52092
instruments, devices, and procedures, other than invasive 52093
procedures, for purpose of examination, investigation, diagnosis, 52094
treatment, or prevention of any disease, injury, or other abnormal 52095
condition of the visual system; 52096

(b) Employing, applying, administering, and prescribing 52097
topical ocular pharmaceutical agents; 52098

(c) Employing, applying, administering, and prescribing 52099
therapeutic pharmaceutical agents; 52100

(d) Assisting an individual in determining the individual's 52101
blood glucose level by using a commercially available 52102

glucose-monitoring device. Nothing in this section precludes a 52103
licensed optometrist who holds a therapeutic pharmaceutical agents 52104
certificate from using any particular type of commercially 52105
available glucose-monitoring device. 52106

(B) "Topical ocular pharmaceutical agent" means a drug or 52107
dangerous drug that is a topical drug and used in the practice of 52108
optometry as follows: 52109

(1) In the case of a licensed optometrist who holds a topical 52110
ocular pharmaceutical agents certificate, for evaluative purposes 52111
in the practice of optometry as set forth in division (A)(1) of 52112
this section; 52113

(2) In the case of a licensed optometrist who holds a 52114
therapeutic pharmaceutical agents certificate, for purposes of 52115
examination, investigation, diagnosis, treatment, or prevention of 52116
any disease, injury, or other abnormal condition of the visual 52117
system. 52118

(C) "Therapeutic pharmaceutical agent" means a drug or 52119
dangerous drug that is used for examination, investigation, 52120
diagnosis, treatment, or prevention of any disease, injury, or 52121
other abnormal condition of the visual system in the practice of 52122
optometry by a licensed optometrist who holds a therapeutic 52123
pharmaceutical agents certificate, and is any of the following: 52124

(1) An oral drug or dangerous drug in one of the following 52125
classifications: 52126

(a) Anti-infectives, including antibiotics, antivirals, 52127
antimicrobials, and antifungals; 52128

(b) Anti-allergy agents; 52129

(c) Antiglaucoma agents; 52130

(d) Analgesics, including only analgesic drugs that are 52131
available without a prescription, analgesic drugs or dangerous 52132

drugs that require a prescription but are not controlled 52133
substances, and, to the extent authorized by the state ~~board of~~ 52134
~~optometry~~ vision and hearing professionals board in rules adopted 52135
under section 4725.091 of the Revised Code, analgesic controlled 52136
substances; 52137

(e) Anti-inflammatories, excluding all drugs or dangerous 52138
drugs classified as oral steroids other than methylpredisolone, 52139
except that methylpredisolone may be used under a therapeutic 52140
pharmaceutical agents certificate only if it is prescribed under 52141
all of the following conditions: 52142

(i) For use in allergy cases; 52143

(ii) For use by an individual who is eighteen years of age or 52144
older; 52145

(iii) On the basis of an individual's particular episode of 52146
illness; 52147

(iv) In an amount that does not exceed the amount packaged 52148
for a single course of therapy. 52149

(2) Epinephrine administered by injection to individuals in 52150
emergency situations to counteract anaphylaxis or anaphylactic 52151
shock. Notwithstanding any provision of this section to the 52152
contrary, administration of epinephrine in this manner does not 52153
constitute performance of an invasive procedure. 52154

(3) An oral drug or dangerous drug that is not included under 52155
division (C)(1) of this section, if the drug or dangerous drug is 52156
approved, exempt from approval, certified, or exempt from 52157
certification by the federal food and drug administration for 52158
ophthalmic purposes and the drug or dangerous drug is specified in 52159
rules adopted by the ~~state board of optometry~~ under section 52160
4725.09 of the Revised Code. 52161

(D) "Controlled substance" has the same meaning as in section 52162

3719.01 of the Revised Code.	52163
(E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.	52164 52165
(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.	52166 52167 52168 52169 52170
(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	52171 52172
(H) "Certificate of licensure" means a certificate issued by the ~~state board of optometry~~ under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.	52173 52174 52175 52176
(I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the ~~state board of optometry~~ under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.	52177 52178 52179 52180
(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the ~~state board of optometry~~ under division (A)(3) or (4) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.	52181 52182 52183 52184 52185
Sec. 4725.02. (A) Except as provided in section 4725.26 of the Revised Code, no person shall engage in the practice of optometry, including the determination of the kind of procedure, treatment, or optical accessories needed by a person or the examination of the eyes of any person for the purpose of fitting the same with optical accessories, unless the person holds a current, valid certificate of licensure from the ~~state board of~~	52186 52187 52188 52189 52190 52191 52192

~~optometry~~ vision and hearing professionals board. No person shall 52193
claim to be the lawful holder of a certificate of licensure when 52194
in fact the person is not such lawful holder, or impersonate any 52195
licensed optometrist. 52196

(B) No optometrist shall administer topical ocular 52197
pharmaceutical agents unless the optometrist holds a valid topical 52198
ocular pharmaceutical agents certificate or therapeutic 52199
pharmaceutical agents certificate and fulfills the other 52200
requirements of this chapter. 52201

(C) No optometrist shall practice optometry as described in 52202
division (A)(3) of section 4725.01 of the Revised Code unless the 52203
optometrist holds a valid therapeutic pharmaceutical agents 52204
certificate. 52205

(D) No optometrist shall personally furnish a therapeutic 52206
pharmaceutical agent to any person, except that a licensed 52207
optometrist who holds a therapeutic pharmaceutical agents 52208
certificate may personally furnish a therapeutic pharmaceutical 52209
agent to a patient if no charge is imposed for the agent or for 52210
furnishing it and the amount furnished does not exceed a 52211
seventy-two hour supply, except that if the minimum available 52212
quantity of the agent is greater than a seventy-two hour supply, 52213
the optometrist may furnish the minimum available quantity. 52214

Sec. 4725.09. (A) The state ~~board of optometry~~ vision and 52215
hearing professionals board shall adopt rules as it considers 52216
necessary to govern the practice of optometry and to administer 52217
and enforce sections 4725.01 to 4725.34 of the Revised Code. All 52218
rules adopted under those sections shall be adopted in accordance 52219
with Chapter 119. of the Revised Code. 52220

(B) The board, in consultation with the state board of 52221
pharmacy, shall adopt rules specifying any oral drugs or dangerous 52222
drugs that are therapeutic pharmaceutical agents under division 52223

(C)(3) of section 4725.01 of the Revised Code. 52224

(C) The board shall adopt rules that establish standards to 52225
be met and procedures to be followed with respect to the 52226
delegation by an optometrist of the performance of an optometric 52227
task to a person who is not licensed or otherwise specifically 52228
authorized by the Revised Code to perform the task. The rules 52229
shall permit an optometrist who holds a topical ocular 52230
pharmaceutical agents certificate or therapeutic pharmaceutical 52231
agents certificate to delegate the administration of drugs 52232
included in the optometrist's scope of practice. 52233

The rules adopted under this division shall provide for all 52234
of the following: 52235

(1) On-site supervision when the delegation occurs in an 52236
institution or other facility that is used primarily for the 52237
purpose of providing health care, unless the board established a 52238
specific exception to the on-site supervision requirement with 52239
respect to routine administration of a topical drug; 52240

(2) Evaluation of whether delegation is appropriate according 52241
to the acuity of the patient involved; 52242

(3) Training and competency requirements that must be met by 52243
the person administering the drugs; 52244

(4) Other standards and procedures the board considers 52245
relevant. 52246

(D) The ~~state board of optometry~~ shall adopt rules 52247
establishing criminal records checks requirements for applicants 52248
under section 4776.03 of the Revised Code. 52249

Sec. 4725.091. (A) The state ~~board of optometry~~ vision and 52250
hearing professionals board shall adopt rules governing the 52251
authority of licensed optometrists practicing under therapeutic 52252
pharmaceutical agents certificates to employ, apply, administer, 52253

and prescribe analgesic controlled substances. The rules shall be 52254
adopted in accordance with Chapter 119. of the Revised Code and in 52255
consultation with the state board of pharmacy. 52256

(B) All of the following apply to the state vision and 52257
hearing professionals board of ~~optometry~~ in the adoption of rules 52258
under this section: 52259

(1) The board shall not permit an optometrist to employ, 52260
apply, administer, or prescribe an analgesic controlled substance 52261
other than a drug product that is used for the treatment of pain 52262
and meets one of the following conditions: 52263

(a) The product is a preparation that contains an amount of 52264
codeine per dosage unit, as specified by the board, and also 52265
contains other active, nonnarcotic ingredients, such as 52266
acetaminophen or aspirin, in a therapeutic amount. 52267

(b) The product is a preparation that contains an amount of 52268
hydrocodone per dosage unit, as specified by the board, and also 52269
contains other active, nonnarcotic ingredients, such as 52270
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 52271

(c) The product contains or consists of a drug or dangerous 52272
drug that was an analgesic included in the practice of optometry 52273
under a therapeutic pharmaceutical agents certificate immediately 52274
prior to ~~the effective date of this amendment~~ March 23, 2015, was 52275
not a controlled substance at that time, and subsequently becomes 52276
a schedule II, III, IV, or V controlled substance. 52277

(2) The board shall limit the analgesic controlled substances 52278
that optometrists may employ, apply, administer, or prescribe to 52279
the drugs that the board determines are appropriate for use in the 52280
practice of optometry under a therapeutic pharmaceutical agents 52281
certificate. 52282

(3) With regard to the prescribing of analgesic controlled 52283
substances, the board shall establish prescribing standards to be 52284

followed by optometrists who hold therapeutic pharmaceutical 52285
agents certificates. The board shall take into account the 52286
prescribing standards that exist within the health care 52287
marketplace. 52288

(4) The board shall establish standards and procedures for 52289
employing, applying, administering, and prescribing analgesic 52290
controlled substances under a therapeutic pharmaceutical agents 52291
certificate by taking into consideration and examining issues that 52292
include the appropriate length of drug therapy, appropriate 52293
standards for drug treatment, necessary monitoring systems, and 52294
any other factors the board considers relevant. 52295

Sec. 4725.092. (A) As used in this section, "drug database" 52296
means the database established and maintained by the state board 52297
of pharmacy pursuant to section 4729.75 of the Revised Code. 52298

(B) The state ~~board of optometry~~ vision and hearing 52299
professionals board shall adopt rules that establish standards and 52300
procedures to be followed by an optometrist who holds a 52301
therapeutic pharmaceutical agents certificate regarding the review 52302
of patient information available through the drug database under 52303
division (A)(5) of section 4729.80 of the Revised Code. The rules 52304
shall be adopted in accordance with Chapter 119. of the Revised 52305
Code. 52306

(C) This section and the rules adopted under it do not apply 52307
if the state board of pharmacy no longer maintains the drug 52308
database. 52309

Sec. 4725.10. (A) The state ~~board of optometry~~ vision and 52310
hearing professionals board shall evaluate schools of optometry 52311
and grant its approval to schools that adequately prepare their 52312
graduates for the practice of optometry in this state. Approval 52313
shall be granted only by an affirmative vote of a majority of the 52314

members of the board. 52315

(B) To be approved by the board, a school of optometry shall 52316
meet at least the following conditions: 52317

(1) Be accredited by a professional optometric accrediting 52318
agency recognized by the board; 52319

(2) Require as a prerequisite to admission to the school's 52320
courses in optometry at least two academic years of study with 52321
credits of at least sixty semester hours or ninety quarter hours 52322
in a college of arts and sciences accredited by a post-secondary 52323
education accrediting organization recognized by the board; 52324

(3) Require a course of study of at least four academic years 52325
with credits of at least one hundred thirty-four semester hours or 52326
two hundred quarter hours. 52327

(C) The board may establish standards for the approval of 52328
schools of optometry that are higher than the standards specified 52329
in division (B) of this section. 52330

Sec. 4725.11. (A) The state ~~board of optometry~~ vision and 52331
hearing professionals board shall accept as the examination that 52332
must be passed to receive a license to practice optometry in this 52333
state the examination prepared, administered, and graded by the 52334
national board of examiners in optometry or an examination 52335
prepared, administered, and graded by another professional testing 52336
organization recognized by the board as being qualified to examine 52337
applicants for licenses to practice optometry in this state. The 52338
board shall periodically review its acceptance of a licensing 52339
examination under this section to determine if the examination and 52340
the organization offering it continue to meet standards the board 52341
considers appropriate. 52342

(B) The licensing examination accepted by the board under 52343
this section may be divided into parts and offered as follows: 52344

(1) Part one: Tests in basic science, human biology, ocular and visual biology, theoretical ophthalmic, physiological optics, and physiological psychology;	52345 52346 52347
(2) Part two: Tests in clinical science, systemic conditions, the treatment and management of ocular disease, refractive oculomotor, sensory integrative conditions, perceptual conditions, public health, the legal issues regarding the clinical practice of optometry, and pharmacology;	52348 52349 52350 52351 52352
(3) Part three: Tests in patient care and management, clinical skills, and the visual recognition and interpretation of clinical signs.	52353 52354 52355
(C) The licensing examination accepted by the board may be offered in a manner other than the manner specified in division (B) of this section, but if offered in another manner, the examination must test the person sitting for the examination in the areas specified in division (B) of this section and may test the person in other areas.	52356 52357 52358 52359 52360 52361
The board may require as a condition of its acceptance of an examination that the examination cover subject matters in addition to those specified in division (B) of this section, if the schools of optometry it approves under section 4725.10 of the Revised Code include the additional subject matters in their prescribed curriculum.	52362 52363 52364 52365 52366 52367
(D) The board shall accept direct delivery of the results of the licensing examination from the testing organization administering the examination. The results shall be kept as a permanent part of the board's records maintained pursuant to section ~~4725.07~~ <u>4744.12</u> of the Revised Code.	52368 52369 52370 52371 52372
(E) On request of any person seeking to practice optometry in this state, the board shall provide information on the licensing examination accepted by the board, including requirements that	52373 52374 52375

must be met to be eligible to sit for the examination and the 52376
dates the examination is offered. 52377

Sec. 4725.12. (A) Each person who desires to commence the 52378
practice of optometry in the state shall file with the executive 52379
director of the state ~~board of optometry a written~~ vision and 52380
hearing professionals board an application for a certificate of 52381
licensure and a therapeutic pharmaceutical agents certificate. The 52382
application shall be accompanied by the fees specified under 52383
section 4725.34 of the Revised Code and shall contain all 52384
information the board considers necessary to determine whether an 52385
applicant is qualified to receive the certificates. The 52386
application shall be made upon the form prescribed by the board 52387
and shall be verified by the oath of the applicant. 52388

(B) To receive a certificate of licensure and a therapeutic 52389
pharmaceutical agents certificate, an applicant must meet all of 52390
the following conditions: 52391

(1) Be at least eighteen years of age; 52392

(2) Be of good moral character; 52393

(3) Complete satisfactorily a course of study of at least six 52394
college years; 52395

(4) Graduate from a school of optometry approved by the board 52396
under section 4725.10 of the Revised Code; 52397

(5) Pass the licensing examination accepted by the board 52398
under section 4725.11 of the Revised Code. 52399

Sec. 4725.121. (A) As used in this section, "license" and 52400
"applicant for an initial license" have the same meanings as in 52401
section 4776.01 of the Revised Code, except that "license" as used 52402
in both of those terms refers to the types of authorizations 52403
otherwise issued or conferred under this chapter. 52404

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state ~~board of optometry~~ vision and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.13 or 4725.18 of the Revised Code.

Sec. 4725.13. (A) The state ~~board of optometry~~ vision and hearing professionals board, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows:

(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code.

(2) Every applicant who, prior to May 19, 1992, passed the general and ocular pharmacology examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing the holder to administer topical ocular pharmaceutical agents as provided in division (A)(2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the

board a separate therapeutic pharmaceutical agents certificate 52436
authorizing the holder to engage in the practice of optometry as 52437
provided in division (A)(3) of section 4725.01 of the Revised 52438
Code. 52439

(4) Every applicant who, on or after May 19, 1992, passes all 52440
parts of the licensing examination accepted by the board under 52441
section 4725.11 of the Revised Code and otherwise complies with 52442
the requirements of sections 4725.01 to 4725.34 of the Revised 52443
Code shall receive from the board a certificate of licensure 52444
authorizing the holder to engage in the practice of optometry as 52445
provided in division (A)(1) of section 4725.01 of the Revised Code 52446
and a separate therapeutic pharmaceutical agents certificate 52447
authorizing the holder to engage in the practice of optometry as 52448
provided in division (A)(3) of that section. 52449

(B) Each person to whom a certificate is issued pursuant to 52450
this section by the board shall keep the certificate displayed in 52451
a conspicuous place in the location at which that person practices 52452
optometry and shall whenever required exhibit the certificate to 52453
any member or agent of the board. If an optometrist practices 52454
outside of or away from the location at which the optometrist's 52455
certificate of licensure is displayed, the optometrist shall 52456
deliver to each person examined or fitted with optical accessories 52457
by the optometrist, a receipt signed by the optometrist in which 52458
the optometrist shall set forth the amounts charged, the 52459
optometrist's post-office address, and the number assigned to the 52460
optometrist's certificate of licensure. The information may be 52461
provided as part of a prescription given to the person. 52462

(C) A person who, on May 19, 1992, holds a valid certificate 52463
of licensure or topical ocular pharmaceutical agents certificate 52464
issued by the board may continue to engage in the practice of 52465
optometry as provided by the certificate of licensure or topical 52466
ocular pharmaceutical agents certificate if the person continues 52467

to comply with sections 4725.01 to 4725.34 of the Revised Code as 52468
required by the certificate of licensure or topical ocular 52469
pharmaceutical agents certificate. 52470

Sec. 4725.15. If the state ~~board of optometry~~ vision and 52471
hearing professionals board receives notice under division (D) of 52472
section 4725.11 of the Revised Code that an applicant has failed 52473
four times the licensing examination or part of the examination 52474
that must be passed pursuant to section 4725.12 or 4725.14 of the 52475
Revised Code, the board shall not give further consideration to 52476
the application until the applicant completes thirty hours of 52477
remedial training approved by the board in the specific subject 52478
area or areas covered by the examination or part of the 52479
examination that was failed. 52480

Sec. 4725.16. (A)(1) Each certificate of licensure for the 52481
practice of optometry, topical ocular pharmaceutical agents 52482
certificate, and therapeutic pharmaceutical agents certificate 52483
issued by the state ~~board of optometry~~ vision and hearing 52484
professionals board shall expire annually on the last day of 52485
December, and may be renewed in accordance with this section and 52486
the standard renewal procedure established under Chapter 4745. of 52487
the Revised Code. 52488

(2) An optometrist seeking to continue to practice optometry 52489
shall file with the board an application for license renewal. The 52490
application shall be in such form and require such pertinent 52491
professional biographical data as the board may require. 52492

(3)(a) Except as provided in division (A)(3)(b) of this 52493
section, in the case of an optometrist seeking renewal who holds a 52494
therapeutic pharmaceutical agents certificate and who prescribes 52495
or personally furnishes analgesic controlled substances authorized 52496
pursuant to section 4725.091 of the Revised Code that are opioid 52497

analgesics, as defined in section 3719.01 of the Revised Code, the 52498
optometrist shall certify to the board whether the optometrist has 52499
been granted access to the drug database established and 52500
maintained by the state board of pharmacy pursuant to section 52501
4729.75 of the Revised Code. 52502

(b) The requirement in division (A)(3)(a) of this section 52503
does not apply if any of the following is the case: 52504

(i) The state board of pharmacy notifies the state ~~board of~~ 52505
~~optometry~~ vision and hearing professionals board pursuant to 52506
section 4729.861 of the Revised Code that the certificate holder 52507
has been restricted from obtaining further information from the 52508
drug database. 52509

(ii) The state board of pharmacy no longer maintains the drug 52510
database. 52511

(iii) The certificate holder does not practice optometry in 52512
this state. 52513

(c) If an optometrist certifies to the state ~~board of~~ 52514
~~optometry~~ vision and hearing professionals board that the 52515
optometrist has been granted access to the drug database and the 52516
board finds through an audit or other means that the optometrist 52517
has not been granted access, the board may take action under 52518
section 4725.19 of the Revised Code. 52519

(B) All licensed optometrists shall annually complete 52520
continuing education in subjects relating to the practice of 52521
optometry, to the end that the utilization and application of new 52522
techniques, scientific and clinical advances, and the achievements 52523
of research will assure comprehensive care to the public. The 52524
board shall prescribe by rule the continuing optometric education 52525
that licensed optometrists must complete. The length of study 52526
shall be twenty-five clock hours each year, including ten clock 52527
hours of instruction in pharmacology to be completed by all 52528

licensed optometrists. 52529

Unless the continuing education required under this division 52530
is waived or deferred under division (D) of this section, the 52531
continuing education must be completed during the twelve-month 52532
period beginning on the first day of October and ending on the 52533
last day of September. If the board receives notice from a 52534
continuing education program indicating that an optometrist 52535
completed the program after the last day of September, and the 52536
optometrist wants to use the continuing education completed after 52537
that day to renew the license that expires on the last day of 52538
December of that year, the optometrist shall pay the penalty 52539
specified under section 4725.34 of the Revised Code for late 52540
completion of continuing education. 52541

At least once annually, the board shall post on its web site 52542
and shall mail, or send by electronic mail, to each licensed 52543
optometrist a list of courses approved in accordance with 52544
standards prescribed by board rule. Upon the request of a licensed 52545
optometrist, the executive director of the board shall supply a 52546
list of additional courses that the board has approved subsequent 52547
to the most recent web site posting, electronic mail transmission, 52548
or mailing of the list of approved courses. 52549

(C)(1) Annually, not later than the first day of November, 52550
the board shall mail or send by electronic mail a notice regarding 52551
license renewal to each licensed optometrist who may be eligible 52552
for renewal. The notice shall be sent to the optometrist's most 52553
recent electronic mail or mailing address shown in the board's 52554
records. If the board knows that the optometrist has completed the 52555
required continuing optometric education for the year, the board 52556
may include with the notice an application for license renewal. 52557

(2) Filing a license renewal application with the board shall 52558
serve as notice by the optometrist that the continuing optometric 52559
education requirement has been successfully completed. If the 52560

board finds that an optometrist has not completed the required 52561
continuing optometric education, the board shall disapprove the 52562
optometrist's application. The board's disapproval of renewal is 52563
effective without a hearing, unless a hearing is requested 52564
pursuant to Chapter 119. of the Revised Code. 52565

(3) The board shall refuse to accept an application for 52566
renewal from any applicant whose license is not in good standing 52567
or who is under disciplinary review pursuant to section 4725.19 of 52568
the Revised Code. 52569

(4) Notice of an applicant's failure to qualify for renewal 52570
shall be served upon the applicant by mail. The notice shall be 52571
sent not later than the fifteenth day of November to the 52572
applicant's last address shown in the board's records. 52573

(D) In cases of certified illness or undue hardship, the 52574
board may waive or defer for up to twelve months the requirement 52575
of continuing optometric education, except that in such cases the 52576
board may not waive or defer the continuing education in 52577
pharmacology required to be completed by optometrists who hold 52578
topical ocular pharmaceutical agents certificates or therapeutic 52579
pharmaceutical agents certificates. The board shall waive the 52580
requirement of continuing optometric education for any optometrist 52581
who is serving on active duty in the armed forces of the United 52582
States or a reserve component of the armed forces of the United 52583
States, including the Ohio national guard or the national guard of 52584
any other state or who has received an initial certificate of 52585
licensure during the nine-month period which ended on the last day 52586
of September. 52587

(E) An optometrist whose renewal application has been 52588
approved may renew each certificate held by paying to the 52589
treasurer of state the fees for renewal specified under section 52590
4725.34 of the Revised Code. On payment of all applicable fees, 52591
the board shall issue a renewal of the optometrist's certificate 52592

of licensure, topical ocular pharmaceutical agents certificate, 52593
and therapeutic pharmaceutical agents certificate, as appropriate. 52594

(F) Not later than the fifteenth day of December, the board 52595
shall mail or send by electronic mail a second notice regarding 52596
license renewal to each licensed optometrist who may be eligible 52597
for renewal but did not respond to the notice sent under division 52598
(C)(1) of this section. The notice shall be sent to the 52599
optometrist's most recent electronic mail or mailing address shown 52600
in the board's records. If an optometrist fails to file a renewal 52601
application after the second notice is sent, the board shall send 52602
a third notice regarding license renewal prior to any action under 52603
division (I) of this section to classify the optometrist's 52604
certificates as delinquent. 52605

(G) The failure of an optometrist to apply for license 52606
renewal or the failure to pay the applicable annual renewal fees 52607
on or before the date of expiration, shall automatically work a 52608
forfeiture of the optometrist's authority to practice optometry in 52609
this state. 52610

(H) The board shall accept renewal applications and renewal 52611
fees that are submitted from the first day of January to the last 52612
day of April of the year next succeeding the date of expiration. 52613
An individual who submits such a late renewal application or fee 52614
shall pay the late renewal fee specified in section 4725.34 of the 52615
Revised Code. 52616

(I)(1) If the certificates issued by the board to an 52617
individual have expired and the individual has not filed a 52618
complete application during the late renewal period, the 52619
individual's certificates shall be classified in the board's 52620
records as delinquent. 52621

(2) Any optometrist subject to delinquent classification may 52622
submit ~~a written~~ an application to the board for reinstatement. 52623

For reinstatement to occur, the applicant must meet all of the 52624
following conditions: 52625

(a) Submit to the board evidence of compliance with board 52626
rules requiring continuing optometric education in a sufficient 52627
number of hours to make up for any delinquent compliance; 52628

(b) Pay the renewal fees for the year in which application 52629
for reinstatement is made and the reinstatement fee specified 52630
under division (A)(8) of section 4725.34 of the Revised Code; 52631

(c) Pass all or part of the licensing examination accepted by 52632
the board under section 4725.11 of the Revised Code as the board 52633
considers appropriate to determine whether the application for 52634
reinstatement should be approved; 52635

(d) If the applicant has been practicing optometry in another 52636
state or country, submit evidence that the applicant's license to 52637
practice optometry in the other state or country is in good 52638
standing. 52639

(3) The board shall approve an application for reinstatement 52640
if the conditions specified in division (I)(2) of this section are 52641
met. An optometrist who receives reinstatement is subject to the 52642
continuing education requirements specified under division (B) of 52643
this section for the year in which reinstatement occurs. 52644

Sec. 4725.17. (A) An optometrist who intends not to continue 52645
practicing optometry in this state due to retirement or a decision 52646
to practice in another state or country may apply to the state 52647
~~board of optometry~~ vision and hearing professionals board to have 52648
the certificates issued to the optometrist placed on inactive 52649
status. Application for inactive status shall consist of a written 52650
notice to the board of the optometrist's intention to no longer 52651
practice in this state. The board may not accept an application 52652
submitted after the applicant's certificate of licensure and any 52653

other certificates have expired. The board may approve an 52654
application for placement on inactive status only if the 52655
applicant's certificates are in good standing and the applicant is 52656
not under disciplinary review pursuant to section 4725.19 of the 52657
Revised Code. 52658

(B) An individual whose certificates have been placed on 52659
inactive status may submit ~~a written~~ an application to the board 52660
for reinstatement. For reinstatement to occur, the applicant must 52661
meet all of the following conditions: 52662

(1) Pay the renewal fees for the year in which application 52663
for reinstatement is made and the reinstatement fee specified 52664
under division (A)(9) of section 4725.34 of the Revised Code; 52665

(2) Pass all or part of the licensing examination accepted by 52666
the board under section 4725.11 of the Revised Code as the board 52667
considers appropriate, if the board considers examination 52668
necessary to determine whether the application for reinstatement 52669
should be approved; 52670

(3) If the applicant has been practicing optometry in another 52671
state or country, submit evidence of being in the active practice 52672
of optometry in the other state or country and evidence that the 52673
applicant's license to practice in the other state or country is 52674
in good standing. 52675

(C) The board shall approve an application for reinstatement 52676
if the conditions specified in division (B) of this section are 52677
met. An optometrist who receives reinstatement is subject to the 52678
continuing education requirements specified under section 4725.16 52679
of the Revised Code for the year in which reinstatement occurs. 52680

Sec. 4725.171. (A) An optometrist who discontinued practicing 52681
optometry in this state due to retirement or a decision to 52682
practice in another state or country before the state ~~board of~~ 52683

~~optometry~~ vision and hearing professionals board accepted 52684
applications for placement of certificates to practice on inactive 52685
status pursuant to section 4725.17 of the Revised Code may apply 52686
to the board to have the optometrist's certificates reinstated. 52687
The board may accept an application for reinstatement only if, at 52688
the time the optometrist's certificates expired, the certificates 52689
were in good standing and the optometrist was not under 52690
disciplinary review by the board. 52691

(B) For reinstatement to occur, the applicant must meet all 52692
of the following conditions: 52693

(1) Pay the renewal fees for the year in which application 52694
for reinstatement is made and the reinstatement fee specified 52695
under division (A)(10) of section 4725.34 of the Revised Code; 52696

(2) Pass all or part of the licensing examination accepted by 52697
the board under section 4725.11 of the Revised Code as the board 52698
considers appropriate, if the board considers examination 52699
necessary to determine whether the application for reinstatement 52700
should be approved; 52701

(3) If the applicant has been practicing optometry in another 52702
state or country, submit evidence of being in the active practice 52703
of optometry in the other state or country and evidence that the 52704
applicant's license to practice in the other state or country is 52705
in good standing. 52706

(C) The board shall approve an application for reinstatement 52707
if the conditions specified in division (B) of this section are 52708
met. An optometrist who receives reinstatement is subject to the 52709
continuing education requirements specified under section 4725.16 52710
of the Revised Code for the year in which reinstatement occurs. 52711

Sec. 4725.18. (A) The state ~~board of optometry~~ vision and 52712
hearing professionals board may issue a certificate of licensure 52713

and therapeutic pharmaceutical agents certificate by endorsement 52714
to an individual licensed as an optometrist by another state or a 52715
Canadian province if the board determines that the other state or 52716
province has standards for the practice of optometry that are at 52717
least as stringent as the standards established under sections 52718
4725.01 to 4725.34 of the Revised Code and the individual meets 52719
the conditions specified in division (B) of this section. The 52720
certificates may be issued only by an affirmative vote of a 52721
majority of the board's members. 52722

(B) An individual seeking a certificate of licensure and 52723
therapeutic pharmaceutical agents certificate pursuant to this 52724
section shall submit an application to the board. To receive the 52725
certificates, an applicant must meet all of the following 52726
conditions: 52727

(1) Meet the same qualifications that an individual must meet 52728
under divisions (B)(1) to (4) of section 4725.12 of the Revised 52729
Code to receive a certificate of licensure and therapeutic 52730
pharmaceutical agents certificate under that section; 52731

(2) Be licensed to practice optometry by a state or province 52732
that requires passage of a written, entry-level examination at the 52733
time of initial licensure; 52734

(3) Be licensed in good standing by the optometry licensing 52735
agency of the other state or province, evidenced by submission of 52736
a letter from the licensing agency of the other state or province 52737
attesting to the applicant's good standing; 52738

(4) Provide the board with certified reports from the 52739
optometry licensing agencies of all states and provinces in which 52740
the applicant is licensed or has been licensed to practice 52741
optometry describing all past and pending actions taken by those 52742
agencies with respect to the applicant's authority to practice 52743
optometry in those jurisdictions, including such actions as 52744

investigations, entering into consent agreements, suspensions, 52745
revocations, and refusals to issue or renew a license; 52746

(5) Have been actively engaged in the practice of optometry, 52747
including the use of therapeutic pharmaceutical agents, for at 52748
least three years immediately preceding making application under 52749
this section; 52750

(6) Pay the nonrefundable application fees established under 52751
section 4725.34 of the Revised Code for a certificate of licensure 52752
and therapeutic pharmaceutical agents certificate; 52753

(7) Submit all transcripts, reports, or other information the 52754
board requires; 52755

(8) Participate in a two-hour instruction session provided by 52756
the board on the optometry statutes and rules of this state or 52757
pass an Ohio optometry jurisprudence test administered by the 52758
board; 52759

(9) Pass all or part of the licensing examination accepted by 52760
the board under section 4725.11 of the Revised Code, if the board 52761
determines that testing is necessary to determine whether the 52762
applicant's qualifications are sufficient for issuance of a 52763
certificate of licensure and therapeutic pharmaceutical agents 52764
certificate under this section; 52765

(10) Not have been previously denied issuance of a 52766
certificate by the board. 52767

Sec. 4725.19. (A) In accordance with Chapter 119. of the 52768
Revised Code and by an affirmative vote of a majority of its 52769
members, the state ~~board of optometry~~ vision and hearing 52770
professionals board, for any of the reasons specified in division 52771
(B) of this section, shall refuse to grant a certificate of 52772
licensure to practice optometry to an applicant and may, with 52773
respect to a licensed optometrist, do one or more of the 52774

following:	52775
(1) Suspend the operation of any certificate of licensure,	52776
topical ocular pharmaceutical agents certificate, or therapeutic	52777
pharmaceutical agents certificate, or all certificates granted by	52778
it to the optometrist;	52779
(2) Permanently revoke any or all of the certificates;	52780
(3) Limit or otherwise place restrictions on any or all of	52781
the certificates;	52782
(4) Reprimand the optometrist;	52783
(5) Impose a monetary penalty. If the reason for which the	52784
board is imposing the penalty involves a criminal offense that	52785
carries a fine under the Revised Code, the penalty shall not	52786
exceed the maximum fine that may be imposed for the criminal	52787
offense. In any other case, the penalty imposed by the board shall	52788
not exceed five hundred dollars.	52789
(6) Require the optometrist to take corrective action	52790
courses.	52791
The amount and content of corrective action courses shall be	52792
established by the board in rules adopted under section 4725.09 of	52793
the Revised Code.	52794
(B) The sanctions specified in division (A) of this section	52795
may be taken by the board for any of the following reasons:	52796
(1) Committing fraud in passing the licensing examination or	52797
making false or purposely misleading statements in an application	52798
for a certificate of licensure;	52799
(2) Being at any time guilty of immorality, regardless of the	52800
jurisdiction in which the act was committed;	52801
(3) Being guilty of dishonesty or unprofessional conduct in	52802
the practice of optometry;	52803

- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 52804
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- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed; 52806
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- (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; 52809
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- (7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; 52812
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- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 52817
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 52821
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- (10) Failing to maintain comprehensive patient records; 52826
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 52827
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of 52830
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optometry;	52834
(13) Engaging in the practice of optometry as provided in	52835
division (A)(2) or (3) of section 4725.01 of the Revised Code	52836
without authority to do so or, if authorized, in a manner	52837
inconsistent with the authority granted;	52838
(14) Failing to make a report to the board as required by	52839
division (A) of section 4725.21 or section 4725.31 of the Revised	52840
Code;	52841
(15) Soliciting patients from door to door or establishing	52842
temporary offices, in which case the board shall suspend all	52843
certificates held by the optometrist;	52844
(16) Except as provided in division (D) of this section:	52845
(a) Waiving the payment of all or any part of a deductible or	52846
copayment that a patient, pursuant to a health insurance or health	52847
care policy, contract, or plan that covers optometric services,	52848
would otherwise be required to pay if the waiver is used as an	52849
enticement to a patient or group of patients to receive health	52850
care services from that optometrist.	52851
(b) Advertising that the optometrist will waive the payment	52852
of all or any part of a deductible or copayment that a patient,	52853
pursuant to a health insurance or health care policy, contract, or	52854
plan that covers optometric services, would otherwise be required	52855
to pay.	52856
(17) Failing to comply with the requirements in section	52857
3719.061 of the Revised Code before issuing for a minor a	52858
prescription for an analgesic controlled substance authorized	52859
pursuant to section 4725.091 of the Revised Code that is an opioid	52860
analgesic, as defined in section 3719.01 of the Revised Code;	52861
<u>(18) Violating the rules adopted under section 4744.50 of the</u>	52862
<u>Revised Code.</u>	52863

(C) Any person who is the holder of a certificate of 52864
licensure, or who is an applicant for a certificate of licensure 52865
against whom is preferred any charges, shall be furnished by the 52866
board with a copy of the complaint and shall have a hearing before 52867
the board in accordance with Chapter 119. of the Revised Code. 52868

(D) Sanctions shall not be imposed under division (B)(17) of 52869
this section against any optometrist who waives deductibles and 52870
copayments: 52871

(1) In compliance with the health benefit plan that expressly 52872
allows such a practice. Waiver of the deductibles or copayments 52873
shall be made only with the full knowledge and consent of the plan 52874
purchaser, payer, and third-party administrator. Documentation of 52875
the consent shall be made available to the board upon request. 52876

(2) For professional services rendered to any other 52877
optometrist licensed by the board, to the extent allowed by 52878
sections 4725.01 to 4725.34 of the Revised Code and the rules of 52879
the board. 52880

Sec. 4725.20. On receipt of a notice pursuant to section 52881
3123.43 of the Revised Code, the state ~~board of optometry~~ vision 52882
and hearing professionals board shall comply with sections 3123.41 52883
to 3123.50 of the Revised Code and any applicable rules adopted 52884
under section 3123.63 of the Revised Code with respect to a 52885
license or certificate issued by the board under this chapter. 52886

Sec. 4725.21. (A) If an optometrist licensed by the state 52887
~~board of optometry~~ vision and hearing professionals board has 52888
reason to believe that another optometrist licensed currently or 52889
previously by the board has engaged in any course of treatment or 52890
other services to a patient that constitutes unprofessional 52891
conduct under section 4725.19 of the Revised Code, or has an 52892
addiction subject to board action under section 4725.19 of the 52893

Revised Code, the optometrist shall make a report to the board. 52894

(B) Any person may report to the board in a signed writing 52895
any information that the person may have that appears to show a 52896
violation of any provision of sections 4725.01 to 4725.34 of the 52897
Revised Code or the rules adopted under those sections. 52898

(C) Each complaint or allegation of a violation received by 52899
the board shall be assigned a case number and shall be recorded by 52900
the board. 52901

(D) In the absence of fraud or bad faith, no person who 52902
reports to the board under this section or testifies in any 52903
adjudication conducted under Chapter 119. of the Revised Code 52904
shall be liable to any person for damages in a civil action as a 52905
result of the report or testimony. 52906

Sec. 4725.22. (A) Each insurer providing professional 52907
liability insurance to an optometrist licensed under this chapter, 52908
or any other entity that seeks to indemnify the professional 52909
liability of an optometrist licensed under this chapter, shall 52910
notify the state ~~board of optometry~~ vision and hearing 52911
professionals board within thirty days after the final disposition 52912
of a claim for damages. The notice shall contain the following 52913
information: 52914

(1) The name and address of the person submitting the 52915
notification; 52916

(2) The name and address of the insured who is the subject of 52917
the claim; 52918

(3) The name of the person filing the written claim; 52919

(4) The date of final disposition; 52920

(5) If applicable, the identity of the court in which the 52921
final disposition of the claim took place. 52922

(B) Each optometrist licensed under this chapter shall notify the board within thirty days of receipt of the final disposition of a claim for damages or any action involving malpractice. The optometrist shall notify the board by registered mail and shall provide all reports and other information required by the board.

(C) Information received under this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be released except as otherwise required by law or a court of competent jurisdiction.

Sec. 4725.23. (A) The state ~~board of optometry~~ vision and hearing professionals board shall investigate evidence that appears to show that a person has violated any provision of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections. Investigations of alleged violations shall be supervised by the member of the board appointed by the board to act as the supervising member of investigations. The supervising member shall not participate in the final vote that occurs in an adjudication of the case.

(B) In investigating a possible violation, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board and the board's supervising member of investigations. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of sections 4725.01 to 4725.34 of the Revised Code or any rule adopted under those sections and that the records sought are relevant to the alleged

violation and material to the investigation. The subpoena may 52954
apply only to records that cover a reasonable period of time 52955
surrounding the alleged violation. 52956

On failure to comply with any subpoena issued by the board 52957
and after reasonable notice to the person being subpoenaed, the 52958
board may move for an order compelling the production of persons 52959
or records pursuant to the Rules of Civil Procedure. 52960

A subpoena issued by the board may be served by a sheriff, 52961
the sheriff's deputy, or a board employee designated by the board. 52962
Service of a subpoena issued by the board may be made by 52963
delivering a copy of the subpoena to the person named therein, 52964
reading it to the person, or leaving it at the person's usual 52965
place of residence. When the person being served is an optometrist 52966
licensed under this chapter, service of the subpoena may be made 52967
by certified mail, restricted delivery, return receipt requested, 52968
and the subpoena shall be deemed served on the date delivery is 52969
made or the date the optometrist refuses to accept delivery. 52970

Each witness who appears before the board in obedience to a 52971
subpoena shall receive the fees and mileage provided for under 52972
section 119.094 of the Revised Code. 52973

(C) Information received by the board pursuant to an 52974
investigation is confidential and not subject to discovery in any 52975
civil action. 52976

The board shall conduct all investigations and proceedings in 52977
a manner that protects the confidentiality of patients and persons 52978
who file complaints with the board. The board shall not make 52979
public the names or any other identifying information about 52980
patients or complainants unless proper consent is given. 52981

The board may share any information it receives pursuant to 52982
an investigation, including patient records and patient record 52983
information, with other licensing boards and governmental agencies 52984

that are investigating alleged professional misconduct and with 52985
law enforcement agencies and other governmental agencies that are 52986
investigating or prosecuting alleged criminal offenses. A board or 52987
agency that receives the information shall comply with the same 52988
requirements regarding confidentiality as those with which the 52989
state ~~board of optometry~~ vision and hearing professionals board 52990
must comply, notwithstanding any conflicting provision of the 52991
Revised Code or procedure of the board or agency that applies when 52992
the board or agency is dealing with other information in its 52993
possession. The information may be admitted into evidence in a 52994
criminal trial in accordance with the Rules of Evidence, but the 52995
court shall require that appropriate measures are taken to ensure 52996
that confidentiality is maintained with respect to any part of the 52997
information that contains names or other identifying information 52998
about persons whose confidentiality was protected by the state 52999
~~board of optometry~~ vision and hearing professionals board when the 53000
information was in the board's possession. Measures to ensure 53001
confidentiality that may be taken by the court include sealing its 53002
records or deleting specific information from its records. 53003

Sec. 4725.24. If the secretary of the state ~~board of~~ 53004
~~optometry~~ vision and hearing professionals board and the board's 53005
supervising member of investigations determine that there is clear 53006
and convincing evidence that an optometrist has violated division 53007
(B) of section 4725.19 of the Revised Code and that the 53008
optometrist's continued practice presents a danger of immediate 53009
and serious harm to the public, they may recommend that the board 53010
suspend without a prior hearing the optometrist's certificate of 53011
licensure and any other certificates held by the optometrist. 53012
Written allegations shall be prepared for consideration by the 53013
full board. 53014

The board, upon review of those allegations and by an 53015
affirmative vote of three members other than the secretary and 53016

supervising member may order the suspension without a prior 53017
hearing. A telephone conference call may be utilized for reviewing 53018
the allegations and taking the vote on the summary suspension. 53019

The board shall issue a written order of suspension by 53020
certified mail or in person in accordance with section 119.07 of 53021
the Revised Code. The order shall not be subject to suspension by 53022
the court during pendency of any appeal filed under section 119.12 53023
of the Revised Code. If the individual subject to the summary 53024
suspension requests an adjudicatory hearing by the board, the date 53025
set for the hearing shall be within fifteen days, but not earlier 53026
than seven days, after the individual requests the hearing, unless 53027
otherwise agreed to by both the board and the individual. 53028

Any summary suspension imposed under this division shall 53029
remain in effect, unless reversed on appeal, until a final 53030
adjudicative order issued by the board pursuant to section 4725.19 53031
of the Revised Code and Chapter 119. of the Revised Code becomes 53032
effective. The board shall issue its final adjudicative order 53033
within sixty days after completion of its hearing. A failure to 53034
issue the order within sixty days shall result in dissolution of 53035
the summary suspension order but shall not invalidate any 53036
subsequent, final adjudicative order. 53037

Sec. 4725.26. Division (A) of section 4725.02 of the Revised 53038
Code does not apply to the following: 53039

(A) Physicians authorized to practice medicine and surgery or 53040
osteopathic medicine and surgery under Chapter 4731. of the 53041
Revised Code; 53042

(B) Persons who sell optical accessories but do not assume to 53043
adapt them to the eye, and neither practice nor profess to 53044
practice optometry; 53045

(C) An instructor in a school of optometry that is located in 53046

this state and approved by the state ~~board of optometry~~ vision and 53047
hearing professionals board under section 4725.10 of the Revised 53048
Code who holds a valid current license to practice optometry from 53049
a licensing body in another jurisdiction and limits the practice 53050
of optometry to the instruction of students enrolled in the 53051
school. 53052

(D) A student enrolled in a school of optometry, located in 53053
this or another state and approved by the board under section 53054
4725.10 of the Revised Code, while the student is participating in 53055
this state in an optometry training program provided or sponsored 53056
by the school, if the student acts under the direct, personal 53057
supervision and control of an optometrist licensed by the board or 53058
authorized to practice pursuant to division (C) of this section. 53059

(E) An individual who is licensed or otherwise specifically 53060
authorized by the Revised Code to engage in an activity that is 53061
included in the practice of optometry. 53062

(F) An individual who is not licensed or otherwise 53063
specifically authorized by the Revised Code to engage in an 53064
activity that is included in the practice of optometry, but is 53065
acting pursuant to the rules for delegation of optometric tasks 53066
adopted under section 4725.09 of the Revised Code. 53067

Sec. 4725.27. The testimony and reports of an optometrist 53068
licensed by the state ~~board of optometry~~ vision and hearing 53069
professionals board under this chapter shall be received by any 53070
state, county, municipal, school district, or other public board, 53071
body, agency, institution, or official and by any private 53072
educational or other institution receiving public funds as 53073
competent evidence with respect to any matter within the scope of 53074
the practice of optometry. No such board, body, agency, official, 53075
or institution shall interfere with any individual's right to a 53076
free choice of receiving services from either an optometrist or a 53077

physician. No such board, body, agency, official, or institution 53078
shall discriminate against an optometrist performing procedures 53079
that are included in the practice of optometry as provided in 53080
division (A)(2) or (3) of section 4725.01 of the Revised Code if 53081
the optometrist is licensed under this chapter to perform those 53082
procedures. 53083

Sec. 4725.28. (A) As used in this section, "supplier" means 53084
any person who prepares or sells optical accessories or other 53085
vision correcting items, devices, or procedures. 53086

(B) A licensed optometrist, on completion of a vision 53087
examination and diagnosis, shall give each patient for whom the 53088
optometrist prescribes any vision correcting item, device, or 53089
procedure, one copy of the prescription, without additional charge 53090
to the patient. The prescription shall include the following: 53091

(1) The date of its issuance; 53092

(2) Sufficient information to enable the patient to obtain 53093
from the supplier of the patient's choice, the optical accessory 53094
or other vision correcting item, device, or procedure that has 53095
been prescribed; 53096

(3) In the case of contact lenses, all information specified 53097
as part of a contact lens prescription, as defined in the 53098
"Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 53099
15 U.S.C. 7610. 53100

(C) Any supplier who fills a prescription for contact lenses 53101
furnished by an optometrist shall furnish the patient with written 53102
recommendations to return to the prescribing optometrist for 53103
evaluation of the contact lens fitting. 53104

(D) Any supplier, including an optometrist who is a supplier, 53105
may advertise to inform the general public of the price that the 53106
supplier charges for any vision correcting item, device, or 53107

procedure. Any such advertisement shall specify the following: 53108

(1) Whether the advertised item includes an eye examination; 53109

(2) In the case of lenses, whether the price applies to 53110
single-vision or multifocal lenses; 53111

(3) In the case of contact lenses, whether the price applies 53112
to rigid or soft lenses and whether there is an additional charge 53113
related to the fitting and determination of the type of contact 53114
lenses to be worn that is not included in the price of the eye 53115
examination. 53116

(E) The state ~~board of optometry~~ vision and hearing 53117
professionals board shall not adopt any rule that restricts the 53118
right to advertise as permitted by division (D) of this section. 53119

(F) Any municipal corporation code, ordinance, or regulation 53120
or any township resolution that conflicts with a supplier's right 53121
to advertise as permitted by division (D) of this section is 53122
superseded by division (D) of this section and is invalid. A 53123
municipal corporation code, ordinance, or regulation or a township 53124
resolution conflicts with division (D) of this section if it 53125
restricts a supplier's right to advertise as permitted by division 53126
(D) of this section. 53127

Sec. 4725.29. (A) As used in this section: 53128

(1) "Regional advertisement" means an advertisement published 53129
in more than one metropolitan statistical area in this state or 53130
broadcast by radio or television stations in more than one 53131
metropolitan statistical area in this state. 53132

(2) "National advertisement" means an advertisement published 53133
in one or more periodicals or broadcast by one or more radio or 53134
television stations in this state and also published in one or 53135
more periodicals or broadcast by one or more radio or television 53136
stations in another state. 53137

(B) The state ~~board of optometry~~ vision and hearing 53138
professionals board shall not require any person who sells optical 53139
accessories at more than one location to list in any regional or 53140
national advertisement the name of the licensed optometrist 53141
practicing at a particular location, provided that in addition to 53142
the requirement in division (B) of section 4725.13 of the Revised 53143
Code, the name of the optometrist is prominently displayed at the 53144
location. 53145

Sec. 4725.31. An optometrist licensed by the state ~~board of~~ 53146
~~optometry~~ vision and hearing professionals board shall promptly 53147
report to the board any instance of a clinically significant 53148
drug-induced side effect in a patient due to the optometrist's 53149
administering, employing, applying, or prescribing a topical 53150
ocular or therapeutic pharmaceutical agent to or for the patient. 53151
The board, by rule adopted in accordance with Chapter 119. of the 53152
Revised Code, shall establish reporting procedures and specify the 53153
types of side effects to be reported. The information provided to 53154
the board shall not include the name of or any identifying 53155
information about the patient. 53156

Sec. 4725.33. (A) An individual whom the state ~~board of~~ 53157
~~optometry~~ vision and hearing professionals board licenses to 53158
engage in the practice of optometry may render the professional 53159
services of an optometrist within this state through a corporation 53160
formed under division (B) of section 1701.03 of the Revised Code, 53161
a limited liability company formed under Chapter 1705. of the 53162
Revised Code, a partnership, or a professional association formed 53163
under Chapter 1785. of the Revised Code. This division does not 53164
preclude an optometrist from rendering professional services as an 53165
optometrist through another form of business entity, including, 53166
but not limited to, a nonprofit corporation or foundation, or in 53167
another manner that is authorized by or in accordance with this 53168

chapter, another chapter of the Revised Code, or rules of the	53169
state ~~board of optometry~~ <u>vision and hearing professionals board</u>	53170
adopted pursuant to this chapter.	53171
(B) A corporation, limited liability company, partnership, or	53172
professional association described in division (A) of this section	53173
may be formed for the purpose of providing a combination of the	53174
professional services of the following individuals who are	53175
licensed, certificated, or otherwise legally authorized to	53176
practice their respective professions:	53177
(1) Optometrists who are authorized to practice optometry	53178
under Chapter 4725. of the Revised Code;	53179
(2) Chiropractors who are authorized to practice chiropractic	53180
or acupuncture under Chapter 4734. of the Revised Code;	53181
(3) Psychologists who are authorized to practice psychology	53182
under Chapter 4732. of the Revised Code;	53183
(4) Registered or licensed practical nurses who are	53184
authorized to practice nursing as registered nurses or as licensed	53185
practical nurses under Chapter 4723. of the Revised Code;	53186
(5) Pharmacists who are authorized to practice pharmacy under	53187
Chapter 4729. of the Revised Code;	53188
(6) Physical therapists who are authorized to practice	53189
physical therapy under sections 4755.40 to 4755.56 of the Revised	53190
Code;	53191
(7) Occupational therapists who are authorized to practice	53192
occupational therapy under sections 4755.04 to 4755.13 of the	53193
Revised Code;	53194
(8) Mechanotherapists who are authorized to practice	53195
mechanotherapy under section 4731.151 of the Revised Code;	53196
(9) Doctors of medicine and surgery, osteopathic medicine and	53197
surgery, or podiatric medicine and surgery who are authorized for	53198

their respective practices under Chapter 4731. of the Revised Code; 53199
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code. 53201
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This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry. 53206
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Sec. 4725.34. (A) The state ~~board of optometry~~ vision and hearing professionals board shall charge the following nonrefundable fees: 53218
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(1) One hundred thirty dollars for application for a certificate of licensure to practice optometry; 53221
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(2) Forty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A)(3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars; 53223
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(3) One hundred thirty dollars for renewal of a certificate of licensure to practice optometry; 53227
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(4) Forty-five dollars for renewal of a topical ocular	53229
pharmaceutical agents certificate;	53230
(5) Forty-five dollars for renewal of a therapeutic	53231
pharmaceutical agents certificate;	53232
(6) One hundred twenty-five dollars for late completion or	53233
submission, or both, of continuing optometric education;	53234
(7) One hundred twenty-five dollars for late renewal of one	53235
or more certificates that have expired;	53236
(8) Seventy-five dollars for reinstatement of one or more	53237
certificates classified as delinquent under section 4725.16 of the	53238
Revised Code, multiplied by the number of years the one or more	53239
certificates have been classified as delinquent;	53240
(9) Seventy-five dollars for reinstatement of one or more	53241
certificates placed on inactive status under section 4725.17 of	53242
the Revised Code;	53243
(10) Seventy-five dollars for reinstatement under section	53244
4725.171 of the Revised Code of one or more expired certificates;	53245
(11) Additional fees to cover administrative costs incurred	53246
by the board, including fees for replacing licenses issued by the	53247
board and providing rosters of currently licensed optometrists.	53248
Such fees shall be established at a regular meeting of the board	53249
and shall comply with any applicable guidelines or policies set by	53250
the department of administrative services or the office of budget	53251
and management.	53252
(B) The board, subject to the approval of the controlling	53253
board, may establish fees in excess of the amounts specified in	53254
division (A) of this section if the fees do not exceed the amounts	53255
specified by more than fifty per cent.	53256
(C) All receipts of the board, from any source, shall be	53257
deposited in the state treasury to the credit of the occupational	53258

licensing and regulatory fund created in section 4743.05 of the 53259
Revised Code. 53260

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the 53261
Revised Code: 53262

(A) "Optical aid" means both of the following: 53263

(1) Spectacles or other instruments or devices that are not 53264
contact lenses, if the spectacles or other instruments or devices 53265
may aid or correct human vision and have been prescribed by a 53266
physician or optometrist licensed by any state; 53267

(2) Contact lenses, regardless of whether they address visual 53268
function, if they are designed to fit over the cornea of the eye 53269
or are otherwise designed for use in or on the eye or orbit. 53270

All contact lenses shall be dispensed only in accordance with 53271
a valid written prescription designated for contact lenses, 53272
including the following: 53273

(a) Zero-powered plano contact lenses; 53274

(b) Cosmetic contact lenses; 53275

(c) Performance-enhancing contact lenses; 53276

(d) Any other contact devices determined by the ~~Ohio optical~~ 53277
~~dispensers~~ state vision and hearing professionals board to be 53278
contact lenses. 53279

(B) "Optical dispensing" means interpreting but not altering 53280
a prescription of a licensed physician or optometrist and 53281
designing, adapting, fitting, or replacing the prescribed optical 53282
aids, pursuant to such prescription, to or for the intended 53283
wearer; duplicating lenses, other than contact lenses, accurately 53284
as to power without a prescription; and duplicating 53285
nonprescription eyewear and parts of eyewear. "Optical dispensing" 53286
does not include selecting frames, placing an order for the 53287

delivery of an optical aid, transacting a sale, transferring an 53288
optical aid to the wearer after an optician has completed fitting 53289
it, or providing instruction in the general care and use of an 53290
optical aid, including placement, removal, hygiene, or cleaning. 53291

(C) "Licensed dispensing optician" means a person holding a 53292
current, valid license issued under sections ~~4725.47~~ 4725.48 to 53293
4725.51 of the Revised Code that authorizes the person to engage 53294
in optical dispensing. Nothing in this chapter shall be construed 53295
to permit a licensed dispensing optician to alter the 53296
specifications of a prescription. 53297

(D) "Licensed spectacle dispensing optician" means a licensed 53298
dispensing optician authorized to engage in both of the following: 53299

(1) The dispensing of optical aids other than contact lenses; 53300

(2) The dispensing of prepackaged soft contact lenses in 53301
accordance with section 4725.411 of the Revised Code. 53302

(E) "Licensed contact lens dispensing optician" means a 53303
licensed dispensing optician authorized to engage only in the 53304
dispensing of contact lenses. 53305

(F) "Licensed spectacle-contact lens dispensing optician" 53306
means a licensed dispensing optician authorized to engage in the 53307
dispensing of any optical aid. 53308

(G) "Apprentice" means any person dispensing optical aids 53309
under the direct supervision of a licensed dispensing optician. 53310

(H) "Prescription" means the written or verbal directions or 53311
instructions as specified by a physician or optometrist licensed 53312
by any state for preparing an optical aid for a patient. 53313

(I) "Supervision" means the provision of direction and 53314
control through personal inspection and evaluation of work. 53315

(J) "Licensed ocularist" means a person holding a current, 53316
valid license issued under sections 4725.48 to 4725.51 of the 53317

Revised Code to engage in the practice of designing, fabricating, 53318
and fitting artificial eyes or prostheses associated with the 53319
appearance or function of the human eye. 53320

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ No 53321
person shall engage in optical dispensing or hold ~~himself~~ self out 53322
as being engaged in optical dispensing, ~~except as authorized under~~ 53323
~~section 4725.47 of the Revised Code,~~ unless ~~he~~ the person has 53324
fulfilled the requirements of sections 4725.48 to 4725.51 of the 53325
Revised Code and has been certified as a licensed dispensing 53326
optician by the ~~Ohio optical dispensers~~ state vision and hearing 53327
professionals board. 53328

No person shall engage in the designing, fabricating, and 53329
fitting of an artificial eye or of prostheses associated with the 53330
appearance or function of the human eye unless ~~he~~ the person is 53331
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 53332
the Revised Code. 53333

Sec. 4725.411. (A) Each licensed spectacle dispensing 53334
optician shall complete two hours of study in prepackaged soft 53335
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 53336
state vision and hearing professionals board under section 4725.51 53337
of the Revised Code. The two hours of study shall be completed as 53338
follows: 53339

(1) Each licensed spectacle dispensing optician who holds the 53340
license on ~~the effective date of this amendment~~ September 29, 53341
2015, shall complete the two hours of study not later than 53342
December 31, 2015. 53343

(2) Each licensed spectacle dispensing optician who receives 53344
the license after ~~the effective date of this amendment~~ September 53345
29, 2015, shall complete the two hours of study not later than the 53346
thirty-first day of December of the year the license is issued. 53347

(B) Beginning January 1, 2016, a licensed spectacle 53348
dispensing optician may dispense prepackaged soft contact lenses 53349
if both of the following are the case: 53350

(1) The licensed spectacle dispensing optician has completed 53351
two hours of study in prepackaged soft contact lens dispensing in 53352
accordance with division (A) of this section. 53353

(2) The only action necessary is to match the description of 53354
the contact lenses that is on the packaging to a written 53355
prescription. 53356

Sec. 4725.44. (A) The ~~Ohio optical dispensers~~ state vision 53357
and hearing professionals board shall be responsible for the 53358
administration of sections 4725.40 to 4725.59 of the Revised Code 53359
and, in particular, shall process applications for licensure as 53360
licensed dispensing opticians and ocularists; schedule, 53361
administer, and supervise the qualifying examinations for 53362
licensure or contract with a testing service to schedule, 53363
administer, and supervise the qualifying examination for 53364
licensure; issue licenses to qualified individuals; and revoke and 53365
suspend licenses; ~~and maintain adequate records with respect to~~ 53366
~~its operations and responsibilities.~~ 53367

(B) The board shall adopt, amend, or rescind rules, pursuant 53368
to Chapter 119. of the Revised Code, for the licensure of 53369
dispensing opticians and ocularists, and such other rules as are 53370
required by or necessary to carry out the responsibilities imposed 53371
by sections 4725.40 to 4725.59 of the Revised Code, including 53372
rules establishing criminal records check requirements under 53373
section 4776.03 of the Revised Code and rules establishing 53374
disqualifying offenses for licensure as a dispensing optician or 53375
certification as an apprentice dispensing optician pursuant to 53376
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 53377
Code. 53378

(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which optical products can be displayed.

Sec. 4725.48. (A) Any person who desires to engage in optical dispensing, ~~except as provided in section 4725.47 of the Revised Code,~~ shall file a properly completed ~~written~~ application for an examination with the ~~Ohio optical dispensers~~ state vision and hearing professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) ~~Except as provided in section 4725.47 of the Revised Code, any~~ Any person who desires to engage in optical dispensing shall file a properly completed ~~written~~ application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be

continuous experience of not less than thirty hours a week in an 53410
optical laboratory; 53411

(2) A two-year college level program in optical dispensing 53412
that has been approved by the board and that includes, but is not 53413
limited to, courses of study in mathematics, science, English, 53414
anatomy and physiology of the eye, applied optics, ophthalmic 53415
optics, measurement and inspection of lenses, lens grinding and 53416
edging, ophthalmic lens design, keratometry, and the fitting and 53417
adjusting of spectacle lenses and frames and contact lenses, 53418
including methods of fitting contact lenses and post-fitting care. 53419

(C) Any person who desires to obtain a license to practice as 53420
an ocularist shall file a properly completed ~~written~~ application 53421
with the board accompanied by the appropriate fee and proof that 53422
the applicant has met the requirements for licensure. The board 53423
shall establish, by rule, the application fee and the minimum 53424
requirements for licensure, including education, examination, or 53425
experience standards recognized by the board as national standards 53426
for ocularists. The board shall issue a license to practice as an 53427
ocularist to an applicant who satisfies the requirements of this 53428
division and rules adopted pursuant to this division. 53429

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 53430
section, the board shall not adopt, maintain, renew, or enforce 53431
any rule that precludes an individual from receiving or renewing a 53432
license as a dispensing optician issued under sections 4725.40 to 53433
4725.59 of the Revised Code due to any past criminal activity or 53434
interpretation of moral character, unless the individual has 53435
committed a crime of moral turpitude or a disqualifying offense as 53436
those terms are defined in section 4776.10 of the Revised Code. If 53437
the board denies an individual a license or license renewal, the 53438
reasons for such denial shall be put in writing. 53439

(2) Except as otherwise provided in this division, if an 53440
individual applying for a license has been convicted of or pleaded 53441

guilty to a misdemeanor that is not a crime of moral turpitude or 53442
a disqualifying offense less than one year prior to making the 53443
application, the board may use its discretion in granting or 53444
denying the individual a license. Except as otherwise provided in 53445
this division, if an individual applying for a license has been 53446
convicted of or pleaded guilty to a felony that is not a crime of 53447
moral turpitude or a disqualifying offense less than three years 53448
prior to making the application, the board may use its discretion 53449
in granting or denying the individual a license. The provisions in 53450
this paragraph do not apply with respect to any offense unless the 53451
board, prior to ~~the effective date of this amendment~~ September 28, 53452
2012, was required or authorized to deny the application based on 53453
that offense. 53454

In all other circumstances, the board shall follow the 53455
procedures it adopts by rule that conform to division (D)(1) of 53456
this section. 53457

(3) In considering a renewal of an individual's license, the 53458
board shall not consider any conviction or plea of guilty prior to 53459
the initial licensing. However, the board may consider a 53460
conviction or plea of guilty if it occurred after the individual 53461
was initially licensed, or after the most recent license renewal. 53462

(4) The board may grant an individual a conditional license 53463
that lasts for one year. After the one-year period has expired, 53464
the license is no longer considered conditional, and the 53465
individual shall be considered fully licensed. 53466

(E) The board, subject to the approval of the controlling 53467
board, may establish examination fees in excess of the amount 53468
established by rule pursuant to this section, provided that such 53469
fees do not exceed those amounts established in rule by more than 53470
fifty per cent. 53471

Sec. 4725.49. (A) ~~The Ohio optical dispensers~~ state vision 53472

and hearing professionals board may provide for the examination of 53473
applicants by designing, preparing, and administering the 53474
qualifying examinations or by contracting with a testing service 53475
that is nationally recognized as being capable of determining 53476
competence to dispense optical aids as a licensed spectacle 53477
dispensing optician, a licensed contact lens dispensing optician, 53478
or a licensed spectacle-contact lens dispensing optician. Any 53479
examination used shall be designed to measure specific performance 53480
requirements, be professionally constructed and validated, and be 53481
independently and objectively administered and scored in order to 53482
determine the applicant's competence to dispense optical aids. 53483

(B) The board shall ensure that it, or the testing service it 53484
contracts with, does all of the following: 53485

(1) Provides public notice as to the date, time, and place 53486
for each examination at least ninety days prior to the 53487
examination; 53488

(2) Offers each qualifying examination at least twice each 53489
year in Columbus, except as provided in division (C) of this 53490
section; 53491

(3) Provides to each applicant all forms necessary to apply 53492
for examination; 53493

(4) Provides all materials and equipment necessary for the 53494
applicant to take the examination. 53495

(C) If the number of applicants for any qualifying 53496
examination is less than ten, the examination may be postponed. 53497
The board or testing service shall provide the applicant with 53498
written notification of the postponement and of the next date the 53499
examination is scheduled to be administered. 53500

(D) No limitation shall be placed upon the number of times 53501
that an applicant may repeat any qualifying examination, except 53502
that, if an applicant fails an examination for a third time, the 53503

board may require that the applicant, prior to retaking the 53504
examination, undergo additional study in the areas of the 53505
examination in which the applicant experienced difficulty. 53506

Sec. 4725.50. (A) Except for a person who qualifies for 53507
licensure as an ocularist, each person who qualifies for licensure 53508
under sections 4725.40 to 4725.59 of the Revised Code shall 53509
receive from the ~~Ohio optical dispensers~~ state vision and hearing 53510
professionals board, under its seal, a certificate of licensure 53511
entitling the person to practice as a licensed spectacle 53512
dispensing optician, licensed contact lens dispensing optician, or 53513
a licensed spectacle-contact lens dispensing optician. The 53514
appropriate certificate of licensure shall be issued by the board 53515
no later than sixty days after it has notified the applicant of 53516
the applicant's approval for licensure. 53517

(B) Each licensed dispensing optician shall display the 53518
licensed dispensing optician's certificate of licensure in a 53519
conspicuous place in the licensed dispensing optician's office or 53520
place of business. If a licensed dispensing optician maintains 53521
more than one office or place of business, the licensed dispensing 53522
optician shall display a duplicate copy of such certificate at 53523
each location. The board shall issue duplicate copies of the 53524
appropriate certificate of licensure for this purpose upon the 53525
filing of an application form therefor and the payment of a 53526
five-dollar fee for each duplicate copy. 53527

Sec. 4725.501. (A) As used in this section, "license" and 53528
"applicant for an initial license" have the same meanings as in 53529
section 4776.01 of the Revised Code, except that "license" as used 53530
in both of those terms refers to the types of authorizations 53531
otherwise issued or conferred under this chapter. 53532

(B) In addition to any other eligibility requirement set 53533

forth in this chapter, each applicant for an initial license shall 53534
comply with sections 4776.01 to 4776.04 of the Revised Code. The 53535
~~Ohio optical dispensers~~ state vision and hearing professionals 53536
board shall not grant a license to an applicant for an initial 53537
license unless the applicant complies with sections 4776.01 to 53538
4776.04 of the Revised Code and the board, in its discretion, 53539
decides that the results of the criminal records check do not make 53540
the applicant ineligible for a license issued pursuant to section 53541
4725.50 or 4725.57 of the Revised Code. 53542

Sec. 4725.51. (A)(1) Each license issued under sections 53543
4725.40 to 4725.59 of the Revised Code shall expire on the first 53544
day of January in the year after it was issued. Each person 53545
holding a valid, current license may apply to the ~~Ohio optical~~ 53546
~~dispensers~~ state vision and hearing professionals board for the 53547
extension of the license under the standard renewal procedures of 53548
Chapter 4745. of the Revised Code. Each application for renewal 53549
shall be accompanied by a renewal fee the board shall establish by 53550
rule. In addition, except as provided in division (A)(2) of this 53551
section, the application shall contain evidence that the applicant 53552
has completed continuing education within the immediately 53553
preceding one-year period as follows: 53554

(a) Licensed spectacle dispensing opticians shall have 53555
pursued both of the following, approved by the board: 53556

(i) Four hours of study in spectacle dispensing; 53557

(ii) Two hours of study in contact lens dispensing. 53558

(b) Licensed contact lens dispensing opticians shall have 53559
pursued eight hours of study in contact lens dispensing, approved 53560
by the board. 53561

(c) Licensed spectacle-contact lens dispensing opticians 53562
shall have pursued both of the following, approved by the board: 53563

(i) Four hours of study in spectacle dispensing; 53564

(ii) Eight hours of study in contact lens dispensing. 53565

(d) Licensed ocularists shall have pursued courses of study 53566
as prescribed by rule of the board. 53567

(2) An application for the initial renewal of a license 53568
issued under sections 4725.40 to 4725.55 of the Revised Code is 53569
not required to contain evidence that the applicant has completed 53570
the continuing education requirements of division (A)(1) of this 53571
section. 53572

(B) No person who fails to renew the person's license under 53573
division (A) of this section shall be required to take a 53574
qualifying examination under section 4725.48 of the Revised Code 53575
as a condition of renewal, provided that the application for 53576
renewal and proof of the requisite continuing education hours are 53577
submitted within ninety days from the date the license expired and 53578
the applicant pays the annual renewal fee and a penalty of 53579
seventy-five dollars. The board may provide, by rule, for an 53580
extension of the grace period for licensed dispensing opticians 53581
who are serving in the armed forces of the United States or a 53582
reserve component of the armed forces of the United States, 53583
including the Ohio national guard or the national guard of any 53584
other state and for waiver of the continuing education 53585
requirements or the penalty in cases of hardship or illness. 53586

(C) The board shall approve continuing education programs and 53587
shall adopt rules as necessary for approving the programs. The 53588
rules shall permit programs to be conducted either in person or 53589
through electronic or other self-study means. Approved programs 53590
shall be scheduled, sponsored, and conducted in accordance with 53591
the board's rules. 53592

(D) Any license given a grandfathered issuance or renewal 53593
between March 22, 1979, and March 22, 1980, shall be renewed in 53594

accordance with this section. 53595

Sec. 4725.52. Any licensed dispensing optician may supervise 53596
a maximum of three apprentices who shall be permitted to engage in 53597
optical dispensing only under the supervision of the licensed 53598
dispensing optician. 53599

To serve as an apprentice, a person shall register with the 53600
~~Ohio optical dispensers~~ state vision and hearing professionals 53601
board either on a form provided by the board or in the form of a 53602
statement giving the name and address of the supervising licensed 53603
dispensing optician, the location at which the apprentice will be 53604
employed, and any other information required by the board. For the 53605
duration of the apprenticeship, the apprentice shall register 53606
annually on the form provided by the board or in the form of a 53607
statement. 53608

Each apprentice shall pay an initial registration fee of 53609
twenty dollars. For each registration renewal thereafter, each 53610
apprentice shall pay a registration renewal fee of twenty dollars. 53611

The board shall not deny registration as an apprentice under 53612
this section to any individual based on the individual's past 53613
criminal history or an interpretation of moral character unless 53614
the individual has committed a disqualifying offense or crime of 53615
moral turpitude as those terms are defined in section 4776.10 of 53616
the Revised Code. Except as otherwise provided in this division, 53617
if an individual applying for a registration has been convicted of 53618
or pleaded guilty to a misdemeanor that is not a crime of moral 53619
turpitude or a disqualifying offense less than one year prior to 53620
making the application, the board may use its discretion in 53621
granting or denying the individual a registration. Except as 53622
otherwise provided in this division, if an individual applying for 53623
a registration has been convicted of or pleaded guilty to a felony 53624
that is not a crime of moral turpitude or a disqualifying offense 53625

less than three years prior to making the application, the board
may use its discretion in granting or denying the individual a
registration. The provisions in this paragraph do not apply with
respect to any offense unless the board, prior to ~~the effective~~
~~date of this amendment~~ September 28, 2012, was required or
authorized to deny the registration based on that offense.

In all other circumstances, the board shall follow the
procedures it adopts by rule that conform to this section. In
considering a renewal of an individual's registration, the board
shall not consider any conviction or plea of guilty prior to the
initial registration. However, the board may consider a conviction
or plea of guilty if it occurred after the individual was
initially registered, or after the most recent registration
renewal. If the board denies an individual for a registration or
registration renewal, the reasons for such denial shall be put in
writing. Additionally, the board may grant an individual a
conditional registration that lasts for one year. After the
one-year period has expired, the registration is no longer
considered conditional, and the individual shall be considered
fully registered.

A person who is gaining experience under the supervision of a
licensed optometrist or ophthalmologist that would qualify the
person under division (B)(1) of section 4725.48 of the Revised
Code to take the examination for optical dispensing is not
required to register with the board.

Sec. 4725.53. (A) ~~The Ohio optical dispensers~~ state vision
and hearing professionals board, by a majority vote of its
members, may refuse to grant a license and, in accordance with
Chapter 119. of the Revised Code, may suspend or revoke the
license of a licensed dispensing optician or impose a fine or
order restitution pursuant to division (B) of this section on any

of the following grounds:	53657
(1) Conviction of a crime involving moral turpitude or a	53658
disqualifying offense as those terms are defined in section	53659
4776.10 of the Revised Code;	53660
(2) Obtaining or attempting to obtain a license by fraud or	53661
deception;	53662
(3) Obtaining any fee or making any sale of an optical aid by	53663
means of fraud or misrepresentation;	53664
(4) Habitual indulgence in the use of controlled substances	53665
or other habit-forming drugs, or in the use of alcoholic liquors	53666
to an extent that affects professional competency;	53667
(5) Finding by a court of competent jurisdiction that the	53668
applicant or licensee is incompetent by reason of mental illness	53669
and no subsequent finding by the court of competency;	53670
(6) Finding by a court of law that the licensee is guilty of	53671
incompetence or negligence in the dispensing of optical aids;	53672
(7) Knowingly permitting or employing a person whose license	53673
has been suspended or revoked or an unlicensed person to engage in	53674
optical dispensing;	53675
(8) Permitting another person to use the licensee's license;	53676
(9) Engaging in optical dispensing not pursuant to the	53677
prescription of a licensed physician or licensed optometrist, but	53678
nothing in this section shall prohibit the duplication or	53679
replacement of previously prepared optical aids, except contact	53680
lenses shall not be duplicated or replaced without a written	53681
prescription;	53682
(10) Violation of sections 4725.40 to 4725.59 of the Revised	53683
Code;	53684
(11) Waiving the payment of all or any part of a deductible	53685
or copayment that a patient, pursuant to a health insurance or	53686

health care policy, contract, or plan that covers optical 53687
dispensing services, would otherwise be required to pay if the 53688
waiver is used as an enticement to a patient or group of patients 53689
to receive health care services from that provider; 53690

(12) Advertising that the licensee will waive the payment of 53691
all or any part of a deductible or copayment that a patient, 53692
pursuant to a health insurance or health care policy, contract, or 53693
plan that covers optical dispensing services, would otherwise be 53694
required to pay; 53695

(13) Violating the code of ethical conduct adopted under 53696
section 4744.50 of the Revised Code. 53697

(B) The board may impose a fine of not more than five hundred 53698
dollars for a first occurrence of an action that is grounds for 53699
discipline under this section and of not less than five hundred 53700
nor more than one thousand dollars for a subsequent occurrence, or 53701
may order the licensee to make restitution to a person who has 53702
suffered a financial loss as a result of the licensee's failure to 53703
comply with sections 4725.40 to 4725.59 of the Revised Code. 53704

(C) Notwithstanding divisions (A)(11) and (12) of this 53705
section, sanctions shall not be imposed against any licensee who 53706
waives deductibles and copayments: 53707

(1) In compliance with the health benefit plan that expressly 53708
allows such a practice. Waiver of the deductibles or copays shall 53709
be made only with the full knowledge and consent of the plan 53710
purchaser, payer, and third-party administrator. Such consent 53711
shall be made available to the board upon request. 53712

(2) For professional services rendered to any other person 53713
licensed pursuant to this chapter to the extent allowed by this 53714
chapter and the rules of the board. 53715

Sec. 4725.531. On receipt of a notice pursuant to section 53716

3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 53717
vision and hearing professionals board shall comply with sections 53718
3123.41 to 3123.50 of the Revised Code and any applicable rules 53719
adopted under section 3123.63 of the Revised Code with respect to 53720
a license issued by the board pursuant to this chapter. 53721

Sec. 4725.54. (A) Any person having knowledge of a violation 53722
of sections 4725.40 to 4725.59 of the Revised Code by a licensed 53723
dispensing optician or an apprentice, or of any other ground 53724
specified in section 4725.53 of the Revised Code for denying, 53725
suspending, or revoking a license, may submit a written complaint, 53726
specifying the precise violations or grounds, to the ~~Ohio optical~~ 53727
~~dispensers state vision and hearing professionals~~ board. If the 53728
board determines, in accordance with the procedures of Chapter 53729
119. of the Revised Code, that the charges are sustained by the 53730
evidence presented, it may suspend or revoke the license of the 53731
person against whom the charges were preferred. 53732

(B) If the board discovers or is informed that any person is 53733
or has been engaged in optical dispensing without having received 53734
a license under sections 4725.40 to 4725.59 of the Revised Code, 53735
it shall inform the prosecuting attorney for the county in which 53736
the alleged unlicensed activity took place. The prosecuting 53737
attorney shall take all legal action necessary to terminate such 53738
illegal practice of optical dispensing and to prosecute the 53739
offender under section 4725.41 of the Revised Code. 53740

(C) In addition to other remedies provided in this chapter, 53741
the board may request the attorney general or the prosecuting 53742
attorney of a county in which a violation of sections 4725.40 to 53743
4725.59 of the Revised Code occurs to apply to the court of common 53744
pleas of the county for an injunction to restrain the activity 53745
that constitutes a violation. 53746

Sec. 4725.55. No person shall do any of the following: 53747

(A) Sell or barter, or offer to sell or barter, a certificate 53748
of licensure as a dispensing optician issued under sections 53749
4725.40 to 4725.59 of the Revised Code; 53750

(B) Use, or attempt to use, a license which is illegally 53751
purchased or acquired under division (A) of this section, obtained 53752
by fraud or deception, counterfeited, materially altered or 53753
otherwise modified without prior approval of the ~~Ohio optical~~ 53754
~~dispensers~~ state vision and hearing professionals board, or 53755
suspended or revoked under section 4725.53 or 4725.54 of the 53756
Revised Code; 53757

(C) Materially alter or otherwise modify a license in any 53758
manner, unless authorized by the ~~Ohio optical dispensers~~ state 53759
vision and hearing professionals board; 53760

(D) Willfully and knowingly make any false statement in an 53761
application required under sections 4725.40 to 4725.59 of the 53762
Revised Code. 53763

Sec. 4725.57. An applicant for licensure as a licensed 53764
dispensing optician who is licensed or registered in another state 53765
shall be accorded the full privileges of practice within this 53766
state, upon the payment of a fifty-dollar fee and the submission 53767
of a certified copy of the license or certificate issued by such 53768
other state, without the necessity of examination, if the state 53769
vision and hearing professionals board determines that the 53770
applicant meets the remaining requirements of division (B) of 53771
section 4725.48 of the Revised Code. The board may require that 53772
the applicant have received a passing score, as determined by the 53773
board, on an examination that is substantially the same as the 53774
examination described in division (A) of section 4725.48 of the 53775
Revised Code. 53776

Sec. 4725.61. The state board of optometry and the Ohio 53777
~~optical dispensers~~ vision and hearing professionals board shall 53778
comply with section 4776.20 of the Revised Code. 53779

Sec. 4729.01. As used in this chapter: 53780

(A) "Pharmacy," except when used in a context that refers to 53781
the practice of pharmacy, means any area, room, rooms, place of 53782
business, department, or portion of any of the foregoing where the 53783
practice of pharmacy is conducted. 53784

(B) "Practice of pharmacy" means providing pharmacist care 53785
requiring specialized knowledge, judgment, and skill derived from 53786
the principles of biological, chemical, behavioral, social, 53787
pharmaceutical, and clinical sciences. As used in this division, 53788
"pharmacist care" includes the following: 53789

(1) Interpreting prescriptions; 53790

(2) Dispensing drugs and drug therapy related devices; 53791

(3) Compounding drugs; 53792

(4) Counseling individuals with regard to their drug therapy, 53793
recommending drug therapy related devices, and assisting in the 53794
selection of drugs and appliances for treatment of common diseases 53795
and injuries and providing instruction in the proper use of the 53796
drugs and appliances; 53797

(5) Performing drug regimen reviews with individuals by 53798
discussing all of the drugs that the individual is taking and 53799
explaining the interactions of the drugs; 53800

(6) Performing drug utilization reviews with licensed health 53801
professionals authorized to prescribe drugs when the pharmacist 53802
determines that an individual with a prescription has a drug 53803
regimen that warrants additional discussion with the prescriber; 53804

(7) Advising an individual and the health care professionals 53805

treating an individual with regard to the individual's drug 53806
therapy; 53807

(8) Acting pursuant to a consult agreement with one or more 53808
physicians authorized under Chapter 4731. of the Revised Code to 53809
practice medicine and surgery or osteopathic medicine and surgery, 53810
if an agreement has been established; 53811

(9) Engaging in the administration of immunizations to the 53812
extent authorized by section 4729.41 of the Revised Code; 53813

(10) Engaging in the administration of drugs to the extent 53814
authorized by section 4729.45 of the Revised Code. 53815

(C) "Compounding" means the preparation, mixing, assembling, 53816
packaging, and labeling of one or more drugs in any of the 53817
following circumstances: 53818

(1) Pursuant to a prescription issued by a licensed health 53819
professional authorized to prescribe drugs; 53820

(2) Pursuant to the modification of a prescription made in 53821
accordance with a consult agreement; 53822

(3) As an incident to research, teaching activities, or 53823
chemical analysis; 53824

(4) In anticipation of orders for drugs pursuant to 53825
prescriptions, based on routine, regularly observed dispensing 53826
patterns; 53827

(5) Pursuant to a request made by a licensed health 53828
professional authorized to prescribe drugs for a drug that is to 53829
be used by the professional for the purpose of direct 53830
administration to patients in the course of the professional's 53831
practice, if all of the following apply: 53832

(a) At the time the request is made, the drug is not 53833
commercially available regardless of the reason that the drug is 53834
not available, including the absence of a manufacturer for the 53835

drug or the lack of a readily available supply of the drug from a 53836
manufacturer. 53837

(b) A limited quantity of the drug is compounded and provided 53838
to the professional. 53839

(c) The drug is compounded and provided to the professional 53840
as an occasional exception to the normal practice of dispensing 53841
drugs pursuant to patient-specific prescriptions. 53842

(D) "Consult agreement" means an agreement that has been 53843
entered into under section 4729.39 of the Revised Code. 53844

(E) "Drug" means: 53845

(1) Any article recognized in the United States pharmacopoeia 53846
and national formulary, or any supplement to them, intended for 53847
use in the diagnosis, cure, mitigation, treatment, or prevention 53848
of disease in humans or animals; 53849

(2) Any other article intended for use in the diagnosis, 53850
cure, mitigation, treatment, or prevention of disease in humans or 53851
animals; 53852

(3) Any article, other than food, intended to affect the 53853
structure or any function of the body of humans or animals; 53854

(4) Any article intended for use as a component of any 53855
article specified in division (E)(1), (2), or (3) of this section; 53856
but does not include devices or their components, parts, or 53857
accessories. 53858

(F) "Dangerous drug" means any of the following: 53859

(1) Any drug to which either of the following applies: 53860

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 53861
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 53862
required to bear a label containing the legend "Caution: Federal 53863
law prohibits dispensing without prescription" or "Caution: 53864
Federal law restricts this drug to use by or on the order of a 53865

licensed veterinarian" or any similar restrictive statement, or 53866
the drug may be dispensed only upon a prescription; 53867

(b) Under Chapter 3715. or 3719. of the Revised Code, the 53868
drug may be dispensed only upon a prescription. 53869

(2) Any drug that contains a schedule V controlled substance 53870
and that is exempt from Chapter 3719. of the Revised Code or to 53871
which that chapter does not apply; 53872

(3) Any drug intended for administration by injection into 53873
the human body other than through a natural orifice of the human 53874
body; 53875

(4) Any drug that is a biological product, as defined in 53876
section 3715.01 of the Revised Code. 53877

(G) "Federal drug abuse control laws" has the same meaning as 53878
in section 3719.01 of the Revised Code. 53879

(H) "Prescription" means all of the following: 53880

(1) A written, electronic, or oral order for drugs or 53881
combinations or mixtures of drugs to be used by a particular 53882
individual or for treating a particular animal, issued by a 53883
licensed health professional authorized to prescribe drugs; 53884

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 53885
4730.431, and 4731.94 of the Revised Code, a written, electronic, 53886
or oral order for naloxone issued to and in the name of a family 53887
member, friend, or other individual in a position to assist an 53888
individual who there is reason to believe is at risk of 53889
experiencing an opioid-related overdose. 53890

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, 53891
and 4731.93 of the Revised Code, a written, electronic, or oral 53892
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis 53893
issued to and in the name of a patient who is not the intended 53894
user of the drug but is the sexual partner of the intended user; 53895

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 53896
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 53897
5101.76 of the Revised Code, a written, electronic, or oral order 53898
for an epinephrine autoinjector issued to and in the name of a 53899
school, school district, or camp; 53900

(5) For purposes of Chapter 3728. and sections 4723.483, 53901
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 53902
electronic, or oral order for an epinephrine autoinjector issued 53903
to and in the name of a qualified entity, as defined in section 53904
3728.01 of the Revised Code. 53905

(I) "Licensed health professional authorized to prescribe 53906
drugs" or "prescriber" means an individual who is authorized by 53907
law to prescribe drugs or dangerous drugs or drug therapy related 53908
devices in the course of the individual's professional practice, 53909
including only the following: 53910

(1) A dentist licensed under Chapter 4715. of the Revised 53911
Code; 53912

(2) A clinical nurse specialist, certified nurse-midwife, or 53913
certified nurse practitioner who holds a current, valid license to 53914
practice nursing as an advanced practice registered nurse issued 53915
under Chapter 4723. of the Revised Code; 53916

(3) An optometrist licensed under Chapter 4725. of the 53917
Revised Code to practice optometry under a therapeutic 53918
pharmaceutical agents certificate; 53919

(4) A physician authorized under Chapter 4731. of the Revised 53920
Code to practice medicine and surgery, osteopathic medicine and 53921
surgery, or podiatric medicine and surgery; 53922

(5) A physician assistant who holds a license to practice as 53923
a physician assistant issued under Chapter 4730. of the Revised 53924
Code, holds a valid prescriber number issued by the state medical 53925
board, and has been granted physician-delegated prescriptive 53926

authority;	53927
(6) A veterinarian licensed under Chapter 4741. of the Revised Code.	53928 53929
(J) ~~"Sale" and or "sell" include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such~~ <u>includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.</u>	53930 53931 53932 53933 53934 53935 53936
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	53937 53938 53939
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	53940 53941
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.	53942 53943 53944 53945 53946
(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:	53947 53948 53949
(1) The proprietary name of the drug product;	53950
(2) The established (generic) name of the drug product;	53951
(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active	53952 53953 53954 53955 53956

ingredient are required if such a relevant strength cannot be so 53957
associated with a drug product containing more than one 53958
ingredient. 53959

(4) The dosage form; 53960

(5) The price charged for a specific quantity of the drug 53961
product. The stated price shall include all charges to the 53962
consumer, including, but not limited to, the cost of the drug 53963
product, professional fees, handling fees, if any, and a statement 53964
identifying professional services routinely furnished by the 53965
pharmacy. Any mailing fees and delivery fees may be stated 53966
separately without repetition. The information shall not be false 53967
or misleading. 53968

(O) "Wholesale distributor of dangerous drugs" or "wholesale 53969
distributor" means a person engaged in the sale of dangerous drugs 53970
at wholesale and includes any agent or employee of such a person 53971
authorized by the person to engage in the sale of dangerous drugs 53972
at wholesale. 53973

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 53974
a person, other than a pharmacist or prescriber, who manufactures 53975
dangerous drugs and who is engaged in the sale of those dangerous 53976
drugs ~~within this state~~. 53977

(Q) "Terminal distributor of dangerous drugs" or "terminal 53978
distributor" means a person who is engaged in the sale of 53979
dangerous drugs at retail, or any person, other than a 53980
manufacturer, repackager, outsourcing facility, third-party 53981
logistics provider, wholesale distributor, ~~or a pharmacist~~, who 53982
has possession, custody, or control of dangerous drugs for any 53983
purpose other than for that person's own use and consumption, ~~and~~. 53984
"Terminal distributor" includes pharmacies, hospitals, nursing 53985
homes, and laboratories and all other persons who procure 53986
dangerous drugs for sale or other distribution by or under the 53987

supervision of a pharmacist or licensed health professional 53988
authorized to prescribe drugs. 53989

(R) "Promote to the public" means disseminating a 53990
representation to the public in any manner or by any means, other 53991
than by labeling, for the purpose of inducing, or that is likely 53992
to induce, directly or indirectly, the purchase of a dangerous 53993
drug at retail. 53994

(S) "Person" includes any individual, partnership, 53995
association, limited liability company, or corporation, the state, 53996
any political subdivision of the state, and any district, 53997
department, or agency of the state or its political subdivisions. 53998

(T) "Animal shelter" means a facility operated by a humane 53999
society or any society organized under Chapter 1717. of the 54000
Revised Code or a dog pound operated pursuant to Chapter 955. of 54001
the Revised Code. 54002

(U) "Food" has the same meaning as in section 3715.01 of the 54003
Revised Code. 54004

(V) "Pain management clinic" has the same meaning as in 54005
section 4731.054 of the Revised Code. 54006

(W) "Investigational drug or product" means a drug or product 54007
that has successfully completed phase one of the United States 54008
food and drug administration clinical trials and remains under 54009
clinical trial, but has not been approved for general use by the 54010
United States food and drug administration. "Investigational drug 54011
or product" does not include controlled substances in schedule I, 54012
as established pursuant to section 3719.41 of the Revised Code, 54013
and as amended. 54014

(X) "Product," when used in reference to an investigational 54015
drug or product, means a biological product, other than a drug, 54016
that is made from a natural human, animal, or microorganism source 54017
and is intended to treat a disease or medical condition. 54018

(Y) "Third-party logistics provider" means a person that 54019
provides or coordinates warehousing or other logistics services 54020
pertaining to dangerous drugs including distribution, on behalf of 54021
a manufacturer, wholesale distributor, or terminal distributor of 54022
dangerous drugs, but does not take ownership of the drugs or have 54023
responsibility to direct the sale or disposition of the drugs. 54024

(Z) "Repackager of dangerous drugs" or "repackager" means a 54025
person that repacks and relabels dangerous drugs for sale or 54026
distribution. 54027

(AA) "Outsourcing facility" means a facility that is engaged 54028
in the compounding and sale of sterile drugs and is registered as 54029
an outsourcing facility with the United States food and drug 54030
administration. 54031

Sec. 4729.021. The state board of pharmacy shall license and 54032
register home medical equipment services providers under Chapter 54033
4752. of the Revised Code and shall administer and enforce that 54034
chapter. 54035

Sec. 4729.06. The state board of pharmacy shall keep a record 54036
of its proceedings and a register of all ~~identification cards,~~ 54037
licenses, and registrations that have been granted, together with 54038
each renewal and suspension or revocation of ~~an identification~~ 54039
~~card,~~ a license, or registration. The books and registers of the 54040
board shall be prima-facie evidence of the matters therein 54041
recorded. The books and registers may be in electronic format. 54042

The president and executive director of the board may 54044
administer oaths. 54045

A statement signed by the executive director to which is 54046
affixed the official seal of the board to the effect that it 54047
appears from the records of the board that the board has not 54048

issued ~~an identification card~~, a license, or registration to the 54049
person specified in the statement, or that ~~an identification card~~, 54050
a license, or registration, if issued, has been revoked or 54051
suspended, or the holder has been subjected to disciplinary action 54052
by the board shall be received as prima-facie evidence of the 54053
record of the board in any court or before any officer of this 54054
state. 54055

Sec. 4729.08. Every applicant for examination and licensure 54056
as a pharmacist shall: 54057

(A) Be at least eighteen years of age; 54058

(B) Be of good moral character ~~and habits~~, as defined in 54059
rules adopted by the state board of pharmacy under section 4729.26 54060
of the Revised Code; 54061

(C) Have obtained a degree in pharmacy from a program that 54062
has been recognized and approved by the state board of pharmacy, 54063
except that graduates of schools or colleges of pharmacy that are 54064
located outside the United States and have not demonstrated that 54065
the standards of their programs are at least equivalent to 54066
programs recognized and approved by the board shall be required to 54067
pass an equivalency examination recognized and approved by the 54068
board and to establish written and oral proficiency in English. 54069

(D) Have satisfactorily completed at least the minimum 54070
requirements for pharmacy internship as outlined by the board. 54071

If the board is satisfied that the applicant meets the 54072
foregoing requirements and if the applicant passes the examination 54073
required under section 4729.07 of the Revised Code, the board 54074
shall issue to the applicant a license ~~and an identification card~~ 54075
authorizing the individual to practice pharmacy. 54076

Sec. 4729.09. The state board of pharmacy may license an 54077
individual as a pharmacist without examination ~~and issue an~~ 54078

~~identification card to the pharmacist~~ if the individual: 54079

(A) Holds a license in good standing to practice pharmacy 54080
under the laws of another state, has successfully completed an 54081
examination for licensure in the other state, and in the opinion 54082
of the board, the examination was at least as thorough as that 54083
required by the board at the time the individual took the 54084
examination; 54085

(B) Is of good moral character ~~and habit~~, as defined in rules 54086
adopted by the board under section 4729.26 of the Revised Code; 54087

(C) Has filed with the licensing body of the other state at 54088
least the credentials or the equivalent that were required by this 54089
state at the time the other state licensed the individual ~~was~~ 54090
~~licensed as~~ a pharmacist. 54091

The board shall not issue ~~any identification card or a~~ 54092
license to practice pharmacy to an individual licensed in another 54093
state if the state in which the individual is licensed does not 54094
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 54095
individuals holding valid licenses received through examination by 54096
the state board of pharmacy. 54097

Sec. 4729.11. The state board of pharmacy shall establish a 54098
pharmacy internship program for the purpose of providing the 54099
practical experience necessary to practice as a pharmacist. Any 54100
individual who desires to become a pharmacy intern shall apply for 54101
licensure to the board. An application filed under this section 54102
may not be withdrawn without the approval of the board. 54103

Each applicant shall be issued ~~an identification card and a~~ 54104
license as a pharmacy intern if ~~in the opinion of~~ the board 54105
determines that the applicant is actively pursuing an educational 54106
program in preparation for licensure as a pharmacist and meets the 54107
other requirements as determined by the board. ~~An identification~~ 54108

~~card and~~ A license shall be valid until the next ~~annual~~ renewal 54109
date and shall be renewed only if the intern is meeting the 54110
requirements and rules of the board. 54111

~~The state board of pharmacy may appoint a director of 54112
pharmacy internship who is a licensed pharmacist and who is not 54113
directly or indirectly connected with a school or college of 54114
pharmacy or department of pharmacy of a university. The director 54115
of pharmacy internship shall be responsible to the board for the 54116
operation and direction of the pharmacy internship program 54117
established by the board under this section, and for such other 54118
duties as the board may assign. 54119~~

Sec. 4729.12. ~~An identification card~~ A license issued by the 54120
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 54121
Revised Code entitles the individual to whom it is issued to 54122
practice as a pharmacist or as a pharmacy intern in this state 54123
until the next ~~annual~~ renewal date. 54124

~~Identification cards~~ Licenses shall be renewed ~~annually on 54125
the fifteenth day of September,~~ according to the standard renewal 54126
procedure of Chapter 4745. of the Revised Code and rules adopted 54127
by the board under section 4729.26 of the Revised Code. Licenses 54128
are valid for the period specified in the rules, unless earlier 54129
revoked or suspended by the board. The period shall not exceed 54130
twenty-four months unless the board extends the period in the 54131
rules to adjust license renewal schedules. 54132

~~Each pharmacist and pharmacy intern shall carry the 54133
identification card or renewal identification card while engaged 54134
in the practice of pharmacy. The license shall be conspicuously 54135
exposed at the principal place where the pharmacist or pharmacy 54136
intern practices pharmacy. 54137~~

A pharmacist or pharmacy intern who desires to continue in 54138
the practice of pharmacy shall file with the board an application 54139

in such form and containing such data as the board may require for 54140
renewal of ~~an identification card~~ a license. In the case of a 54141
pharmacist who dispenses or plans to dispense controlled 54142
substances in this state, the pharmacist shall certify, as part of 54143
the application, that the pharmacist has been granted access to 54144
the drug database established and maintained by the board pursuant 54145
to section 4729.75 of the Revised Code, unless the board has 54146
restricted the pharmacist from obtaining further information from 54147
the database or the board no longer maintains the database. If the 54148
pharmacist certifies to the board that the applicant has been 54149
granted access to the drug database and the board finds through an 54150
audit or other means that the pharmacist has not been granted 54151
access, the board may take action under section 4729.16 of the 54152
Revised Code. 54153

An application filed under this section for renewal of ~~an~~ 54154
~~identification card~~ a license may not be withdrawn without the 54155
approval of the board. 54156

If the board finds that an applicant's ~~identification card~~ 54157
license has not been revoked or placed under suspension and that 54158
the applicant has paid the renewal fee, has continued pharmacy 54159
education in accordance with the rules of the board, and is 54160
entitled to continue in the practice of pharmacy, the board shall 54161
~~issue a renewal identification card to the applicant~~ renew the 54162
applicant's license. 54163

When ~~an identification card~~ a license has ~~lapsed for more~~ 54164
~~than sixty days~~ expired but an application is made within three 54165
years after the expiration of the ~~card~~ license, the ~~applicant~~ 54166
applicant's license shall be ~~issued a renewal identification card~~ 54167
renewed without further examination if the applicant meets the 54168
requirements of this section and pays the fee designated under 54169
division (A)(5) of section 4729.15 of the Revised Code. 54170

A pharmacist or pharmacy intern who fails to renew the 54171

pharmacist's or intern's license by the renewal date prescribed by 54172
the board shall not engage in the practice of pharmacy until a 54173
valid license is issued by the board. 54174

Sec. 4729.13. A pharmacist who fails to make application to 54175
the state board of pharmacy for a ~~renewal identification card~~ 54176
license renewal within a period of three years from the expiration 54177
of the ~~identification card~~ license must pass an examination for 54178
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 54179
of the Revised Code; except that a pharmacist whose ~~registration~~ 54180
license has expired, but who has continually practiced pharmacy in 54181
another state under a license issued by the authority of that 54182
state, may obtain a ~~renewal identification card~~ renewed license 54183
upon payment to the executive director of the board the fee 54184
designated under division (A)(6) of section 4729.15 of the Revised 54185
Code. 54186

Sec. 4729.15. (A) Except as provided in division (B) of this 54187
section, the state board of pharmacy shall charge the following 54188
fees: 54189

(1) For applying for a license to practice as a pharmacist, 54190
an amount adequate to cover all ~~rentals, compensation for~~ 54191
~~proctors, and other~~ expenses of the board related to examination 54192
except the expenses of procuring and grading the examination, 54193
which fee shall not be returned if the applicant fails to pass the 54194
examination; 54195

(2) For the examination of an applicant for licensure as a 54196
pharmacist, an amount adequate to cover any expenses to the board 54197
of procuring and grading the examination or any part thereof, 54198
which fee shall not be returned if the applicant fails to pass the 54199
examination; 54200

(3) For issuing a license ~~and an identification card~~ to an 54201

individual who passes the examination described in section 4729.07 54202
of the Revised Code, an amount that is adequate to cover the 54203
expense; 54204

(4) For a pharmacist applying for renewal of ~~an~~ 54205
~~identification card within sixty days after a license before the~~ 54206
expiration date, ~~ninety-seven~~ two hundred and fifty dollars and 54207
~~fifty cents~~, which fee shall not be returned if the applicant 54208
fails to qualify for renewal; 54209

(5) For a pharmacist applying for renewal of ~~an~~ 54210
~~identification card a license~~ that has ~~lapsed~~ expired for more 54211
~~than sixty days, but for~~ less than three years, ~~one hundred~~ 54212
~~thirty-five dollars~~ the renewal fee identified in division (A)(4) 54213
of this section plus a penalty of fifty dollars per year or 54214
fraction of a year that the renewal is late, which fee shall not 54215
be returned if the applicant fails to qualify for renewal; 54216

(6) For a pharmacist applying for renewal of ~~an~~ 54217
~~identification card a license~~ that has ~~lapsed~~ expired for more 54218
than three years, three hundred thirty-seven dollars and fifty 54219
cents, which fee shall not be returned if the applicant fails to 54220
qualify for renewal; 54221

(7) For a pharmacist applying for a license ~~and~~ 54222
~~identification card~~, on presentation of a pharmacist license 54223
granted by another state, three hundred thirty-seven dollars and 54224
fifty cents, which fee shall not be returned if the applicant 54225
fails to qualify for licensure. 54226

(8) For a license ~~and identification card~~ to practice as a 54227
pharmacy intern, ~~twenty-two~~ forty-five dollars and ~~fifty cents~~, 54228
which fee shall not be returned if the applicant fails to qualify 54229
for licensure; 54230

(9) For the renewal of a pharmacy intern ~~identification card~~ 54231
license, ~~twenty-two~~ forty-five dollars and ~~fifty cents~~, which fee 54232

shall not be returned if the applicant fails to qualify for	54233
renewal;	54234
~~(10) For issuing a replacement license to a pharmacist,~~	54235
~~twenty-two dollars and fifty cents;~~	54236
~~(11) For issuing a replacement license to a pharmacy intern,~~	54237
~~seven dollars and fifty cents;~~	54238
~~(12) For issuing a replacement identification card to a~~	54239
~~pharmacist, thirty-seven dollars and fifty cents, or pharmacy~~	54240
~~intern, seven dollars and fifty cents;~~	54241
~~(13) For certifying licensure and grades for reciprocal~~	54242
~~licensure, ten <u>thirty-five</u> dollars;~~	54243
~~(14)~~ <u>(11)</u> For making copies of any application, affidavit, or	54244
other document filed in the state board of pharmacy office, an	54245
amount fixed by the board that is adequate to cover the expense,	54246
except that for copies required by federal or state agencies or	54247
law enforcement officers for official purposes, no charge need be	54248
made;	54249
~~(15)~~ <u>(12)</u> For certifying and affixing the seal of the board,	54250
an amount fixed by the board that is adequate to cover the	54251
expense, except that for certifying and affixing the seal of the	54252
board to a document required by federal or state agencies or law	54253
enforcement officers for official purposes, no charge need be	54254
made;	54255
~~(16)~~ <u>(13)</u> For each copy of a book or pamphlet that includes	54256
laws administered by the state board of pharmacy, rules adopted by	54257
the board, and chapters of the Revised Code with which the board	54258
is required to comply, an amount fixed by the board that is	54259
adequate to cover the expense of publishing and furnishing the	54260
book or pamphlet.	54261
(B)(1) Subject to division (B)(2) of this section, the fees	54262

described in divisions (A)(1) to ~~(13)~~(10) of this section do not 54263
apply to an individual who is on active duty in the armed forces 54264
of the United States, as defined in section 5903.01 of the Revised 54265
Code, to the spouse of an individual who is on active duty in the 54266
armed forces of the United States, or to an individual who served 54267
in the armed forces of the United States and presents a valid copy 54268
of the individual's DD-214 form or an equivalent document issued 54269
by the United States department of defense indicating that the 54270
individual is an honorably discharged veteran documentation that 54271
the individual has been discharged under honorable conditions from 54272
the armed forces or has been transferred to the reserve with 54273
evidence of satisfactory service. 54274

(2) The state board of pharmacy may establish limits with 54275
respect to the individuals for whom fees are not applicable under 54276
division (B)(1) of this section. 54277

Sec. 4729.16. (A)(1) The state board of pharmacy, after 54278
notice and hearing in accordance with Chapter 119. of the Revised 54279
Code, may impose any one or more of the following sanctions on a 54280
pharmacist or pharmacy intern if the board finds the individual 54281
engaged in any of the conduct set forth in division (A)(2) of this 54282
section: 54283

(a) Revoke, suspend, restrict, limit, or refuse to grant or 54284
renew a license; 54285

(b) Reprimand or place the license holder on probation; 54286

(c) Impose a monetary penalty or forfeiture not to exceed in 54287
severity any fine designated under the Revised Code for a similar 54288
offense, or in the case of a violation of a section of the Revised 54289
Code that does not bear a penalty, a monetary penalty or 54290
forfeiture of not more than five hundred dollars. 54291

(2) The board may impose the sanctions listed in division 54292

(A)(1) of this section if the board finds a pharmacist or pharmacy intern:	54293 54294
(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;	54295 54296
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	54297 54298
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	54299 54300 54301
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	54302 54303
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	54304 54305 54306 54307 54308
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	54309 54310
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	54311 54312 54313
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	54314 54315 54316 54317 54318
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	54319 54320
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license ~~or identification card~~ issued	54321 54322

by the board under this chapter or under Chapter 3715. or 3719. of 54323
the Revised Code; 54324

(k) Failed to comply with an order of the board or a 54325
settlement agreement; 54326

(l) Engaged in any other conduct for which the board may 54327
impose discipline as set forth in rules adopted under section 54328
4729.26 of the Revised Code. 54329

(B) Any individual whose ~~identification card~~ or license is 54330
revoked, suspended, or refused, shall return the ~~identification~~ 54331
~~card~~ and license to the offices of the state board of pharmacy 54332
within ten days after receipt of notice of such action. 54333

(C) As used in this section: 54334

"Unprofessional conduct in the practice of pharmacy" includes 54335
any of the following: 54336

(1) Advertising or displaying signs that promote dangerous 54337
drugs to the public in a manner that is false or misleading; 54338

(2) Except as provided in section 4729.281 or 4729.44 of the 54339
Revised Code, the dispensing or sale of any drug for which a 54340
prescription is required, without having received a prescription 54341
for the drug; 54342

(3) Knowingly dispensing medication pursuant to false or 54343
forged prescriptions; 54344

(4) Knowingly failing to maintain complete and accurate 54345
records of all dangerous drugs received or dispensed in compliance 54346
with federal laws and regulations and state laws and rules; 54347

(5) Obtaining any remuneration by fraud, misrepresentation, 54348
or deception; 54349

(6) Failing to conform to prevailing standards of care of 54350
similar pharmacists or pharmacy interns under the same or similar 54351
circumstances, whether or not actual injury to a patient is 54352

established; 54353

(7) Engaging in any other conduct that the board specifies as 54354
unprofessional conduct in the practice of pharmacy in rules 54355
adopted under section 4729.26 of the Revised Code. 54356

(D) The board may suspend a license ~~or identification card~~ 54357
under division (B) of section 3719.121 of the Revised Code by 54358
utilizing a telephone conference call to review the allegations 54359
and take a vote. 54360

(E) For purposes of this division, an individual authorized 54361
to practice as a pharmacist or pharmacy intern accepts the 54362
privilege of practicing in this state subject to supervision by 54363
the board. By filing an application for or holding a license to 54364
practice as a pharmacist or pharmacy intern, an individual gives 54365
consent to submit to a mental or physical examination when ordered 54366
to do so by the board in writing and waives all objections to the 54367
admissibility of testimony or examination reports that constitute 54368
privileged communications. 54369

If the board has reasonable cause to believe that an 54370
individual who is a pharmacist or pharmacy intern is physically or 54371
mentally impaired, the board may require the individual to submit 54372
to a physical or mental examination, or both. The expense of the 54373
examination is the responsibility of the individual required to be 54374
examined. 54375

Failure of an individual who is a pharmacist or pharmacy 54376
intern to submit to a physical or mental examination ordered by 54377
the board, unless the failure is due to circumstances beyond the 54378
individual's control, constitutes an admission of the allegations 54379
and a suspension order shall be entered without the taking of 54380
testimony or presentation of evidence. Any subsequent adjudication 54381
hearing under Chapter 119. of the Revised Code concerning failure 54382
to submit to an examination is limited to consideration of whether 54383

the failure was beyond the individual's control. 54384

If, based on the results of an examination ordered under this 54385
division, the board determines that the individual's ability to 54386
practice is impaired, the board shall suspend the individual's 54387
license or deny the individual's application and shall require the 54388
individual, as a condition for an initial, continued, reinstated, 54389
or renewed license to practice, to submit to a physical or mental 54390
examination and treatment. 54391

An order of suspension issued under this division shall not 54392
be subject to suspension by a court during pendency of any appeal 54393
filed under section 119.12 of the Revised Code. 54394

(F) If the board is required under Chapter 119. of the 54395
Revised Code to give notice of an opportunity for a hearing and 54396
the applicant or licensee does not make a timely request for a 54397
hearing in accordance with section 119.07 of the Revised Code, the 54398
board is not required to hold a hearing, but may adopt a final 54399
order that contains the board's findings. In the final order, the 54400
board may impose any of the sanctions listed in division (A) of 54401
this section. 54402

(G) Notwithstanding the provision of division (C)(2) of 54403
section 2953.32 of the Revised Code specifying that if records 54404
pertaining to a criminal case are sealed under that section the 54405
proceedings in the case must be deemed not to have occurred, 54406
sealing of the following records on which the board has based an 54407
action under this section shall have no effect on the board's 54408
action or any sanction imposed by the board under this section: 54409
records of any conviction, guilty plea, judicial finding of guilt 54410
resulting from a plea of no contest, or a judicial finding of 54411
eligibility for a pretrial diversion program or intervention in 54412
lieu of conviction. The board shall not be required to seal, 54413
destroy, redact, or otherwise modify its records to reflect the 54414
court's sealing of conviction records. 54415

(H) No pharmacist or pharmacy intern shall knowingly engage 54416
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 54417
(l) of this section. 54418

Sec. 4729.23. (A) Except as provided in division (B) of this 54419
section, information received by the state board of pharmacy 54420
pursuant to an investigation is confidential and is not subject to 54421
discovery in any civil action. Any record that identifies a 54422
patient, confidential informant, or individual who files a 54423
complaint with the board or may reasonably lead to the 54424
identification of the patient, informant, or complainant is not a 54425
public record for purposes of section 149.43 of the Revised Code 54426
and is not subject to inspection or copying under section 1347.08 54427
of the Revised Code. 54428

(B) The board shall conduct all investigations or inspections 54429
and proceedings in a manner that protects the confidentiality of 54430
patients, confidential informants, and individuals who file 54431
complaints with the board. The board shall not make public the 54432
names or any other identifying information of patients, 54433
confidential informants, or complainants unless proper consent is 54434
given or, in the case of a patient, a waiver of the patient 54435
privilege exists under division (B) of section 2317.02 of the 54436
Revised Code. The consent or waiver is not required if the board 54437
possesses reliable and substantial evidence that no bona fide 54438
physician-patient relationship exists. 54439

On request, the board may share any information it receives 54440
pursuant to an investigation or inspection, including patient 54441
records and patient record information, with law enforcement 54442
agencies, other licensing boards, and other state or federal 54443
governmental agencies that are prosecuting, adjudicating, or 54444
investigating alleged violations of statutes or administrative 54445
rules. An agency or board that receives the information shall 54446

comply with the same requirements regarding confidentiality as 54447
those with which the state board of pharmacy must comply, 54448
notwithstanding any conflicting provision of the Revised Code or 54449
agency procedure that applies when the agency is dealing with 54450
other information in its possession. 54451

Any information the board receives from a state or federal 54452
agency is subject to the same confidentiality requirements as the 54453
agency from which it was received and shall not be released by the 54454
board without prior authorization from that agency. 54455

The board may, for good cause shown, disclose or authorize 54456
disclosure of information gathered pursuant to an investigation. 54457

(C) Any board activity that involves continued monitoring of 54458
an individual for treatment or recovery purposes as part of or 54459
following any disciplinary action taken under section 4729.16, 54460
4729.56, or 4729.57 of the Revised Code shall be conducted in a 54461
manner that maintains an individual's confidentiality with respect 54462
to the individual's treatment or recovery program. Information 54463
received or maintained by the board with respect to the board's 54464
monitoring activities is not subject to discovery in any civil 54465
action and is confidential, except that the board may disclose 54466
information to law enforcement officers and government entities 54467
for purposes of an investigation of a license or certificate 54468
holder. 54469

Sec. 4729.24. (A) Subject to division (B) of this section, in 54470
addition to the actions the state board of pharmacy may take under 54471
Chapter 119. of the Revised Code, the board may order the taking 54472
of depositions; examine and copy any books, accounts, papers, 54473
records, documents, and other tangible objects; issue subpoenas; 54474
and compel the attendance of witnesses and production of books, 54475
accounts, papers, records, documents, and other tangible objects. 54476

On failure of a person to comply with a subpoena issued by 54477

the board and after reasonable notice to that person, the board 54478
may apply to the court of common pleas of Franklin county for an 54479
order compelling the production of persons or records pursuant to 54480
the Ohio Rules of Civil Procedure. 54481

A subpoena issued by the board may be served by a sheriff, 54482
sheriff's deputy, or board employee designated by the board. 54483
Service of a subpoena may be made by delivering a copy of the 54484
subpoena to the person named in the subpoena or by leaving it at 54485
the person's usual place of residence. 54486

(B) A subpoena for patient record information may be issued 54487
only on approval by the board's executive director and the 54488
president or another board member designated by the president, in 54489
consultation with the office of the attorney general. Before 54490
issuing the subpoena, the executive director and the office of the 54491
attorney general shall determine whether probable cause exists to 54492
believe that the complaint filed alleges, or an investigation has 54493
revealed, a violation of this chapter or any rule adopted by the 54494
board, that the records sought are relevant to the alleged 54495
violation and material to the investigation, and that the records 54496
cover a reasonable period of time surrounding the alleged 54497
violation. 54498

(C) The board may adopt rules in accordance with Chapter 119. 54499
of the Revised Code establishing procedures to be followed in 54500
taking the actions authorized by this section, including 54501
procedures regarding payment for and service of subpoenas. 54502

Sec. 4729.51. (A) No person other than a ~~registered~~ licensed 54503
manufacturer of dangerous drugs, outsourcing facility, third-party 54504
logistics provider, repackager of dangerous drugs, or wholesale 54505
distributor of dangerous drugs shall possess for sale, sell, 54506
distribute, or deliver, at wholesale, dangerous drugs or 54507
investigational drugs or products, except as follows: 54508

(1) A licensed terminal distributor of dangerous drugs that 54509
is a pharmacy may make occasional sales of dangerous drugs or 54510
investigational drugs or products at wholesale. 54511

(2) A licensed terminal distributor of dangerous drugs having 54512
more than one licensed location may transfer or deliver dangerous 54513
drugs from one licensed location to another licensed location 54514
owned by the terminal distributor if the license issued for each 54515
location is in effect at the time of the transfer or delivery. 54516

(3) A licensed terminal distributor of dangerous drugs that 54517
is not a pharmacy may make occasional sales of naloxone at 54518
wholesale. 54519

(B) No ~~registered~~ licensed manufacturer, outsourcing 54520
facility, third-party logistics provider, repackager, or wholesale 54521
~~distributor of dangerous drugs~~ shall possess for sale, sell, or 54522
distribute, at wholesale, dangerous drugs or investigational drugs 54523
or products to any person other than the following: 54524

(1) Subject to division (D) of this section, a licensed 54525
terminal distributor of dangerous drugs; 54526

(2) Subject to division (C) of this section, any person 54527
exempt from licensure as a terminal distributor of dangerous drugs 54528
under section 4729.541 of the Revised Code; 54529

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 54530
third-party logistics provider, repackager, or wholesale 54531
~~distributor of dangerous drugs~~; 54532

(4) A terminal distributor, manufacturer, outsourcing 54533
facility, third-party logistics provider, repackager, or wholesale 54534
~~distributor of dangerous drugs~~ that is located in another state, 54535
is not engaged in the sale of dangerous drugs within this state, 54536
and is actively licensed to engage in the sale of dangerous drugs 54537
by the state in which the distributor conducts business. 54538

(C) No ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of ~~dangerous drugs~~ shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:

(1) A prescriber who is employed by either of the following:

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of ~~dangerous drugs~~ shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal

distributor of dangerous drugs, except as follows: 54570

~~(1) In the case of a terminal distributor with a category I 54571
license, only dangerous drugs described in category I, as defined 54572
in division (A)(1) of section 4729.54 of the Revised Code; 54573~~

~~(2) In the case of a terminal distributor with a category II 54574
license, only dangerous drugs described in category I and category 54575
II, as defined in ~~divisions~~ division (A)(1) and ~~(2)~~ of section 54576
4729.54 of the Revised Code; 54577~~

~~(3)(2) In the case of a terminal distributor with a category 54578
III license, dangerous drugs described in category I, category II, 54579
and category III, as defined in divisions (A)(1), and (2), and ~~(3)~~ 54580
of section 4729.54 of the Revised Code; 54581~~

~~(4)(3) In the case of a terminal distributor with a limited 54582
category I, II, or III license, only the dangerous drugs specified 54583
in the certificate furnished by the terminal distributor in 54584
accordance with section 4729.60 of the Revised Code license. 54585~~

(E)(1) Except as provided in division (E)(2) of this section, 54586
no person shall do any of the following: 54587

(a) Sell or distribute, at retail, dangerous drugs; 54588

(b) Possess for sale, at retail, dangerous drugs; 54589

(c) Possess dangerous drugs. 54590

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 54591
not apply to any of the following: 54592

(i) A licensed terminal distributor of dangerous drugs; 54593

(ii) A person who possesses, or possesses for sale or sells, 54594
at retail, a dangerous drug in accordance with Chapters 3719., 54595
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 54596
Code; 54597

(iii) Any of the persons identified in divisions (A)(1) to 54598

(5) and (13) of section 4729.541 of the Revised Code, but only to 54599
the extent specified in that section. 54600

(b) Division (E)(1)(c) of this section does not apply to any 54601
of the following: 54602

(i) A ~~registered~~ licensed manufacturer, outsourcing facility, 54603
third-party logistics provider, repackager, or wholesale 54604
distributor of dangerous drugs; 54605

(ii) Any of the persons identified in divisions (A)(6) to 54606
(12) of section 4729.541 of the Revised Code, but only to the 54607
extent specified in that section. 54608

(F) No licensed terminal distributor of dangerous drugs or 54609
person that is exempt from licensure under section 4729.541 of the 54610
Revised Code shall purchase dangerous drugs or investigational 54611
drugs or products from any person other than a ~~registered~~ licensed 54612
manufacturer, outsourcing facility, third-party logistics 54613
provider, repackager, or wholesale distributor of dangerous drugs, 54614
except as follows: 54615

(1) A licensed terminal distributor of dangerous drugs or 54616
person that is exempt from licensure under section 4729.541 of the 54617
Revised Code may make occasional purchases of dangerous drugs or 54618
investigational drugs or products that are sold in accordance with 54619
division (A)(1) or (3) of this section. 54620

(2) A licensed terminal distributor of dangerous drugs having 54621
more than one licensed location may transfer or deliver dangerous 54622
drugs or investigational drugs or products from one licensed 54623
location to another licensed location if the license issued for 54624
each location is in effect at the time of the transfer or 54625
delivery. 54626

(G) No licensed terminal distributor of dangerous drugs shall 54627
engage in the retail sale or other distribution of dangerous drugs 54628
or investigational drugs or products or maintain possession, 54629

custody, or control of dangerous drugs or investigational drugs or 54630
products for any purpose other than the distributor's personal use 54631
or consumption, at any establishment or place other than that or 54632
those described in the license issued by the state board of 54633
pharmacy to such terminal distributor. 54634

(H) Nothing in this section shall be construed to interfere 54635
with the performance of official duties by any law enforcement 54636
official authorized by municipal, county, state, or federal law to 54637
collect samples of any drug, regardless of its nature or in whose 54638
possession it may be. 54639

(I) Notwithstanding anything to the contrary in this section, 54640
the board of education of a city, local, exempted village, or 54641
joint vocational school district may distribute epinephrine 54642
autoinjectors for use in accordance with section 3313.7110 of the 54643
Revised Code and may distribute inhalers for use in accordance 54644
with section 3313.7113 of the Revised Code. 54645

Sec. 4729.52. (A) As used in this section: 54646

(1) "Category II" means any dangerous drug that is not 54647
included in category III. 54648

(2) "Category III" means any controlled substance that is 54649
contained in schedule I, II, III, IV, or V. 54650

(3) "Schedule I, schedule II, schedule III, schedule IV, and 54651
schedule V" mean controlled substance schedules I, II, III, IV, 54652
and V, respectively, as established pursuant to section 3719.41 of 54653
the Revised Code and as amended. 54654

(B)(1)(a) The state board of pharmacy shall license the 54655
following persons: 54656

(i) Wholesale distributors of dangerous drugs; 54657

(ii) Manufacturers of dangerous drugs; 54658

<u>(iii) Outsourcing facilities;</u>	54659
<u>(iv) Third-party logistics providers;</u>	54660
<u>(v) Repackagers of dangerous drugs.</u>	54661
<u>(b) There shall be two categories for the licenses identified</u>	54662
<u>in division (B)(1)(a) of this section. The categories are as</u>	54663
<u>follows:</u>	54664
<u>(i) Category II license. A person who obtains this license</u>	54665
<u>may possess, have custody or control of, and distribute, only the</u>	54666
<u>dangerous drugs described in category II.</u>	54667
<u>(ii) Category III license. A person who obtains this license</u>	54668
<u>may possess, have custody or control of, and distribute, the</u>	54669
<u>dangerous drugs described in category II and category III.</u>	54670
<u>(c) The board may adopt rules under section 4729.26 of the</u>	54671
<u>Revised Code to create classification types of any license issued</u>	54672
<u>pursuant to this section. Persons who meet the definitions of the</u>	54673
<u>classification types shall comply with all requirements for the</u>	54674
<u>specific license classification specified in rule.</u>	54675
<u>(C) A person ~~desiring to be registered as a wholesale~~</u>	54676
<u>~~distributor of dangerous drugs~~ seeking a license identified in</u>	54677
<u>division (B)(1)(a) of this section shall file with the executive</u>	54678
<u>director of the ~~state board of pharmacy~~ a verified application</u>	54679
<u>containing such information as the board requires of the applicant</u>	54680
<u>relative to the <u>licensure</u> qualifications ~~to be registered as a~~</u>	54681
<u>~~wholesale distributor of dangerous drugs~~ set forth in section</u>	54682
<u>4729.53 of the Revised Code and the rules adopted under that</u>	54683
<u>section. ~~The~~ After it is filed, an application cannot be withdrawn</u>	54684
<u>without approval of the board.</u>	54685
<u>The board shall ~~register~~ license as a <u>category II or category</u></u>	54686
<u><u>III manufacturer, outsourcing facility, third-party logistics</u></u>	54687
<u><u>provider, repackager, or</u> ~~wholesale distributor of dangerous drugs~~</u>	54688

each applicant who has paid the required ~~registration~~ license fee, 54689
if the board determines that the applicant meets the licensure 54690
qualifications ~~to be registered as a wholesale distributor of~~ 54691
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 54692
and the rules adopted under that section. 54693

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 54694
not reside in this state a ~~registration certificate as a wholesale~~ 54695
~~distributor of dangerous drugs~~ license identified in division 54696
(B)(1)(a) of this section if the person ~~possesses~~ pays the 54697
required licensure fee and meets either of the following: 54698

(1) Possesses a current and valid manufacturer, outsourcing 54699
facility, third-party logistics provider, repackager, or wholesale 54700
distributor of dangerous drugs registration certificate or 54701
license, or its equivalent, issued by another state ~~that in which~~ 54702
that person is physically located, but only if that state has 54703
qualifications for licensure or registration comparable to the 54704
~~registration~~ licensure requirements in this state ~~and pays the~~ 54705
~~required registration fee;~~ 54706

(2) Meets the requirements set forth by the board for 54707
issuance of a license identified in division (B)(1)(a) of this 54708
section, as verified by a state, federal, or other entity 54709
recognized by the board to perform such verification. 54710

~~(C)(E)~~ All ~~registration certificates~~ licenses issued or 54711
renewed pursuant to this section are effective for a period ~~of~~ 54712
~~twelve months from the first day of July of each year~~ specified by 54713
the board in rules adopted under section 4729.26 of the Revised 54714
Code. The effective period for an initial or renewed license shall 54715
not exceed twenty-four months unless the board extends the period 54716
in rules to adjust license renewal schedules. A ~~registration~~ 54717
~~certificate~~ license shall be renewed ~~annually~~ by the board ~~for a~~ 54718
~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 54719
procedure of Chapter 4745. of the Revised Code, and rules adopted 54720

by the board under section 4729.26 of the Revised Code. A person 54721
desiring ~~seeking~~ to renew a registration certificate license shall 54722
submit an application for renewal and pay the required renewal fee 54723
before the ~~first day of July each year~~ date specified in the rules 54724
adopted by the board. 54725

~~(D)(F)~~ Each ~~registration certificate and its application~~ 54726
license issued under this section shall describe not more than one 54727
establishment or place where the ~~registrant or applicant~~ license 54728
holder may engage in the ~~sale of dangerous drugs at wholesale~~ 54729
activities authorized by the license. No ~~registration certificate~~ 54730
license shall authorize or permit the ~~wholesale distributor of~~ 54731
~~dangerous drugs person~~ named therein to engage in the sale or 54732
distribution of drugs at wholesale or to maintain possession, 54733
custody, or control of dangerous drugs for any purpose other than 54734
for the ~~registrant's~~ licensee's own use and consumption at any 54735
establishment or place other than that described in the 54736
certificate license. 54737

~~(E)(G)(1)(a)~~ The ~~registration category II license~~ fee is 54738
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 54739
accompany each application for ~~registration~~ licensure. The 54740
~~registration~~ license renewal fee is ~~seven hundred fifty one~~ 54741
thousand nine hundred dollars and shall accompany each renewal 54742
application. 54743

(b) The category III license fee is two thousand dollars and 54744
shall accompany each application for licensure. The license 54745
renewal fee is two thousand dollars and shall accompany each 54746
renewal application. 54747

~~A registration certificate~~ (c)(i) Subject to division 54748
(G)(1)(c)(ii) of this section, a license issued pursuant to this 54749
section that has not been renewed ~~in any year by the first day of~~ 54750
~~August~~ by the date specified in rules adopted by the board may be 54751
reinstated upon payment of the renewal fee and a penalty of ~~one~~ 54752

three hundred fifty dollars. 54753

(ii) If a complete application for renewal has not been 54754
submitted by the sixty-first day after the renewal date specified 54755
in rules adopted by the board, the license is considered void and 54756
cannot be renewed, but the license holder may reapply for 54757
licensure. 54758

(2) Renewal fees and penalties assessed under division 54759
~~(E)~~(G)(1) of this section shall not be returned if the applicant 54760
fails to qualify for renewal. 54761

(3) A person licensed pursuant to this section that fails to 54762
renew licensure in accordance with this section and rules adopted 54763
by the board is prohibited from engaging in manufacturing, 54764
repackaging, compounding, or distributing as a third-party 54765
logistics provider or wholesale distributor until a valid license 54766
is issued by the board. 54767

~~(F) The registration of any person as a wholesale distributor~~ 54768
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 54769
section subjects the ~~person holder~~ and the ~~person's holder's~~ 54770
agents and employees to the jurisdiction of the board and to the 54771
laws of this state for the purpose of the enforcement of this 54772
chapter and the rules of the board. However, the filing of an 54773
application for ~~registration as a wholesale distributor of~~ 54774
~~dangerous drugs~~ licensure under this section by, or on behalf of, 54775
any person, or the registration issuance of a license pursuant to 54776
this section to or on behalf of any person ~~as a wholesale~~ 54777
~~distributor of dangerous drugs,~~ shall not, of itself, constitute 54778
evidence that the person is doing business within this state. 54779

(I) The board may enter into agreements with other states, 54780
federal agencies, and other entities to exchange information 54781
concerning licensing and inspection of any manufacturer, 54782
outsourcing facility, third-party logistics provider, repackager, 54783

or wholesale distributor located within or outside this state and 54784
to investigate alleged violations of the laws and rules governing 54785
distribution of drugs by such persons. Any information received 54786
pursuant to such an agreement is subject to the same 54787
confidentiality requirements applicable to the agency or entity 54788
from which it was received and shall not be released without prior 54789
authorization from that agency or entity. 54790

Sec. 4729.53. (A) The state board of pharmacy shall not 54791
~~register~~ license any person as a manufacturer of dangerous drugs, 54792
outsourcing facility, third-party logistics provider, repackager 54793
of dangerous drugs, or wholesale distributor of dangerous drugs 54794
unless the applicant for ~~registration~~ licensure furnishes 54795
satisfactory proof to the board that the applicant meets all of 54796
the following: 54797

(1) If the applicant has ~~been convicted of a violation of~~ 54798
committed acts that the board finds violate any federal, state, or 54799
local law, regulation, or rule relating to drug samples, 54800
manufacturing, compounding, repackaging, wholesale or retail drug 54801
distribution, or distribution of dangerous drugs, including 54802
controlled substances, ~~or of~~ constitute a felony, or if a federal, 54803
state, or local governmental entity has suspended or revoked any 54804
current or prior license ~~or registration~~ of the applicant for the 54805
manufacture, compounding, repackaging, distribution, or sale of 54806
any dangerous drugs, including controlled substances, the 54807
applicant, to the satisfaction of the board, assures that the 54808
applicant has in place adequate safeguards to prevent the 54809
recurrence of any such violations. 54810

(2) The applicant's past experience in the manufacture, 54811
compounding, repackaging, or distribution of dangerous drugs, 54812
including controlled substances, is acceptable to the board. 54813

(3) The applicant is properly equipped as to land, buildings, 54814

equipment, and personnel to properly carry on ~~the~~ its business of 54815
~~a wholesale distributor of dangerous drugs,~~ including providing 54816
adequate security for and proper storage conditions and handling 54817
for dangerous drugs, and is complying with the requirements under 54818
this chapter and the rules adopted pursuant thereto for 54819
maintaining and making available records to properly identified 54820
board officials and federal, state, and local law enforcement 54821
agencies. 54822

(4) Personnel employed by the applicant have the appropriate 54823
education or experience, as determined by the board, to assume 54824
responsibility for positions related to compliance with this 54825
chapter and the rules adopted pursuant thereto. 54826

(5) The applicant has designated the name and address of a 54827
person to whom communications from the board may be directed and 54828
upon whom the notices and citations provided for in section 54829
4729.56 of the Revised Code may be served. 54830

(6) Adequate safeguards are assured to prevent the sale of 54831
dangerous drugs ~~to any person other than those named in division~~ 54832
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 54833

(7) Any other requirement or qualification the board, by rule 54834
adopted in accordance with Chapter 119. of the Revised Code, 54835
considers relevant to and consistent with the public safety and 54836
health. 54837

(B) In addition to the causes described in section 4729.56 of 54838
the Revised Code for refusing to grant or renew a ~~registration~~ 54839
~~certificate~~ license, the board may refuse to ~~register~~ grant or 54840
renew ~~the registration certificate of any person~~ a license if the 54841
board determines that the granting of the ~~registration~~ license 54842
certificate or its renewal is not in the public interest. 54843

Sec. 4729.54. (A) As used in this section: 54844

(1) ~~"Category I" means single dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.~~ 54845
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~~(2)~~ "Category II" means any dangerous drug that is not 54853
included in category ~~I or~~ III. 54854

~~(3)~~(2) "Category III" means any controlled substance that is 54855
contained in schedule I, II, III, IV, or V. 54856

~~(4)~~(3) "Emergency medical service organization" has the same 54857
meaning as in section 4765.01 of the Revised Code. 54858

~~(5)~~(4) "Person" includes an emergency medical service 54859
organization. 54860

~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, 54861
and schedule V" mean controlled substance schedules I, II, III, 54862
IV, and V, respectively, as established pursuant to section 54863
3719.41 of the Revised Code and as amended. 54864

(B)(1) A person ~~who desires~~ seeking to be licensed as a 54865
terminal distributor of dangerous drugs shall file with the 54866
executive director of the state board of pharmacy a verified 54867
application. After it is filed, the application may not be 54868
withdrawn without approval of the board. 54869

(2) An application shall contain all the following that apply 54870
in the applicant's case: 54871

(a) Information that the board requires relative to the 54872
qualifications of a terminal distributor of dangerous drugs set 54873
forth in section 4729.55 of the Revised Code; 54874

(b) A statement ~~that~~ as to whether the person ~~wishes is~~ 54875
seeking to be licensed as a ~~category I,~~ category II, category III, 54876
~~limited category I,~~ limited category II, or limited category III 54877
terminal distributor of dangerous drugs; 54878

(c) If the person ~~wishes is seeking~~ to be licensed as a 54879
~~limited category I,~~ limited category II, or limited category III 54880
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 54881
dangerous drugs that the person ~~wishes is seeking~~ to possess, have 54882
custody or control of, and distribute, which list shall also 54883
specify the purpose for which those drugs will be used and their 54884
source; 54885

(d) If the person is an emergency medical service 54886
organization, the information that is specified in division (C)(1) 54887
of this section; 54888

(e) Except for an emergency medical service organization, the 54889
identity of the one establishment or place at which the person 54890
intends to engage in the sale or other distribution of dangerous 54891
drugs at retail, and maintain possession, custody, or control of 54892
dangerous drugs for purposes other than the person's own use or 54893
consumption; 54894

(f) If the application pertains to a pain management clinic, 54895
information that demonstrates, to the satisfaction of the board, 54896
compliance with division (A) of section 4729.552 of the Revised 54897
Code; 54898

(g) If the application pertains to a facility, clinic, or 54899
other location described in division (B) of section 4729.553 of 54900
the Revised Code that must hold a category III terminal 54901
distributor of dangerous drugs license with an office-based opioid 54902
treatment classification, information that demonstrates, to the 54903
satisfaction of the board, compliance with division (C) of that 54904
section. 54905

(C)(1) An emergency medical service organization ~~that wishes~~ 54906
seeking to be licensed as a terminal distributor of dangerous 54907
drugs shall list in its application for licensure the following 54908
additional information: 54909

(a) The units under its control that the organization 54910
determines will possess dangerous drugs for the purpose of 54911
administering emergency medical services in accordance with 54912
Chapter 4765. of the Revised Code; 54913

(b) With respect to each such unit, whether the dangerous 54914
drugs that the organization determines the unit will possess are 54915
in category I, II, or III. 54916

(2) An emergency medical service organization that is 54917
licensed as a terminal distributor of dangerous drugs shall file a 54918
new application for such licensure if there is any change in the 54919
number, or location of, any of its units or any change in the 54920
category of the dangerous drugs that any unit will possess. 54921

(3) A unit listed in an application for licensure pursuant to 54922
division (C)(1) of this section may obtain the dangerous drugs it 54923
is authorized to possess from its emergency medical service 54924
organization or, on a replacement basis, from a hospital pharmacy. 54925
If units will obtain dangerous drugs from a hospital pharmacy, the 54926
organization shall file, and maintain in current form, the 54927
following items with the pharmacist who is responsible for the 54928
hospital's terminal distributor of dangerous drugs license: 54929

(a) A copy of its standing orders or protocol; 54930

(b) A list of the personnel employed or used by the 54931
organization to provide emergency medical services in accordance 54932
with Chapter 4765. of the Revised Code, who are authorized to 54933
possess the drugs, which list also shall indicate the personnel 54934
who are authorized to administer the drugs. 54935

(D) Each emergency medical service organization that applies 54936

for a terminal distributor of dangerous drugs license shall submit 54937
with its application the following: 54938

(1) A ~~notarized~~ copy of its standing orders or protocol, 54939
which orders or protocol shall be signed by a physician ~~and~~ 54940
~~specify;~~ 54941

(2) A list of the dangerous drugs that its units may carry, 54942
expressed in standard dose units, which shall be signed by a 54943
physician; 54944

~~(2)~~(3) A list of the personnel employed or used by the 54945
organization to provide emergency medical services in accordance 54946
with Chapter 4765. of the Revised Code. 54947

~~An~~ In accordance with Chapter 119. of the Revised Code, the 54948
board shall adopt rules specifying when an emergency medical 54949
service organization that is licensed as a terminal distributor 54950
shall must notify the board ~~immediately~~ of any changes in its 54951
standing orders or protocol documentation submitted pursuant to 54952
division (D) of this section. 54953

(E) There shall be ~~six~~ four categories of terminal 54954
distributor of dangerous drugs licenses, ~~which.~~ The categories 54955
~~shall be~~ are as follows: 54956

(1) ~~Category I license. A person who obtains this license may~~ 54957
~~possess, have custody or control of, and distribute only the~~ 54958
~~dangerous drugs described in category I.~~ 54959

(2) ~~Limited category I license. A person who obtains this~~ 54960
~~license may possess, have custody or control of, and distribute~~ 54961
~~only the dangerous drugs described in category I that were listed~~ 54962
~~in the application for licensure.~~ 54963

~~(3)~~ Category II license. A person who obtains this license 54964
may possess, have custody or control of, and distribute only the 54965
dangerous drugs described in ~~category I and~~ category II. 54966

~~(4)(2)~~ Limited category II license. A person who obtains this 54967
license may possess, have custody or control of, and distribute 54968
only the dangerous drugs described in ~~category I~~ or category II 54969
that were listed in the application for licensure. 54970

~~(5)(3)~~ Category III license, which may include a pain 54971
management clinic classification issued under section 4729.552 of 54972
the Revised Code. A person who obtains this license may possess, 54973
have custody or control of, and distribute the dangerous drugs 54974
described in ~~category I~~, category II, and category III. If the 54975
license includes a pain management clinic classification, the 54976
person may operate a pain management clinic. 54977

~~(6)(4)~~ Limited category III license. A person who obtains 54978
this license may possess, have custody or control of, and 54979
distribute only the dangerous drugs described in ~~category I~~, 54980
category II, or category III that were listed in the application 54981
for licensure. 54982

(F) Except for an application made on behalf of an animal 54983
shelter, if an applicant for ~~licensure as a limited category I,~~ 54984
II, license or limited category III terminal distributor of 54985
~~dangerous drugs~~ license intends to administer dangerous drugs to a 54986
person or animal, the applicant shall submit, with the 54987
application, a ~~notarized~~ copy of its protocol or standing orders, 54988
~~which.~~ The protocol or orders shall be signed by a licensed health 54989
professional authorized to prescribe drugs, specify the dangerous 54990
drugs to be administered, and list personnel who are authorized to 54991
administer the dangerous drugs in accordance with federal law or 54992
the law of this state. An application made on behalf of an animal 54993
shelter shall include a ~~notarized~~ list of the dangerous drugs to 54994
be administered to animals and the personnel who are authorized to 54995
administer the drugs to animals in accordance with section 54996
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 54997
~~distributor license,~~ 54998

In accordance with Chapter 119. of the Revised Code, the 54999
board shall adopt rules specifying when a licensee shall must 55000
notify the board immediately of any changes in its protocol or 55001
standing orders, or in such personnel documentation submitted 55002
pursuant to this division. 55003

(G)(1) Except as provided in division (G)(2) of this section, 55004
each applicant for licensure as a terminal distributor of 55005
dangerous drugs shall submit, with the application, a license fee 55006
determined as follows: 55007

~~(a) For a category I or limited category I license,~~ 55008
~~forty five dollars;~~ 55009

~~(b) For a category II or limited category II license, one the~~ 55010
~~fee is three hundred twelve twenty dollars and fifty cents;.~~ 55011

~~(c)~~(b) For a category III license, including a license with a 55012
pain management clinic classification issued under section 55013
4729.552 of the Revised Code, or a limited category III license, 55014
~~one~~ four hundred ~~fifty~~ forty dollars. 55015

(2)(a) Except as provided in division (G)(2)(b) of this 55016
section, for a person who is required to hold a license as a 55017
terminal distributor of dangerous drugs pursuant to division (D) 55018
of section 4729.541 of the Revised Code, the fee ~~shall be sixty is~~ 55019
one hundred twenty dollars. 55020

(b) For a professional association, corporation, partnership, 55021
or limited liability company organized for the purpose of 55022
practicing veterinary medicine, the fee ~~shall be forty is one~~ 55023
hundred twenty dollars. 55024

(3) Fees assessed under divisions (G)(1) and (2) of this 55025
section shall not be returned if the applicant fails to qualify 55026
for ~~registration~~ the license. 55027

(H)(1) The board shall issue a terminal distributor of 55028

dangerous drugs license to each person who submits an application 55029
for such licensure in accordance with this section, pays the 55030
required license fee, is determined by the board to meet the 55031
requirements set forth in section 4729.55 of the Revised Code, and 55032
satisfies any other applicable requirements of this section. 55033

(2) The license of a person other than an emergency medical 55034
service organization shall describe the one establishment or place 55035
at which the licensee may engage in the sale or other distribution 55036
of dangerous drugs at retail and maintain possession, custody, or 55037
control of dangerous drugs for purposes other than the licensee's 55038
own use or consumption. The one establishment or place shall be 55039
that which is ~~described~~ identified in the application for 55040
licensure. 55041

No such license shall authorize or permit the terminal 55042
distributor of dangerous drugs named in it to engage in the sale 55043
or other distribution of dangerous drugs at retail or to maintain 55044
possession, custody, or control of dangerous drugs for any purpose 55045
other than the distributor's own use or consumption, at any 55046
establishment or place other than that described in the license, 55047
except that an agent or employee of an animal shelter may possess 55048
and use dangerous drugs in the course of business as provided in 55049
division (D) of section 4729.532 of the Revised Code. 55050

(3) The license of an emergency medical service organization 55051
shall cover and describe all the units of the organization listed 55052
in its application for licensure. 55053

~~(4) The license of every terminal distributor of dangerous 55054
drugs shall indicate, on its face, the category of licensure. If 55055
the license is a limited category I, II, or III license, it shall 55056
specify, and shall authorize the licensee to possess, have custody 55057
or control of, and distribute only, the dangerous drugs that were 55058
listed in the application for licensure. 55059~~

(I)(1) All licenses issued or renewed pursuant to this 55060
section shall be effective for a period ~~of twelve months from the~~ 55061
~~first day of April of each year~~ specified by the board in rules 55062
adopted under section 4729.26 of the Revised Code. The effective 55063
period for an initial or renewed license shall not exceed 55064
twenty-four months unless the board extends the period in rules to 55065
adjust license renewal schedules. A license shall be renewed by 55066
the board ~~for a like period, annually,~~ according to the provisions 55067
of this section, ~~and~~ the standard renewal procedure of Chapter 55068
4745. of the Revised Code, and rules adopted by the board under 55069
section 4729.26 of the Revised Code. A person ~~who desires seeking~~ 55070
to renew a license shall submit an application for renewal and pay 55071
the required fee on or before the ~~thirty-first day of March each~~ 55072
~~year~~ date specified in the rules adopted by the board. The fee 55073
required for the renewal of a license shall be the same as the 55074
license fee paid ~~for the license being renewed, and shall~~ 55075
~~accompany the application for renewal~~ under division (G) of this 55076
section. 55077

A (2)(a) Subject to division (I)(2)(b) of this section, a 55078
license that has not been renewed ~~during March in any year and by~~ 55079
~~the first day of May of the same year~~ by the date specified in 55080
rules adopted by the board may be reinstated only upon payment of 55081
the required renewal fee and a penalty fee of ~~fifty-five one~~ 55082
hundred ten dollars. 55083

(b) If an application for renewal has not been submitted by 55084
the sixty-first day after the renewal date specified in rules 55085
adopted by the board, the license is considered void and cannot be 55086
renewed, but the license holder may reapply for licensure. 55087

(3) A terminal distributor of dangerous drugs that fails to 55088
renew licensure in accordance with this section and rules adopted 55089
by the board is prohibited from engaging in the retail sale, 55090
possession, or distribution of dangerous drugs until a valid 55091

license is issued by the board. 55092

(J)(1) No emergency medical service organization that is 55093
licensed as a terminal distributor of dangerous drugs shall fail 55094
to comply with division (C)(2) or (3) of this section. 55095

(2) No emergency medical service organization that is 55096
licensed as a terminal distributor of dangerous drugs shall fail 55097
to comply with division (D) of this section. 55098

(3) No licensed terminal distributor of dangerous drugs shall 55099
possess, have custody or control of, or distribute dangerous drugs 55100
that the terminal distributor is not entitled to possess, have 55101
custody or control of, or distribute by virtue of its category of 55102
licensure. 55103

(4) No licensee that is required by division (F) of this 55104
section to notify the board of changes in its protocol or standing 55105
orders, or in personnel, shall fail to comply with that division. 55106

(K) The board may enter into agreements with other states, 55107
federal agencies, and other entities to exchange information 55108
concerning licensing and inspection of terminal distributors of 55109
dangerous drugs located within or outside this state and to 55110
investigate alleged violations of the laws and rules governing 55111
distribution of drugs by terminal distributors. Any information 55112
received pursuant to such an agreement is subject to the same 55113
confidentiality requirements applicable to the agency or entity 55114
from which it was received and shall not be released without prior 55115
authorization from that agency or entity. 55116

Sec. 4729.552. (A) To be eligible to receive a license as a 55117
category III terminal distributor of dangerous drugs with a pain 55118
management clinic classification, an applicant shall submit 55119
evidence satisfactory to the state board of pharmacy that the 55120
applicant's pain management clinic will be operated in accordance 55121

with the requirements specified in division (B) of this section 55122
and that the applicant meets any other applicable requirements of 55123
this chapter. 55124

If the board determines that an applicant meets all of the 55125
requirements, the board shall issue to the applicant a license as 55126
a category III terminal distributor of dangerous drugs and specify 55127
on the license that the terminal distributor is classified as a 55128
pain management clinic. 55129

(B) The holder of a terminal distributor license with a pain 55130
management clinic classification shall do all of the following: 55131

(1) Be in control of a facility that is owned and operated 55132
solely by one or more physicians authorized under Chapter 4731. of 55133
the Revised Code to practice medicine and surgery or osteopathic 55134
medicine and surgery; 55135

(2) Comply with the requirements for the operation of a pain 55136
management clinic, as established by the state medical board in 55137
rules adopted under section 4731.054 of the Revised Code; 55138

(3) Ensure that any person employed by the facility complies 55139
with the requirements for the operation of a pain management 55140
clinic established by the state medical board in rules adopted 55141
under section 4731.054 of the Revised Code; 55142

(4) Require any person with ownership of the facility to 55143
submit to a criminal records check in accordance with section 55144
4776.02 of the Revised Code and send the results of the criminal 55145
records check directly to the state board of pharmacy for review 55146
and decision under section 4729.071 of the Revised Code; 55147

(5) Require all employees of the facility to submit to a 55148
criminal records check in accordance with section 4776.02 of the 55149
Revised Code and ensure that no person is employed who has 55150
previously been convicted of, or pleaded guilty to, either of the 55151
following: 55152

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;

(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code.

(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification.

No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter.

(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4729.56. (A) ~~In (1)~~ The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend impose any one or more of the following

sanctions on a person licensed under division (B)(1)(a) of section 55183
4729.52 of the Revised Code for any of the causes set forth in 55184
division (A)(2) of this section: 55185

(a) Suspend, revoke, restrict, limit, or refuse to grant or 55186
renew any registration certificate issued to a wholesale 55187
distributor of dangerous drugs pursuant to section 4729.52 of the 55188
Revised Code or may impose a license; 55189

(b) Reprimand or place the license holder on probation; 55190

(c) Impose a monetary penalty or forfeiture not to exceed in 55191
severity any fine designated under the Revised Code for a similar 55192
offense or one two thousand five hundred dollars if the acts 55193
committed are not classified as an offense by the Revised Code for 55194
any of the following causes: 55195

(2) The board may impose the sanctions set forth in division 55196
(A)(1) of this section for any of the following: 55197

{1}(a) Making any false material statements in an application 55198
for registration as a wholesale distributor of dangerous drugs 55199
licensure under section 4729.52 of the Revised Code; 55200

{2}(b) Violating any federal, state, or local drug law; any 55201
provision of this chapter or Chapter 2925., 3715., or 3719. of the 55202
Revised Code; or any rule of the board; 55203

{3}(c) A conviction of a felony; 55204

{4}(d) Failing to satisfy the qualifications for registration 55205
licensure under section 4729.53 of the Revised Code or the rules 55206
of the board or ceasing to satisfy the qualifications after the 55207
registration is granted or renewed; 55208

(e) Falsely or fraudulently promoting to the public a 55209
dangerous drug, except that nothing in this division prohibits a 55210
manufacturer, outsourcing facility, third-party logistics 55211
provider, repackager, or wholesale distributor of dangerous drugs 55212

from furnishing information concerning a dangerous drug to a 55213
health care provider or licensed terminal distributor; 55214

(f) Violating any provision of the "Federal Food, Drug, and 55215
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 55216
3715. of the Revised Code; 55217

(g) Any other cause for which the board may impose sanctions 55218
as set forth in rules adopted under section 4729.26 of the Revised 55219
Code. 55220

(B) Upon the suspension or revocation of the registration 55221
certificate of any wholesale distributor of dangerous drugs any 55222
license identified in division (B)(1)(a) of section 4729.52 of the 55223
Revised Code, the distributor licensee shall immediately surrender 55224
the distributor's registration certificate license to the board. 55225
55226

(C) If the board suspends, revokes, or refuses to renew any 55227
registration certificate issued to a wholesale distributor of 55228
dangerous drugs license identified in division (B)(1)(a) of 55229
section 4729.52 of the Revised Code and determines that there is 55230
clear and convincing evidence of a danger of immediate and serious 55231
harm to any person, the board may place under seal all dangerous 55232
drugs owned by or in the possession, custody, or control of the 55233
affected wholesale distributor of dangerous drugs licensee. Except 55234
as provided in this division, the board shall not dispose of the 55235
dangerous drugs sealed under this division until the wholesale 55236
distributor of dangerous drugs licensee exhausts all of the 55237
distributor's licensee's appeal rights under Chapter 119. of the 55238
Revised Code. The court involved in such an appeal may order the 55239
board, during the pendency of the appeal, to sell sealed dangerous 55240
drugs that are perishable. The board shall deposit the proceeds of 55241
the sale with the court. 55242

(D) If the board is required under Chapter 119. of the 55243

Revised Code to give notice of an opportunity for a hearing and 55244
the license holder does not make a timely request for a hearing in 55245
accordance with section 119.07 of the Revised Code, the board is 55246
not required to hold a hearing, but may adopt a final order that 55247
contains the board's findings. In the final order, the board may 55248
impose any of the sanctions listed in division (A) of this 55249
section. 55250

(E) Notwithstanding division (C)(2) of section 2953.32 of the 55251
Revised Code specifying that if records pertaining to a criminal 55252
case are sealed under that section the proceedings in the case 55253
must be deemed not to have occurred, sealing of the following 55254
records on which the board has based an action under this section 55255
shall have no effect on the board's action or any sanction imposed 55256
by the board under this section: records of any conviction, guilty 55257
plea, judicial finding of guilt resulting from a plea of no 55258
contest, or a judicial finding of eligibility for a pretrial 55259
diversion program or intervention in lieu of conviction. The board 55260
is not required to seal, destroy, redact, or otherwise modify its 55261
records to reflect the court's sealing of conviction records. 55262

Sec. 4729.561. If the state board of pharmacy determines that 55263
there is clear and convincing evidence that the method used by a 55264
registered licensed manufacturer of dangerous drugs, outsourcing 55265
facility, third-party logistics provider, repackager of dangerous 55266
drugs, or wholesale distributor of dangerous drugs to possess or 55267
distribute dangerous drugs presents a danger of immediate and 55268
serious harm to others, the board may suspend without a hearing 55269
the wholesaler distributor's registration certificate license 55270
issued pursuant to section 4729.52 of the Revised Code. The board 55271
shall follow the procedure for suspension without a prior hearing 55272
in section 119.07 of the Revised Code. The suspension shall remain 55273
in effect, unless removed by the board, until the board's final 55274
adjudication order becomes effective, except that if the board 55275

does not issue its final adjudication order within ~~ninety one~~ 55276
hundred twenty days after the hearing suspension, the suspension 55277
shall be void on the ~~ninety-first~~ one hundred twenty-first day 55278
after the suspension. 55279

Sec. 4729.57. (A) The state board of pharmacy may ~~suspend~~ 55280
after notice and a hearing in accordance with Chapter 119. of the 55281
Revised Code, impose any one or more of the following sanctions on 55282
a terminal distributor of dangerous drugs for any of the causes 55283
set forth in division (B) of this section: 55284

(1) Suspend, revoke, restrict, limit, or refuse to grant or 55285
renew any license ~~as a terminal distributor of dangerous drugs, or~~ 55286
~~may impose;~~ 55287

(2) Reprimand or place the license holder on probation; 55288

(3) Impose a monetary penalty or forfeiture not to exceed in 55289
severity any fine designated under the Revised Code for a similar 55290
offense or one thousand dollars if the acts committed have not 55291
been classified as an offense by the Revised Code, ~~for any of the~~ 55292
~~following causes:~~ 55293

(B) The board may impose the sanctions listed in division (A) 55294
of this section for any of the following: 55295

(1) Making any false material statements in an application 55296
for a license as a terminal distributor of dangerous drugs; 55297

(2) Violating any rule of the board; 55298

(3) Violating any provision of this chapter; 55299

(4) Except as provided in section 4729.89 of the Revised 55300
Code, violating any provision of the "Federal Food, Drug, and 55301
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 55302
3715. of the Revised Code; 55303

(5) Violating any provision of the federal drug abuse control 55304

laws or Chapter 2925. or 3719. of the Revised Code; 55305

(6) Falsely or fraudulently promoting to the public a 55306
dangerous drug, except that nothing in this division prohibits a 55307
terminal distributor of dangerous drugs from furnishing 55308
information concerning a dangerous drug to a health care provider 55309
or another licensed terminal distributor; 55310

(7) Ceasing to satisfy the qualifications of a terminal 55311
distributor of dangerous drugs set forth in section 4729.55 of the 55312
Revised Code; 55313

(8) Except as provided in division ~~(B)~~(C) of this section: 55314

(a) Waiving the payment of all or any part of a deductible or 55315
copayment that an individual, pursuant to a health insurance or 55316
health care policy, contract, or plan that covers the services 55317
provided by a terminal distributor of dangerous drugs, would 55318
otherwise be required to pay for the services if the waiver is 55319
used as an enticement to a patient or group of patients to receive 55320
pharmacy services from that terminal distributor; 55321

(b) Advertising that the terminal distributor will waive the 55322
payment of all or any part of a deductible or copayment that an 55323
individual, pursuant to a health insurance or health care policy, 55324
contract, or plan that covers the pharmaceutical services, would 55325
otherwise be required to pay for the services. 55326

(9) Conviction of a felony; 55327

(10) Any other cause for which the board may impose 55328
discipline as set forth in rules adopted under section 4729.26 of 55329
the Revised Code. 55330

~~(B)~~(C) Sanctions shall not be imposed under division 55331
~~(A)~~(B)(8) of this section against any terminal distributor of 55332
dangerous drugs that waives deductibles and copayments as follows: 55333

(1) In compliance with a health benefit plan that expressly 55334

allows such a practice. Waiver of the deductibles or copayments 55335
shall be made only with the full knowledge and consent of the plan 55336
purchaser, payer, and third-party administrator. Documentation of 55337
the consent shall be made available to the board on request. 55338

(2) For professional services rendered to any other person 55339
licensed pursuant to this chapter to the extent allowed by this 55340
chapter and the rules of the board. 55341

~~(C)~~(D)(1) Upon the suspension or revocation of a license 55342
issued to a terminal distributor of dangerous drugs or the refusal 55343
by the board to renew such a license, the distributor shall 55344
immediately surrender the license to the board. 55345

(2)(a) The board may place under seal all dangerous drugs 55346
that are owned by or in the possession, custody, or control of a 55347
terminal distributor at the time the license is suspended or 55348
revoked or at the time the board refuses to renew the license. 55349
Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this 55350
section, dangerous drugs so sealed shall not be disposed of until 55351
appeal rights under Chapter 119. of the Revised Code have expired 55352
or an appeal filed pursuant to that chapter has been determined. 55353

(b) The court involved in an appeal filed pursuant to Chapter 55354
119. of the Revised Code may order the board, during the pendency 55355
of the appeal, to sell sealed dangerous drugs that are perishable. 55356
The proceeds of such a sale shall be deposited with that court. 55357

(E) If the board is required under Chapter 119. of the 55358
Revised Code to give notice of an opportunity for a hearing and 55359
the license holder does not make a timely request for a hearing in 55360
accordance with section 119.07 of the Revised Code, the board is 55361
not required to hold a hearing, but may adopt a final order that 55362
contains the board's findings. In the final order, the board may 55363
impose any of the sanctions listed in division (A) of this 55364
section. 55365

(F) Notwithstanding division (C)(2) of section 2953.32 of the 55366
Revised Code specifying that if records pertaining to a criminal 55367
case are sealed under that section the proceedings in the case 55368
must be deemed not to have occurred, sealing of the following 55369
records on which the board has based an action under this section 55370
shall have no effect on the board's action or any sanction imposed 55371
by the board under this section: records of any conviction, guilty 55372
plea, judicial finding of guilt resulting from a plea of no 55373
contest, or a judicial finding of eligibility for a pretrial 55374
diversion program or intervention in lieu of conviction. The board 55375
is not required to seal, destroy, redact, or otherwise modify its 55376
records to reflect the court's sealing of conviction records. 55377

Sec. 4729.571. ~~If the~~ (A) The state board of pharmacy 55378
~~determines that there is clear and convincing evidence that the~~ 55379
~~method used by~~ may suspend without a hearing the license of a 55380
terminal distributor of dangerous drugs ~~to distribute or prescribe~~ 55381
~~dangerous drugs presents if the board determines that there is~~ 55382
clear and convincing evidence of a danger of immediate and serious 55383
~~harm to others, the board may suspend the terminal distributor's~~ 55384
~~license without a hearing due to either of the following:~~ 55385

(1) The method used by the terminal distributor to possess or 55386
distribute dangerous drugs; 55387

(2) The method of prescribing dangerous drugs used by a 55388
licensed health professional authorized to prescribe drugs who 55389
holds a terminal distributor license or practices in the employ of 55390
or under contract with a terminal distributor. The 55391

(B) The board shall follow the procedure for suspension 55392
without a prior hearing in section 119.07 of the Revised Code. The 55393
suspension shall remain in effect, unless removed by the board, 55394
until the board's final adjudication order becomes effective, 55395
except that if the board does not issue its final adjudication 55396

order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 55397
suspension, the suspension shall be void on the ~~ninety-first~~ one 55398
hundred twenty-first day after the suspension. 55399

If the terminal distributor holds a license with a pain 55400
management clinic classification issued under section 4729.552 of 55401
the Revised Code or a license with an office-based opioid 55402
treatment classification issued under section 4729.553 of the 55403
Revised Code and the person holding the license also holds a 55404
certificate issued under Chapter 4731. of the Revised Code to 55405
practice medicine and surgery or osteopathic medicine and surgery, 55406
prior to suspending the license without a hearing, the board shall 55407
consult with the secretary of the state medical board or, if the 55408
secretary is unavailable, another physician member of the board. 55409

Sec. 4729.58. The state board of pharmacy, within thirty days 55410
after receipt of ~~an~~ a complete application filed in the form and 55411
manner set forth in section 4729.52 or 4729.54 of the Revised Code 55412
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 55413
the renewal of a license ~~or registration certificate~~ ~~previously~~ 55414
~~issued~~, shall notify the applicant therefor whether or not such 55415
license ~~or registration certificate~~ will be issued or renewed. If 55416
the board determines that such license ~~or registration certificate~~ 55417
will not be issued or renewed, such notice to the applicant shall 55418
set forth, in a manner determined by the board, the reason or 55419
reasons that such license ~~or registration certificate~~ will not be 55420
issued or renewed. 55421

Sec. 4729.59. The executive director of the state board of 55422
pharmacy shall maintain a register of the names, addresses, and 55423
the date of ~~registration~~ licensure of those persons to whom a 55424
~~registration certificate~~ license has been issued pursuant to 55425
section 4729.52 ~~of the Revised Code and those persons to whom a~~ 55426
~~license has been issued pursuant to section~~ and 4729.54 of the 55427

Revised Code. ~~The register shall be the property of the board and~~ 55428
~~shall be open for public examination and inspection at all~~ 55429
~~reasonable times, as the board may direct.~~ 55430

The board shall ~~publish or make available to registered~~ 55431
~~wholesale distributors and licensed terminal distributors of~~ 55432
~~dangerous drugs, annually, and at such other times and in such~~ 55433
~~manner as the board shall prescribe,~~ a roster ~~setting forth the~~ 55434
~~names and addresses of those persons who have been registered by~~ 55435
~~the board pursuant to section 4729.52 of the Revised Code and~~ 55436
~~those persons who have been licensed pursuant to section 4729.54~~ 55437
~~of the Revised Code,~~ The roster shall indicate those persons 55438
whose licenses ~~or registration certificates~~ have been suspended, 55439
revoked, or surrendered, and those persons whose licenses ~~or~~ 55440
~~registration certificates~~ have not been renewed. 55441

A written statement signed and verified by the executive 55442
director of the board or the director's designee in which it is 55443
stated that after diligent search of the register no record or 55444
entry of the issuance of a license ~~or registration certificate~~ to 55445
a person is found is admissible in evidence and constitutes 55446
presumptive evidence of the fact that the person is not a licensed 55447
~~terminal distributor or is not a registered wholesale distributor~~ 55448
of dangerous drugs pursuant to section 4729.52 or 4729.54 of the 55449
Revised Code. 55450

Sec. 4729.60. (A)(1) Before a ~~registered wholesale~~ 55451
~~distributor of dangerous drugs~~ licensee identified in division 55452
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 55453
distribute dangerous drugs at wholesale to any person, except as 55454
provided in division (A)(2) of this section, the ~~wholesale~~ 55455
~~distributor~~ licensee shall ~~obtain from the purchaser and the~~ 55456
~~purchaser shall furnish to the wholesale distributor a certificate~~ 55457
indicating that query the roster established pursuant to section 55458

4729.59 of the Revised Code to determine whether the purchaser is 55459
a licensed terminal distributor of dangerous drugs. The 55460
~~certificate shall be in the form that the state board of pharmacy~~ 55461
~~shall prescribe, and shall set forth the name of the licensee, the~~ 55462
~~number of the license, a description of the place or establishment~~ 55463
~~or each place or establishment for which the license was issued,~~ 55464
~~the category of licensure, and, if the license is a limited~~ 55465
~~category I, II, or III license, the dangerous drugs that the~~ 55466
~~licensee is authorized to possess, have custody or control of, and~~ 55467
~~distribute. If the results of the query demonstrate that the~~ 55468
~~purchaser is licensed, another query regarding that purchaser is~~ 55469
~~not required until twelve months have elapsed since the results~~ 55470
~~were obtained.~~ 55471

If no ~~certificate is obtained or furnished~~ documented query 55472
is conducted before a sale is made, it shall be presumed that the 55473
sale of dangerous drugs by the ~~wholesale distributor~~ licensee is 55474
in violation of division (B) of section 4729.51 of the Revised 55475
Code and the purchase of dangerous drugs by the purchaser is in 55476
violation of division (E) of section 4729.51 of the Revised Code. 55477
If a ~~registered wholesale distributor of dangerous drugs obtains~~ 55478
~~or is furnished a certificate from a terminal distributor of~~ 55479
~~dangerous drugs~~ licensee conducts a documented query at least 55480
annually and relies on the ~~certificate~~ results of the query in 55481
selling or distributing dangerous drugs at wholesale to the 55482
terminal distributor of dangerous drugs, the ~~wholesale distributor~~ 55483
~~of dangerous drugs~~ licensee shall be deemed not to have violated 55484
division (B) of section 4729.51 of the Revised Code in making the 55485
sale. The results of the query shall be documented by the licensee 55486
and a record shall be maintained for not less than three years 55487
from the date the query was conducted. 55488

(2) Division (A)(1) of this section does not apply when a 55489
~~wholesale distributor~~ licensee identified in division (B)(1)(a) of 55490

section 4729.52 of the Revised Code sells or distributes dangerous 55491
drugs at wholesale to any of the following: 55492

(a) A person specified in division (B)(4) of section 4729.51 55493
of the Revised Code; 55494

(b) Any of the persons described in divisions (A)(1) to (13) 55495
of section 4729.541 of the Revised Code, but only if the purchaser 55496
is not required to obtain licensure as provided in divisions (B) 55497
to (D) of that section. 55498

(B) Before a licensed terminal distributor of dangerous drugs 55499
may purchase dangerous drugs at wholesale, the terminal 55500
distributor shall ~~obtain from the seller and the seller shall~~ 55501
~~furnish to the terminal distributor the number of~~ query the roster 55502
established pursuant to section 4729.59 of the Revised Code to 55503
confirm the seller's registration certificate seller is licensed 55504
to engage in the sale or distribution of dangerous drugs at 55505
wholesale. If the results of the query demonstrate that the seller 55506
is licensed, another query regarding that seller is not required 55507
until twelve months have elapsed since the results were obtained. 55508
55509

If no ~~registration number is obtained or furnished~~ documented 55510
query is conducted before a purchase is made, it shall be presumed 55511
that the purchase of dangerous drugs by the terminal distributor 55512
is in violation of division (F) of section 4729.51 of the Revised 55513
Code and the sale of dangerous drugs by the seller is in violation 55514
of division (A) of section 4729.51 of the Revised Code. If a 55515
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 55516
~~furnished a registration number from a wholesale distributor of~~ 55517
~~dangerous drugs~~ conducts a documented query at least annually and 55518
relies on the registration number results of the query in 55519
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 55520
~~distributor of dangerous drugs~~, the terminal distributor shall be 55521
deemed not to have violated division (F) of section 4729.51 of the 55522

Revised Code in making the purchase. The results of the query 55523
shall be documented by the terminal distributor and a record shall 55524
be maintained for not less than three years from the date the 55525
query was conducted. 55526

Sec. 4729.61. ~~(A) No person shall make or cause to be made,~~ 55527
~~or furnish or cause to be furnished to a wholesale distributor of~~ 55528
~~dangerous drugs, a false certificate required to be furnished to a~~ 55529
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 55530
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 55531

~~(B) No person shall make or cause to be made a false~~ 55532
~~registration certificate of a wholesale distributor of dangerous~~ 55533
~~drugs or a false or fraudulent license of a terminal distributor~~ 55534
~~of dangerous drugs or a manufacturer, outsourcing facility,~~ 55535
~~third-party logistics provider, repackager, or wholesale~~ 55536
~~distributor of dangerous drugs.~~ 55537

Sec. 4729.62. ~~If a wholesale distributor of dangerous drugs~~ 55538
~~who has been registered ceases to engage in the sale of dangerous~~ 55539
~~drugs at wholesale, or if a terminal distributor of dangerous~~ 55540
~~drugs to whom a license has been issued ceases to engage in the~~ 55541
~~sale of dangerous drugs at retail, such terminal or wholesale~~ 55542
~~distributor of dangerous drugs person licensed under section~~ 55543
~~4729.52 or 4729.54 of the Revised Code ceases to engage in the~~ 55544
~~activities for which the license was issued, the person shall~~ 55545
~~notify the state board of pharmacy of such fact and shall~~ 55546
~~surrender such license or registration certificate to the board~~ 55547
~~within a time frame specified by the board in rules adopted under~~ 55548
~~section 4729.26 of the Revised Code; provided, that on dissolution~~ 55549
~~of a partnership by death, the surviving partner may operate under~~ 55550
~~a license or registration certificate issued to the partnership~~ 55551
~~until expiration, revocation, or suspension of such license or~~ 55552
~~registration certificate, and the heirs or legal representatives~~ 55553

of deceased persons, and receivers and trustees in bankruptcy 55554
appointed by any competent authority, may operate under the 55555
license ~~or registration certificate~~ issued to the persons 55556
succeeded in possession by such heir, representative, receiver, or 55557
trustee in bankruptcy until expiration, revocation, or suspension 55558
of such license ~~or registration certificate~~. 55559

Sec. 4729.67. On receipt of a notice pursuant to section 55560
3123.43 of the Revised Code, the state board of pharmacy shall 55561
comply with sections 3123.41 to 3123.50 of the Revised Code and 55562
any applicable rules adopted under section 3123.63 of the Revised 55563
Code with respect to a license, ~~identification card~~, or 55564
certificate of registration issued pursuant to this chapter. 55565

Sec. 4729.78. (A) If the state board of pharmacy establishes 55566
and maintains a drug database pursuant to section 4729.75 of the 55567
Revised Code, each manufacturer of dangerous drugs, outsourcing 55568
facility, repackager of dangerous drugs, or wholesale distributor 55569
of dangerous drugs that delivers drugs ~~in this state~~ to 55570
prescribers or terminal distributors of dangerous drugs shall 55571
submit to the board the following purchase information: 55572

(1) Purchaser identification; 55573

(2) Identification of the drug sold; 55574

(3) Quantity of the drug sold; 55575

(4) Date of sale; 55576

(5) The ~~wholesale distributor's~~ license number issued by the 55577
board. 55578

(B)(1) The information shall be transmitted as specified by 55579
the board in rules adopted under section 4729.84 of the Revised 55580
Code. 55581

(2) The information shall be submitted electronically in the 55582

format specified by the board, except that the board may grant a 55583
waiver allowing ~~the distributor to submit~~ submission of the 55584
information in another format. 55585

(3) The information shall be submitted in accordance with any 55586
time limits specified by the board, except that the board may 55587
grant an extension if either of the following occurs: 55588

(a) The manufacturer, outsourcing facility, repackager, or 55589
wholesale distributor suffers a mechanical or electronic failure, 55590
or cannot meet the deadline for other reasons beyond the 55591
~~distributor's~~ person's control. 55592

(b) The board is unable to receive electronic submissions. 55593

Sec. 4729.80. (A) If the state board of pharmacy establishes 55594
and maintains a drug database pursuant to section 4729.75 of the 55595
Revised Code, the board is authorized or required to provide 55596
information from the database ~~in accordance with the following~~ 55597
only as follows: 55598

(1) On receipt of a request from a designated representative 55599
of a government entity responsible for the licensure, regulation, 55600
or discipline of health care professionals with authority to 55601
prescribe, administer, or dispense drugs, the board may provide to 55602
the representative information from the database relating to the 55603
professional who is the subject of an active investigation being 55604
conducted by the government entity or relating to a professional 55605
who is acting as an expert witness for the government entity in 55606
such an investigation. 55607

(2) On receipt of a request from a federal officer, or a 55608
state or local officer of this or any other state, whose duties 55609
include enforcing laws relating to drugs, the board shall provide 55610
to the officer information from the database relating to the 55611
person who is the subject of an active investigation of a drug 55612

abuse offense, as defined in section 2925.01 of the Revised Code, 55613
being conducted by the officer's employing government entity. 55614

(3) Pursuant to a subpoena issued by a grand jury, the board 55615
shall provide to the grand jury information from the database 55616
relating to the person who is the subject of an investigation 55617
being conducted by the grand jury. 55618

(4) Pursuant to a subpoena, search warrant, or court order in 55619
connection with the investigation or prosecution of a possible or 55620
alleged criminal offense, the board shall provide information from 55621
the database as necessary to comply with the subpoena, search 55622
warrant, or court order. 55623

(5) On receipt of a request from a prescriber or the 55624
prescriber's delegate approved by the board, the board shall 55625
provide to the prescriber a report of information from the 55626
database relating to a patient who is either a current patient of 55627
the prescriber or a potential patient of the prescriber based on a 55628
referral of the patient to the prescriber, if all of the following 55629
conditions are met: 55630

(a) The prescriber certifies in a form specified by the board 55631
that it is for the purpose of providing medical treatment to the 55632
patient who is the subject of the request; 55633

(b) The prescriber has not been denied access to the database 55634
by the board. 55635

(6) On receipt of a request from a pharmacist or the 55636
pharmacist's delegate approved by the board, the board shall 55637
provide to the pharmacist information from the database relating 55638
to a current patient of the pharmacist, if the pharmacist 55639
certifies in a form specified by the board that it is for the 55640
purpose of the pharmacist's practice of pharmacy involving the 55641
patient who is the subject of the request and the pharmacist has 55642
not been denied access to the database by the board. 55643

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own ~~database information~~ prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or

reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 55676
Revised Code, if the administrator of workers' compensation 55677
confirms, upon request from the board, that the claimant is 55678
assigned to the managed care organization. 55679

(11) On receipt of a request from the administrator of 55680
workers' compensation, the board shall provide to the 55681
administrator information from the database relating to a claimant 55682
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 55683
including information in the database related to prescriptions for 55684
the claimant that were not covered or reimbursed under Chapter 55685
4121., 4123., 4127., or 4131. of the Revised Code. 55686

(12) On receipt of a request from a prescriber or the 55687
prescriber's delegate approved by the board, the board shall 55688
provide to the prescriber information from the database relating 55689
to a patient's mother, if the prescriber certifies in a form 55690
specified by the board that it is for the purpose of providing 55691
medical treatment to a newborn or infant patient diagnosed as 55692
opioid dependent and the prescriber has not been denied access to 55693
the database by the board. 55694

(13) On receipt of a request from the director of health, the 55695
board shall provide to the director information from the database 55696
relating to the duties of the director or the department of health 55697
in implementing the Ohio violent death reporting system 55698
established under section 3701.93 of the Revised Code. 55699

(14) On receipt of a request from a requestor described in 55700
division (A)(1), (2), (5), or (6) of this section who is from or 55701
participating with another state's prescription monitoring 55702
program, the board may provide to the requestor information from 55703
the database, but only if there is a written agreement under which 55704
the information is to be used and disseminated according to the 55705
laws of this state. 55706

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may

use the records to document and report statistics and law 55738
enforcement outcomes. 55739

The board may provide records of an individual's requests for 55740
database information only to the following: 55741

(1) A designated representative of a government entity that 55742
is responsible for the licensure, regulation, or discipline of 55743
health care professionals with authority to prescribe, administer, 55744
or dispense drugs who is involved in an active criminal or 55745
disciplinary investigation being conducted by the government 55746
entity of the individual who submitted the requests for database 55747
information; 55748

(2) A federal officer, or a state or local officer of this or 55749
any other state, whose duties include enforcing laws relating to 55750
drugs and who is involved in an active investigation being 55751
conducted by the officer's employing government entity of the 55752
individual who submitted the requests for database information; 55753

(3) A designated representative of the department of medicaid 55754
regarding a prescriber who is treating or has treated a recipient 55755
of a program administered by the department and who submitted the 55756
requests for database information. 55757

(C) Information contained in the database and any information 55758
obtained from it is confidential and is not a public record. 55759
Information contained in the records of requests for information 55760
from the database is confidential and is not a public record. 55761
Information contained in the database that does not identify a 55762
person, including any licensee or registrant of the board or other 55763
entity, may be released in summary, statistical, or aggregate 55764
form. 55765

~~(D) Information contained in the database may be provided 55766~~
~~only as expressly permitted in law, including any information 55767~~
~~contained in the database that relates to any person, including 55768~~

~~any licensee or registrant of the board or other entity.~~ 55769

~~(E)~~ A pharmacist or prescriber shall not be held liable in 55770
damages to any person in any civil action for injury, death, or 55771
loss to person or property on the basis that the pharmacist or 55772
prescriber did or did not seek or obtain information from the 55773
database. 55774

Sec. 4729.82. (A) If the state board of pharmacy establishes 55775
a drug database pursuant to section 4729.75 of the Revised Code, 55776
the information collected for the database shall be retained in 55777
the database and accessible to persons listed in division (A) of 55778
section 4729.80 of the Revised Code for at least ~~three~~ five years. 55779
Any 55780

(B) Except as provided in division (C) of this section, any 55781
information that identifies a patient shall be destroyed after it 55782
has been retained for ~~three~~ five years unless a law enforcement 55783
agency or a government entity responsible for the licensure, 55784
regulation, or discipline of licensed health professionals 55785
authorized to prescribe drugs has submitted a written request to 55786
the board for retention of the information in accordance with 55787
rules adopted by the board under section 4729.84 of the Revised 55788
Code. 55789

(C) The board may retain information that identifies a 55790
patient for a period in excess of five years if the board 55791
considers retention of the information necessary to serve an 55792
investigatory or public health purpose. 55793

Sec. 4729.83. (A) If the state board of pharmacy establishes 55794
and maintains a drug database pursuant to section 4729.75 of the 55795
Revised Code, the board may use, for the purpose of establishing 55796
or maintaining the database, any portion of the licensure or 55797
registration fees collected under ~~section 4729.15, 4729.52, or~~ 55798

~~4729.54 of the Revised Code for the licensing or registration of~~ 55799
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 55800
~~drugs, or terminal distributors of dangerous drugs this chapter.~~ 55801
The board shall not increase the amount of any of those fees 55802
solely for the purpose of establishing or maintaining the 55803
database. 55804

The board shall not impose any charge on a prescriber for the 55805
establishment or maintenance of the database. The board shall not 55806
charge any fees for the transmission of data to the database or 55807
for the receipt of information from the database, except that the 55808
board may charge a fee in accordance with rules adopted under 55809
section 4729.84 of the Revised Code to an individual who requests 55810
the individual's own database information under section 4729.80 of 55811
the Revised Code. 55812

(B) The board may accept grants, gifts, or donations for 55813
purposes of the drug database. Any money received shall be 55814
deposited into the state treasury to the credit of the drug 55815
database fund, which is hereby created. Money in the fund shall be 55816
used solely for purposes of the drug database. 55817

Sec. 4729.84. For purposes of establishing and maintaining a 55818
drug database pursuant to section 4729.75 of the Revised Code, the 55819
state board of pharmacy shall adopt rules in accordance with 55820
Chapter 119. of the Revised Code to carry out and enforce sections 55821
4729.75 to 4729.83 of the Revised Code. The rules shall specify 55822
all of the following: 55823

(A) A means of identifying each patient, each terminal 55824
distributor of dangerous drugs, each purchase at wholesale of 55825
dangerous drugs, and each retail dispensary licensed under Chapter 55826
3796. of the Revised Code about which information is entered into 55827
the drug database; 55828

(B) Requirements for the transmission of information from 55829

terminal distributors of dangerous drugs, manufacturers of 55830
dangerous drugs, outsourcing facilities, repackagers of dangerous 55831
drugs, wholesale distributors of dangerous drugs, prescribers, and 55832
retail dispensaries; 55833

(C) An electronic format for the submission of information 55834
from ~~terminal distributors, wholesale distributors, prescribers,~~ 55835
~~and retail dispensaries~~ persons identified in division (B) of this 55836
section; 55837

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 55838
~~distributor, prescriber, or retail dispensary~~ person unable to 55839
submit information electronically may obtain a waiver to submit 55840
information in another format; 55841

(E) A procedure whereby the board may grant a request from a 55842
law enforcement agency or a government entity responsible for the 55843
licensure, regulation, or discipline of licensed health 55844
professionals authorized to prescribe drugs that information that 55845
has been stored for three years be retained when the information 55846
pertains to an open investigation being conducted by the agency or 55847
entity; 55848

(F) A procedure whereby a ~~terminal distributor, wholesale~~ 55849
~~distributor, prescriber, or retail dispensary~~ person identified in 55850
division (B) of this section may apply for an extension to the 55851
time by which information must be transmitted to the board; 55852

(G) A procedure whereby a person or government entity to 55853
which the board is authorized to provide information may submit a 55854
request to the board for the information and the board may verify 55855
the identity of the requestor; 55856

(H) A procedure whereby the board can use the database 55857
request records required by division (B) of section 4729.80 of the 55858
Revised Code to document and report statistics and law enforcement 55859
outcomes; 55860

(I) A procedure whereby an individual may request the 55861
individual's own database information and the board may verify the 55862
identity of the requestor; 55863

(J) A reasonable fee that the board may charge under section 55864
4729.83 of the Revised Code for providing an individual with the 55865
individual's own database information pursuant to section 4729.80 55866
of the Revised Code; 55867

(K) The other specific dangerous drugs that, in addition to 55868
controlled substances, must be included in the database; 55869

(L) The types of pharmacies licensed as terminal distributors 55870
of dangerous drugs that are required to submit prescription 55871
information to the board pursuant to section 4729.77 of the 55872
Revised Code; 55873

(M) The information regarding medical marijuana dispensed to 55874
a patient that a retail dispensary is required to submit to the 55875
board pursuant to section 4729.771 of the Revised Code. 55876

Sec. 4729.85. If the state board of pharmacy establishes and 55877
maintains a drug database pursuant to section 4729.75 of the 55878
Revised Code, the board shall prepare reports regarding the 55879
database and present or submit them in accordance with both of the 55880
following: 55881

(A) The board shall present a biennial report to the standing 55882
committees of the house of representatives and the senate that are 55883
primarily responsible for considering health and human services 55884
issues. Each report shall include all of the following: 55885

(1) The cost to the state of establishing and maintaining the 55886
database; 55887

(2) Information from the board, terminal distributors of 55888
dangerous drugs, prescribers, and retail dispensaries licensed 55889
under Chapter 3796. of the Revised Code regarding the board's 55890

effectiveness in providing information from the database; 55891

(3) The board's timeliness in transmitting information from 55892
the database. 55893

(B) The board shall submit a semiannual report to the 55894
governor, the president of the senate, the speaker of the house of 55895
representatives, the attorney general, the chairpersons of the 55896
standing committees of the house of representatives and the senate 55897
that are primarily responsible for considering health and human 55898
services issues, the department of public safety, the state dental 55899
board, the board of nursing, the state ~~board of optometry~~ vision 55900
and hearing professionals board, the state medical board, and the 55901
state veterinary medical licensing board. The state board of 55902
pharmacy shall make the report available to the public on its 55903
internet web site. Each report submitted shall include all of the 55904
following for the period covered by the report: 55905

(1) An aggregate of the information submitted to the board 55906
under section 4729.77 of the Revised Code regarding prescriptions 55907
for controlled substances containing opioids, including all of the 55908
following: 55909

(a) The number of prescribers who issued the prescriptions; 55910

(b) The number of patients to whom the controlled substances 55911
were dispensed; 55912

(c) The average quantity of the controlled substances 55913
dispensed per prescription; 55914

(d) The average daily morphine equivalent dose of the 55915
controlled substances dispensed per prescription. 55916

(2) An aggregate of the information submitted to the board 55917
under section 4729.79 of the Revised Code regarding controlled 55918
substances containing opioids that have been personally furnished 55919
to a patient by a prescriber, other than a prescriber who is a 55920

veterinarian, including all of the following:	55921
(a) The number of prescribers who personally furnished the controlled substances;	55922 55923
(b) The number of patients to whom the controlled substances were personally furnished;	55924 55925
(c) The average quantity of the controlled substances that were furnished at one time;	55926 55927
(d) The average daily morphine equivalent dose of the controlled substances that were furnished at one time.	55928 55929
(3) An aggregate of the information submitted to the board under section 4729.771 of the Revised Code regarding medical marijuana.	55930 55931 55932
Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:	55933 55934 55935
(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~ (15) <u>to (18)</u> , or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:	55936 55937 55938 55939 55940 55941
(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;	55942 55943
(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;	55944 55945 55946 55947 55948 55949 55950

(c) When a prescriber, pharmacist, or retail dispensary 55951
licensed under Chapter 3796. of the Revised Code provides the 55952
information to a person who is approved by the board to serve as 55953
such a delegate of the prescriber, pharmacist, or retail 55954
dispensary; 55955

(d) When a prescriber or pharmacist includes the information 55956
in a medical record, as defined in section 3701.74 of the Revised 55957
Code. 55958

(2) No person shall provide false information to the state 55959
board of pharmacy with the intent to obtain or alter information 55960
contained in the drug database. 55961

(3) No person shall obtain drug database information by any 55962
means except as provided under section 4729.80 or 4729.81 of the 55963
Revised Code. 55964

(B) A person shall not use information obtained pursuant to 55965
division (A) of section 4729.80 of the Revised Code as evidence in 55966
any civil or administrative proceeding. 55967

(C)(1) Except as provided in division (C)(2) of this section, 55968
after providing notice and affording an opportunity for a hearing 55969
in accordance with Chapter 119. of the Revised Code, the board may 55970
restrict a person from obtaining further information from the drug 55971
database if any of the following is the case: 55972

(a) The person violates division (A)(1), (2), or (3) of this 55973
section; 55974

(b) The person is a requestor identified in division (A)(14) 55975
of section 4729.80 of the Revised Code and the board determines 55976
that the person's actions in another state would have constituted 55977
a violation of division (A)(1), (2), or (3) of this section; 55978

(c) The person fails to comply with division (B) of this 55979
section, regardless of the jurisdiction in which the failure to 55980

comply occurred; 55981

(d) The person creates, by clear and convincing evidence, a 55982
threat to the security of information contained in the database. 55983

(2) If the board determines that allegations regarding a 55984
person's actions warrant restricting the person from obtaining 55985
further information from the drug database without a prior 55986
hearing, the board may summarily impose the restriction. A 55987
telephone conference call may be used for reviewing the 55988
allegations and taking a vote on the summary restriction. The 55989
summary restriction shall remain in effect, unless removed by the 55990
board, until the board's final adjudication order becomes 55991
effective. 55992

(3) The board shall determine the extent to which the person 55993
is restricted from obtaining further information from the 55994
database. 55995

Sec. 4730.05. (A) There is hereby created the physician 55996
assistant policy committee of the state medical board. The 55997
president of the board shall appoint the members of the committee. 55998
The committee shall consist of the seven members specified in 55999
divisions (A)(1) to (3) of this section. When the committee is 56000
developing or revising policy and procedures for 56001
physician-delegated prescriptive authority for physician 56002
assistants, the committee shall include the two additional members 56003
specified in division (A)(4) of this section. 56004

(1) Three members of the committee shall be physicians. Of 56005
the physician members, one shall be a member of the state medical 56006
board, one shall be appointed from a list of five physicians 56007
recommended by the Ohio state medical association, and one shall 56008
be appointed from a list of five physicians recommended by the 56009
Ohio osteopathic association. At all times, the physician 56010
membership of the committee shall include at least one physician 56011

who is a supervising physician of a physician assistant, 56012
preferably with at least two years' experience as a supervising 56013
physician. 56014

(2) Three members shall be physician assistants appointed 56015
from a list of five individuals recommended by the Ohio 56016
association of physician assistants. 56017

(3) One member, who is not affiliated with any health care 56018
profession, shall be appointed to represent the interests of 56019
consumers. 56020

(4) The two additional members, appointed to serve only when 56021
the committee is developing or revising policy and procedures for 56022
physician-delegated prescriptive authority for physician 56023
assistants, shall be pharmacists. Of these members, one shall be 56024
appointed from a list of five clinical pharmacists recommended by 56025
the Ohio pharmacists association and one shall be appointed from 56026
the pharmacist members of the state board of pharmacy, preferably 56027
from among the members who are clinical pharmacists. 56028

The pharmacist members shall have voting privileges only for 56029
purposes of developing or revising policy and procedures for 56030
physician-delegated prescriptive authority for physician 56031
assistants. Presence of the pharmacist members shall not be 56032
required for the transaction of any other business. 56033

(B) Terms of office shall be for two years, with each term 56034
ending on the same day of the same month as did the term that it 56035
succeeds. Each member shall hold office from the date of being 56036
appointed until the end of the term for which the member was 56037
appointed. Members may be reappointed, except that a member may 56038
not be appointed to serve more than three consecutive terms. As 56039
vacancies occur, a successor shall be appointed who has the 56040
qualifications the vacancy requires. A member appointed to fill a 56041
vacancy occurring prior to the expiration of the term for which a 56042

predecessor was appointed shall hold office as a member for the 56043
remainder of that term. A member shall continue in office 56044
subsequent to the expiration date of the member's term until a 56045
successor takes office or until a period of sixty days has 56046
elapsed, whichever occurs first. 56047

(C) Each member of the committee shall receive ~~an amount~~ 56048
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 56049
~~Code for each day employed in the discharge of official duties as~~ 56050
~~a member, and shall also receive~~ the member's necessary and actual 56051
expenses incurred in the performance of official duties as a 56052
member. 56053

(D) The committee members specified in divisions (A)(1) to 56054
(3) of this section by a majority vote shall elect a chairperson 56055
from among those members. The members may elect a new chairperson 56056
at any time. 56057

(E) The state medical board may appoint assistants, clerical 56058
staff, or other employees as necessary for the committee to 56059
perform its duties adequately. 56060

(F) The committee shall meet at least four times a year and 56061
at such other times as may be necessary to carry out its 56062
responsibilities. 56063

Sec. 4731.04. As used in this chapter: 56064

(A) "Cosmetic therapy" means the permanent removal of hair 56065
from the human body through the use of electric modalities 56066
approved by the state medical board for use in cosmetic therapy 56067
and may include the systematic friction, stroking, slapping, and 56068
kneading or tapping of the face, neck, scalp, or shoulders. 56069

(B) "Fifth pathway training" means supervised clinical 56070
training obtained in the United States as a substitute for the 56071
internship or social service requirements of a foreign medical 56072

school. 56073

(C) "Graduate medical education" means education received 56074
through any of the following: 56075

(1) An internship or residency program conducted in the 56076
United States and accredited by either the accreditation council 56077
for graduate medical education of the American medical association 56078
or the American osteopathic association; 56079

(2) A clinical fellowship program conducted in the United 56080
States at an institution with a residency program accredited by 56081
either the accreditation council for graduate medical education of 56082
the American medical association or the American osteopathic 56083
association that is in a clinical field the same as or related to 56084
the clinical field of the fellowship program; 56085

(3) An internship program conducted in Canada and accredited 56086
by the committee on accreditation of preregistration physician 56087
training programs of the federation of provincial medical 56088
licensing authorities of Canada; 56089

(4) A residency program conducted in Canada and accredited by 56090
either the royal college of physicians and surgeons of Canada or 56091
the college of family physicians of Canada. 56092

(D) "Massage therapy" means the treatment of disorders of the 56093
human body by the manipulation of soft tissue through the 56094
systematic external application of massage techniques including 56095
touch, stroking, friction, vibration, percussion, kneading, 56096
stretching, compression, and joint movements within the normal 56097
physiologic range of motion; and adjunctive thereto, the external 56098
application of water, heat, cold, topical preparations, and 56099
mechanical devices. 56100

Sec. 4731.051. The state medical board shall adopt rules in 56101
accordance with Chapter 119. of the Revised Code establishing 56102

universal blood and body fluid precautions that shall be used by 56103
each person who performs exposure prone invasive procedures and is 56104
authorized to practice by this chapter or Chapter 4730., 4759., 56105
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 56106
define and establish requirements for universal blood and body 56107
fluid precautions that include the following: 56108

(A) Appropriate use of hand washing; 56109

(B) Disinfection and sterilization of equipment; 56110

(C) Handling and disposal of needles and other sharp 56111
instruments; 56112

(D) Wearing and disposal of gloves and other protective 56113
garments and devices. 56114

Sec. 4731.07. (A) The state medical board shall keep a record 56115
of its proceedings. The minutes of a meeting of the board shall, 56116
on approval by the board, constitute an official record of its 56117
proceedings. 56118

(B) The board shall keep a register of applicants for 56119
certificates ~~to practice~~ issued under this chapter and Chapters 56120
4760., 4762., and 4774. of the Revised Code and licenses issued 56121
under this chapter and Chapters 4730. and 4778. of the Revised 56122
Code. The register shall show the name of the applicant and 56123
whether the applicant was granted or refused a certificate or 56124
license. With respect to applicants to practice medicine and 56125
surgery or osteopathic medicine and surgery, the register shall 56126
show the name of the institution that granted the applicant the 56127
degree of doctor of medicine or osteopathic medicine. The books 56128
and records of the board shall be prima-facie evidence of matters 56129
therein contained. 56130

Sec. 4731.071. The state medical board shall develop and 56131
publish on its internet web site a directory containing the names 56132

of, and contact information for, all persons who hold current, 56133
valid certificates or licenses issued by the board under this 56134
chapter or Chapter 4730., ~~4759.~~, 4760., ~~4761.~~, 4762., 4774., or 56135
4778. of the Revised Code. Except as provided in section 4731.10 56136
of the Revised Code, the directory shall be the sole source for 56137
verifying that a person holds a current, valid certificate or 56138
license issued by the board. 56139

Sec. ~~4731.081~~ 4731.08. In addition to any other eligibility 56140
requirement set forth in this chapter, each applicant for a 56141
~~certificate~~ license to practice medicine and surgery or 56142
osteopathic medicine and surgery shall comply with sections 56143
4776.01 to 4776.04 of the Revised Code. The state medical board 56144
shall not grant to an applicant a ~~certificate~~ license to practice 56145
medicine and surgery or osteopathic medicine and surgery unless 56146
the board, in its discretion, decides that the results of the 56147
criminal records check do not make the applicant ineligible for a 56148
~~certificate~~ license issued pursuant to section 4731.14 of the 56149
Revised Code. 56150

Sec. ~~4731.091~~ 4731.09. (A) ~~As used in this section and in~~ 56151
~~section 4731.092 of the Revised Code:~~ 56152

~~(1) "Graduate medical education" means education received~~ 56153
~~through any of the following:~~ 56154

~~(a) An internship or residency program conducted in the~~ 56155
~~United States and accredited by either the accreditation council~~ 56156
~~for graduate medical education of the American medical association~~ 56157
~~or the American osteopathic association;~~ 56158

~~(b) A clinical fellowship program conducted in the United~~ 56159
~~States at an institution with a residency program accredited by~~ 56160
~~either the accreditation council for graduate medical education of~~ 56161
~~the American medical association or the American osteopathic~~ 56162

~~association that is in a clinical field the same as or related to~~ 56163
~~the clinical field of the fellowship program;~~ 56164

~~(c) An internship program conducted in Canada and accredited~~ 56165
~~by the committee on accreditation of preregistration physician~~ 56166
~~training programs of the federation of provincial medical~~ 56167
~~licensing authorities of Canada;~~ 56168

~~(d) A residency program conducted in Canada and accredited by~~ 56169
~~either the royal college of physicians and surgeons of Canada or~~ 56170
~~the college of family physicians of Canada.~~ 56171

~~(2) "Fifth pathway training" means supervised clinical~~ 56172
~~training obtained in the United States as a substitute for the~~ 56173
~~internship or social service requirements of a foreign medical~~ 56174
~~school.~~ 56175

~~(B) To be eligible for admission to the examination conducted~~ 56176
~~by the state medical board under section 4731.13 of the Revised~~ 56177
~~Code, an applicant must meet the medical education and graduate~~ 56178
~~medical education requirements specified in any one of the~~ 56179
~~following and any additional requirements of division (C) of this~~ 56180
~~section An applicant for a license to practice medicine and~~ 56181
~~surgery or osteopathic medicine and surgery must meet all of the~~ 56182
~~following requirements:~~ 56183

~~(1) Be at least eighteen years of age and of good moral~~ 56184
~~character;~~ 56185

~~(2) Possess a high school diploma or a certificate of high~~ 56186
~~school equivalence or have obtained the equivalent of such~~ 56187
~~education as determined by the state medical board;~~ 56188

~~(3) Have completed two years of undergraduate work in a~~ 56189
~~college of arts and sciences or the equivalent of such education~~ 56190
~~as determined by the board;~~ 56191

~~(4) Meet one of the following medical education and graduate~~ 56192

medical education requirements: 56193

(a) Hold a diploma from a medical school or osteopathic 56194
medical school that, at the time the diploma was issued, was a 56195
medical school accredited by the liaison committee on medical 56196
education or an osteopathic medical school accredited by the 56197
American osteopathic association and have successfully completed 56198
not less than ~~nine~~ twelve months of graduate medical education 56199
through the first-year level of graduate medical education or its 56200
equivalent as determined by the board; 56201

~~(2)~~(b) Hold certification from the educational commission for 56202
foreign medical graduates and have successfully completed not less 56203
than ~~nine~~ twenty-four months of graduate medical education through 56204
the ~~first-year~~ second-year level of graduate medical education or 56205
its equivalent as determined by the board; 56206

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 56207
program as recognized by the board under section ~~4731.092~~ 4731.091 56208
of the Revised Code and have successfully completed, subsequent to 56209
completing fifth pathway training, not less than ~~nine~~ twelve 56210
months of graduate medical education or its equivalent as 56211
determined by the board. 56212

(5) Have successfully passed an examination prescribed in 56213
rules adopted by the board to determine competency to practice 56214
medicine and surgery or osteopathic medicine and surgery; 56215

(6) Comply with section 4731.08 of the Revised Code; 56216

(7) Meet the requirements of section 4731.142 of the Revised 56217
Code if eligibility for the license applied for is based in part 56218
on certification from the educational commission for foreign 56219
medical graduates and the undergraduate education requirements 56220
established by this section were fulfilled at an institution 56221
outside of the United States. 56222

~~(C) If an applicant holding certification from the~~ 56223

~~educational commission for foreign medical graduates received the~~ 56224
~~core clinical instruction segment of the applicant's medical~~ 56225
~~education at an institution in the United States, the board may~~ 56226
~~require that to be eligible for admission to its examination, the~~ 56227
~~applicant must have received the instruction at either of the~~ 56228
~~following:~~ 56229

~~(1) An institution that, at the time of the instruction, was~~ 56230
~~a formal part of or had formal affiliation with a medical school~~ 56231
~~accredited by the liaison committee on medical education or an~~ 56232
~~osteopathic medical school accredited by the American osteopathic~~ 56233
~~association.~~ 56234

~~(2) An institution with, at the time of the instruction, a~~ 56235
~~graduate medical education program accredited by either the~~ 56236
~~accreditation council for graduate medical education of the~~ 56237
~~American medical association or the American osteopathic~~ 56238
~~association that is in a field the same as or related to the core~~ 56239
~~clinical instruction~~ (B) An applicant for a license to practice 56240
medicine and surgery or osteopathic medicine and surgery shall 56241
submit to the board an application in the form and manner 56242
prescribed by the board. The application must include all of the 56243
following: 56244

(1) Evidence satisfactory to the board to demonstrate that 56245
the applicant meets all of the requirements of division (A) of 56246
this section; 56247

(2) An affidavit from the applicant attesting to the accuracy 56248
and truthfulness of the information submitted under this section; 56249

(3) Consent to the release of the applicant's information; 56250

(4) Any other information required by rules adopted by the 56251
board. 56252

(C) An applicant for a license to practice medicine and 56253
surgery or osteopathic medicine and surgery shall include with the 56254

application a fee of three hundred five dollars, no part of which 56255
may be returned. An application is not considered submitted until 56256
the board receives the fee. 56257

(D) The board may conduct an investigation related to the 56258
application materials received pursuant to this section and may 56259
contact any individual, agency, or organization for 56260
recommendations or other information about the applicant. 56261

(E) The board shall conclude any investigation of an 56262
applicant conducted under section 4731.22 of the Revised Code not 56263
later than ninety days after receipt of a complete application 56264
unless the applicant agrees in writing to an extension or the 56265
board determines that there is a substantial question of a 56266
violation of this chapter or the rules adopted under it and 56267
notifies the applicant in writing of the reasons for continuation 56268
of the investigation. If the board determines that the applicant 56269
is not in violation of this chapter or the rules adopted under it, 56270
the board shall issue a license not later than forty-five days 56271
after making that determination. 56272

Sec. ~~4731.092~~ 4731.091. To be recognized by the state medical 56273
board as a qualified graduate of a fifth pathway training program, 56274
an applicant shall submit evidence satisfactory to the board that 56275
~~he~~ the applicant has done all of the following: 56276

(A) Studied medicine in a foreign medical school acknowledged 56277
by the world health organization and verified by a member state of 56278
that organization as operating within the state's jurisdiction at 56279
the time ~~he~~ the applicant studied medicine; 56280

(B) Successfully completed all the formal requirements of the 56281
foreign medical school except internship or social service 56282
requirements; 56283

(C) Prior to entrance into the fifth pathway training 56284

program, attained on a screening examination acceptable to the 56285
board a score satisfactory to a medical school accredited by the 56286
liaison committee on medical education; 56287

(D) Successfully completed one academic year of fifth pathway 56288
training at a hospital affiliated with a medical school accredited 56289
by the liaison committee on medical education. 56290

Sec. 4731.10. Upon the request of a person who holds a 56291
license or certificate to practice in this state pursuant to 56292
Chapter 4731. of the Revised Code issued under this chapter and is 56293
seeking licensure in another state, the state medical board shall 56294
provide verification of the person's license or certificate to 56295
practice the person's profession in this state. The fee for such 56296
verification ~~shall be~~ is fifty dollars. 56297

Sec. 4731.14. (A) ~~As used in this section, "graduate medical~~ 56298
~~education" has the same meaning as in section 4731.091 of the~~ 56299
~~Revised Code~~ The state medical board shall review all applications 56300
submitted under section 4731.09 or 4731.296 of the Revised Code 56301
and determine whether each applicant meets the requirements for a 56302
license to practice medicine and surgery or osteopathic medicine 56303
and surgery. An affirmative vote of not fewer than six members of 56304
the board is necessary for the board to determine that an 56305
applicant meets the requirements for a license. 56306

(B) ~~The state medical board shall issue its certificate to~~ 56307
~~practice medicine and surgery or osteopathic medicine and surgery~~ 56308
~~as follows:~~ 56309

~~(1) The board shall issue its certificate to each individual~~ 56310
~~who was admitted to the board's examination by meeting the~~ 56311
~~educational requirements specified in division (B)(1) or (3) of~~ 56312
~~section 4731.091 of the Revised Code if the individual passes the~~ 56313
~~examination, pays a certificate issuance fee of three hundred~~ 56314

dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty-four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.

(C) If the board determines that the evidence submitted with an application is satisfactory and the applicant meets the requirements for a license, the board shall issue to the applicant a license to practice medicine and surgery or osteopathic medicine and surgery, as applicable. If the applicant holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the license shall indicate that the applicant is authorized to practice medicine and surgery pursuant to the laws of this state. Each certificate license issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the

~~individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.~~

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician."

~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter~~ holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted.

~~(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.~~

Sec. 4731.142. (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if any of the following apply:

(1) The individual was required to demonstrate such proficiency as a condition of certification from the educational commission for foreign medical graduates;

(2) For the five years immediately preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States;

(3) At the beginning of the five-year period preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant was receiving graduate medical education and, upon completion of that education, held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United

States. 56409

Sec. 4731.143. (A) Each person holding a valid ~~certificate~~ 56410
license issued under this chapter authorizing the ~~certificate~~ 56411
license holder to practice medicine and surgery, osteopathic 56412
medicine and surgery, or podiatric medicine and surgery, who is 56413
not covered by medical malpractice insurance shall provide a 56414
patient with written notice of the ~~certificate~~ license holder's 56415
lack of that insurance coverage prior to providing nonemergency 56416
professional services to the patient. The notice shall be provided 56417
alone on its own page. The notice shall provide space for the 56418
patient to acknowledge receipt of the notice, and shall be in the 56419
following form: 56420

"N O T I C E: 56421

Dr. (here state the full name of the 56422
~~certificate~~ license holder) is not covered by medical malpractice 56423
insurance. 56424

The undersigned acknowledges the receipt of this notice. 56425
..... 56426
(Patient's Signature) 56427
..... 56428
(Date)" 56429

The ~~certificate~~ license holder shall obtain the patient's 56430
signature, acknowledging the patient's receipt of the notice, 56431
prior to providing nonemergency professional services to the 56432
patient. The ~~certificate~~ license holder shall maintain the signed 56433
notice in the patient's ~~file~~ medical record. 56434

(B) This section does not apply to any officer or employee of 56435
the state, as those terms are defined in section 9.85 of the 56436
Revised Code, who is immune from civil liability under section 56437
9.86 of the Revised Code or is entitled to indemnification 56438

pursuant to section 9.87 of the Revised Code, to the extent that 56439
the person is acting within the scope of the person's employment 56440
or official responsibilities. 56441

This section does not apply to a person who complies with 56442
division (B)(2) of section 2305.234 of the Revised Code. 56443

(C) As used in this section, "medical malpractice insurance" 56444
means insurance coverage against the legal liability of the 56445
insured and against loss, damage, or expense incident to a claim 56446
arising out of the death, disease, or injury of any person as the 56447
result of negligence or malpractice in rendering professional 56448
service by any licensed physician, podiatrist, or hospital, as 56449
those terms are defined in section 2305.113 of the Revised Code. 56450

Sec. 4731.15. (A)~~(1)~~ The state medical board also shall 56451
regulate the following limited branches of medicine: massage 56452
therapy and cosmetic therapy, and to the extent specified in 56453
section 4731.151 of the Revised Code, naprapathy and 56454
mechanotherapy. The board shall adopt rules governing the limited 56455
branches of medicine under its jurisdiction. The rules shall be 56456
adopted in accordance with Chapter 119. of the Revised Code. 56457

~~(2) As used in this chapter:~~ 56458

~~(a) "Cosmetic therapy" means the permanent removal of hair 56459
from the human body through the use of electric modalities 56460
approved by the board for use in cosmetic therapy, and 56461
additionally may include the systematic friction, stroking, 56462
slapping, and kneading or tapping of the face, neck, scalp, or 56463
shoulders. 56464~~

~~(b) "Massage therapy" means the treatment of disorders of the 56465
human body by the manipulation of soft tissue through the 56466
systematic external application of massage techniques including 56467
touch, stroking, friction, vibration, percussion, kneading, 56468~~

~~stretching, compression, and joint movements within the normal~~ 56469
~~physiologic range of motion; and adjunctive thereto, the external~~ 56470
~~application of water, heat, cold, topical preparations, and~~ 56471
~~mechanical devices.~~ 56472

(B) A certificate to practice a limited branch of medicine 56473
issued by the state medical board is valid for a two-year period, 56474
except when an initial certificate is issued for a shorter period 56475
or when division (C)(2) of this section is applicable. The 56476
certificate may be renewed in accordance with division (C) of this 56477
section. 56478

(C)(1) Except as provided in division (C)(2) of this section, 56479
all both of the following apply with respect to the renewal of 56480
certificates to practice a limited branch of medicine: 56481

(a) Each person seeking to renew a certificate to practice a 56482
limited branch of medicine shall apply for biennial renewal with 56483
the state medical board in a manner prescribed by the board. An 56484
applicant for renewal shall pay a biennial renewal fee of one 56485
hundred dollars. 56486

(b) At least ~~six months~~ one month before a certificate 56487
expires, the board shall provide a renewal notice to the 56488
certificate holder. 56489

~~(c) At least three months before a certificate expires, the~~ 56490
~~certificate holder shall submit the renewal application and~~ 56491
~~biennial renewal fee to the board.~~ 56492

(2) The board shall implement a staggered renewal system that 56493
is substantially similar to the staggered renewal system the board 56494
uses under division (A) of section 4731.281 of the Revised Code. 56495

(D) All persons who hold a certificate to practice a limited 56496
branch of medicine issued by the state medical board shall provide 56497
the board notice of any change of address. The notice shall be 56498
submitted to the board not later than thirty days after the change 56499

of address. 56500

(E) A certificate to practice a limited branch of medicine 56501
shall be automatically suspended if the certificate holder fails 56502
to renew the certificate in accordance with division (C) of this 56503
section. Continued practice after the suspension of the 56504
certificate to practice shall be considered as practicing in 56505
violation of sections 4731.34 and 4731.41 of the Revised Code. 56506

If a certificate to practice has been suspended pursuant to 56507
this division for two years or less, it may be reinstated. The 56508
board shall reinstate the certificate upon an applicant's 56509
submission of a renewal application and payment of ~~the biennial~~ 56510
~~renewal~~ a reinstatement fee and the applicable monetary penalty of 56511
one hundred twenty-five dollars. With regard to reinstatement of a 56512
certificate to practice cosmetic therapy, the applicant also shall 56513
submit with the application a certification that the number of 56514
hours of continuing education necessary to have a suspended 56515
certificate reinstated have been completed, as specified in rules 56516
the board shall adopt in accordance with Chapter 119. of the 56517
Revised Code. ~~The penalty for reinstatement shall be twenty-five~~ 56518
~~dollars.~~ 56519

If a certificate has been suspended pursuant to this division 56520
for more than two years, it may be restored. Subject to section 56521
4731.222 of the Revised Code, the board may restore the 56522
certificate upon an applicant's submission of a restoration 56523
application, ~~the biennial renewal fee, and the applicable monetary~~ 56524
~~penalty~~ a restoration fee of one hundred fifty dollars and 56525
compliance with sections 4776.01 to 4776.04 of the Revised Code. 56526
The board shall not restore to an applicant a certificate to 56527
practice unless the board, in its discretion, decides that the 56528
results of the criminal records check do not make the applicant 56529
ineligible for a certificate issued pursuant to section 4731.17 of 56530
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 56531

Sec. 4731.22. (A) The state medical board, by an affirmative 56532
vote of not fewer than six of its members, may limit, revoke, or 56533
suspend ~~an individual's~~ a license or certificate to practice or 56534
certificate to recommend, refuse to grant a license or certificate 56535
~~to an individual~~, refuse to renew a license or certificate, refuse 56536
to reinstate a license or certificate, or reprimand or place on 56537
probation the holder of a license or certificate if the individual 56538
applying for or holding the license or certificate ~~holder~~ is found 56539
by the board to have committed fraud during the administration of 56540
the examination for a license or certificate to practice or to 56541
have committed fraud, misrepresentation, or deception in applying 56542
for, renewing, or securing any license or certificate to practice 56543
or certificate to recommend issued by the board. 56544

(B) The board, by an affirmative vote of not fewer than six 56545
members, shall, to the extent permitted by law, limit, revoke, or 56546
suspend ~~an individual's~~ a license or certificate to practice or 56547
certificate to recommend, refuse to issue a license or certificate 56548
~~to an individual~~, refuse to renew a license or certificate, refuse 56549
to reinstate a license or certificate, or reprimand or place on 56550
probation the holder of a license or certificate for one or more 56551
of the following reasons: 56552

(1) Permitting one's name or one's license or certificate to 56553
practice to be used by a person, group, or corporation when the 56554
individual concerned is not actually directing the treatment 56555
given; 56556

(2) Failure to maintain minimal standards applicable to the 56557
selection or administration of drugs, or failure to employ 56558
acceptable scientific methods in the selection of drugs or other 56559
modalities for treatment of disease; 56560

(3) Except as provided in section 4731.97 of the Revised 56561
Code, selling, giving away, personally furnishing, prescribing, or 56562

administering drugs for other than legal and legitimate 56563
therapeutic purposes or a plea of guilty to, a judicial finding of 56564
guilt of, or a judicial finding of eligibility for intervention in 56565
lieu of conviction of, a violation of any federal or state law 56566
regulating the possession, distribution, or use of any drug; 56567

(4) Willfully betraying a professional confidence. 56568

For purposes of this division, "willfully betraying a 56569
professional confidence" does not include providing any 56570
information, documents, or reports under sections 307.621 to 56571
307.629 of the Revised Code to a child fatality review board; does 56572
not include providing any information, documents, or reports under 56573
sections 307.631 to 307.639 of the Revised Code to a drug overdose 56574
fatality review committee; does not include providing any 56575
information, documents, or reports to the director of health 56576
pursuant to guidelines established under section 3701.70 of the 56577
Revised Code; does not include written notice to a mental health 56578
professional under section 4731.62 of the Revised Code; and does 56579
not include the making of a report of an employee's use of a drug 56580
of abuse, or a report of a condition of an employee other than one 56581
involving the use of a drug of abuse, to the employer of the 56582
employee as described in division (B) of section 2305.33 of the 56583
Revised Code. Nothing in this division affects the immunity from 56584
civil liability conferred by section 2305.33 or 4731.62 of the 56585
Revised Code upon a physician who makes a report in accordance 56586
with section 2305.33 or notifies a mental health professional in 56587
accordance with section 4731.62 of the Revised Code. As used in 56588
this division, "employee," "employer," and "physician" have the 56589
same meanings as in section 2305.33 of the Revised Code. 56590

(5) Making a false, fraudulent, deceptive, or misleading 56591
statement in the solicitation of or advertising for patients; in 56592
relation to the practice of medicine and surgery, osteopathic 56593
medicine and surgery, podiatric medicine and surgery, or a limited 56594

branch of medicine; or in securing or attempting to secure any 56595
license or certificate to practice issued by the board. 56596

As used in this division, "false, fraudulent, deceptive, or 56597
misleading statement" means a statement that includes a 56598
misrepresentation of fact, is likely to mislead or deceive because 56599
of a failure to disclose material facts, is intended or is likely 56600
to create false or unjustified expectations of favorable results, 56601
or includes representations or implications that in reasonable 56602
probability will cause an ordinarily prudent person to 56603
misunderstand or be deceived. 56604

(6) A departure from, or the failure to conform to, minimal 56605
standards of care of similar practitioners under the same or 56606
similar circumstances, whether or not actual injury to a patient 56607
is established; 56608

(7) Representing, with the purpose of obtaining compensation 56609
or other advantage as personal gain or for any other person, that 56610
an incurable disease or injury, or other incurable condition, can 56611
be permanently cured; 56612

(8) The obtaining of, or attempting to obtain, money or 56613
anything of value by fraudulent misrepresentations in the course 56614
of practice; 56615

(9) A plea of guilty to, a judicial finding of guilt of, or a 56616
judicial finding of eligibility for intervention in lieu of 56617
conviction for, a felony; 56618

(10) Commission of an act that constitutes a felony in this 56619
state, regardless of the jurisdiction in which the act was 56620
committed; 56621

(11) A plea of guilty to, a judicial finding of guilt of, or 56622
a judicial finding of eligibility for intervention in lieu of 56623
conviction for, a misdemeanor committed in the course of practice; 56624

(12) Commission of an act in the course of practice that 56625
constitutes a misdemeanor in this state, regardless of the 56626
jurisdiction in which the act was committed; 56627

(13) A plea of guilty to, a judicial finding of guilt of, or 56628
a judicial finding of eligibility for intervention in lieu of 56629
conviction for, a misdemeanor involving moral turpitude; 56630

(14) Commission of an act involving moral turpitude that 56631
constitutes a misdemeanor in this state, regardless of the 56632
jurisdiction in which the act was committed; 56633

(15) Violation of the conditions of limitation placed by the 56634
board upon a license or certificate to practice; 56635

(16) Failure to pay license renewal fees specified in this 56636
chapter; 56637

(17) Except as authorized in section 4731.31 of the Revised 56638
Code, engaging in the division of fees for referral of patients, 56639
or the receiving of a thing of value in return for a specific 56640
referral of a patient to utilize a particular service or business; 56641

(18) Subject to section 4731.226 of the Revised Code, 56642
violation of any provision of a code of ethics of the American 56643
medical association, the American osteopathic association, the 56644
American podiatric medical association, or any other national 56645
professional organizations that the board specifies by rule. The 56646
state medical board shall obtain and keep on file current copies 56647
of the codes of ethics of the various national professional 56648
organizations. The individual whose license or certificate is 56649
being suspended or revoked shall not be found to have violated any 56650
provision of a code of ethics of an organization not appropriate 56651
to the individual's profession. 56652

For purposes of this division, a "provision of a code of 56653
ethics of a national professional organization" does not include 56654
any provision that would preclude the making of a report by a 56655

physician of an employee's use of a drug of abuse, or of a 56656
condition of an employee other than one involving the use of a 56657
drug of abuse, to the employer of the employee as described in 56658
division (B) of section 2305.33 of the Revised Code. Nothing in 56659
this division affects the immunity from civil liability conferred 56660
by that section upon a physician who makes either type of report 56661
in accordance with division (B) of that section. As used in this 56662
division, "employee," "employer," and "physician" have the same 56663
meanings as in section 2305.33 of the Revised Code. 56664

(19) Inability to practice according to acceptable and 56665
prevailing standards of care by reason of mental illness or 56666
physical illness, including, but not limited to, physical 56667
deterioration that adversely affects cognitive, motor, or 56668
perceptive skills. 56669

In enforcing this division, the board, upon a showing of a 56670
possible violation, may compel any individual authorized to 56671
practice by this chapter or who has submitted an application 56672
pursuant to this chapter to submit to a mental examination, 56673
physical examination, including an HIV test, or both a mental and 56674
a physical examination. The expense of the examination is the 56675
responsibility of the individual compelled to be examined. Failure 56676
to submit to a mental or physical examination or consent to an HIV 56677
test ordered by the board constitutes an admission of the 56678
allegations against the individual unless the failure is due to 56679
circumstances beyond the individual's control, and a default and 56680
final order may be entered without the taking of testimony or 56681
presentation of evidence. If the board finds an individual unable 56682
to practice because of the reasons set forth in this division, the 56683
board shall require the individual to submit to care, counseling, 56684
or treatment by physicians approved or designated by the board, as 56685
a condition for initial, continued, reinstated, or renewed 56686
authority to practice. An individual affected under this division 56687

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 ~~or 4731.282~~ of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or

of any abortion rule adopted by the director of health pursuant to 56720
section 3701.341 of the Revised Code; 56721

(22) Any of the following actions taken by an agency 56722
responsible for authorizing, certifying, or regulating an 56723
individual to practice a health care occupation or provide health 56724
care services in this state or another jurisdiction, for any 56725
reason other than the nonpayment of fees: the limitation, 56726
revocation, or suspension of an individual's license to practice; 56727
acceptance of an individual's license surrender; denial of a 56728
license; refusal to renew or reinstate a license; imposition of 56729
probation; or issuance of an order of censure or other reprimand; 56730

(23) The violation of section 2919.12 of the Revised Code or 56731
the performance or inducement of an abortion upon a pregnant woman 56732
with actual knowledge that the conditions specified in division 56733
(B) of section 2317.56 of the Revised Code have not been satisfied 56734
or with a heedless indifference as to whether those conditions 56735
have been satisfied, unless an affirmative defense as specified in 56736
division (H)(2) of that section would apply in a civil action 56737
authorized by division (H)(1) of that section; 56738

(24) The revocation, suspension, restriction, reduction, or 56739
termination of clinical privileges by the United States department 56740
of defense or department of veterans affairs or the termination or 56741
suspension of a certificate of registration to prescribe drugs by 56742
the drug enforcement administration of the United States 56743
department of justice; 56744

(25) Termination or suspension from participation in the 56745
medicare or medicaid programs by the department of health and 56746
human services or other responsible agency for any act or acts 56747
that also would constitute a violation of division (B)(2), (3), 56748
(6), (8), or (19) of this section; 56749

(26) Impairment of ability to practice according to 56750

acceptable and prevailing standards of care because of habitual or 56751
excessive use or abuse of drugs, alcohol, or other substances that 56752
impair ability to practice. 56753

For the purposes of this division, any individual authorized 56754
to practice by this chapter accepts the privilege of practicing in 56755
this state subject to supervision by the board. By filing an 56756
application for or holding a license or certificate to practice 56757
under this chapter, an individual shall be deemed to have given 56758
consent to submit to a mental or physical examination when ordered 56759
to do so by the board in writing, and to have waived all 56760
objections to the admissibility of testimony or examination 56761
reports that constitute privileged communications. 56762

If it has reason to believe that any individual authorized to 56763
practice by this chapter or any applicant for licensure or 56764
certification to practice suffers such impairment, the board may 56765
compel the individual to submit to a mental or physical 56766
examination, or both. The expense of the examination is the 56767
responsibility of the individual compelled to be examined. Any 56768
mental or physical examination required under this division shall 56769
be undertaken by a treatment provider or physician who is 56770
qualified to conduct the examination and who is chosen by the 56771
board. 56772

Failure to submit to a mental or physical examination ordered 56773
by the board constitutes an admission of the allegations against 56774
the individual unless the failure is due to circumstances beyond 56775
the individual's control, and a default and final order may be 56776
entered without the taking of testimony or presentation of 56777
evidence. If the board determines that the individual's ability to 56778
practice is impaired, the board shall suspend the individual's 56779
license or certificate or deny the individual's application and 56780
shall require the individual, as a condition for initial, 56781
continued, reinstated, or renewed licensure or certification to 56782

practice, to submit to treatment. 56783

Before being eligible to apply for reinstatement of a license 56784
or certificate suspended under this division, the impaired 56785
practitioner shall demonstrate to the board the ability to resume 56786
practice in compliance with acceptable and prevailing standards of 56787
care under the provisions of the practitioner's license or 56788
certificate. The demonstration shall include, but shall not be 56789
limited to, the following: 56790

(a) Certification from a treatment provider approved under 56791
section 4731.25 of the Revised Code that the individual has 56792
successfully completed any required inpatient treatment; 56793

(b) Evidence of continuing full compliance with an aftercare 56794
contract or consent agreement; 56795

(c) Two written reports indicating that the individual's 56796
ability to practice has been assessed and that the individual has 56797
been found capable of practicing according to acceptable and 56798
prevailing standards of care. The reports shall be made by 56799
individuals or providers approved by the board for making the 56800
assessments and shall describe the basis for their determination. 56801

The board may reinstate a license or certificate suspended 56802
under this division after that demonstration and after the 56803
individual has entered into a written consent agreement. 56804

When the impaired practitioner resumes practice, the board 56805
shall require continued monitoring of the individual. The 56806
monitoring shall include, but not be limited to, compliance with 56807
the written consent agreement entered into before reinstatement or 56808
with conditions imposed by board order after a hearing, and, upon 56809
termination of the consent agreement, submission to the board for 56810
at least two years of annual written progress reports made under 56811
penalty of perjury stating whether the individual has maintained 56812
sobriety. 56813

(27) A second or subsequent violation of section 4731.66 or	56814
4731.69 of the Revised Code;	56815
(28) Except as provided in division (N) of this section:	56816
(a) Waiving the payment of all or any part of a deductible or	56817
copayment that a patient, pursuant to a health insurance or health	56818
care policy, contract, or plan that covers the individual's	56819
services, otherwise would be required to pay if the waiver is used	56820
as an enticement to a patient or group of patients to receive	56821
health care services from that individual;	56822
(b) Advertising that the individual will waive the payment of	56823
all or any part of a deductible or copayment that a patient,	56824
pursuant to a health insurance or health care policy, contract, or	56825
plan that covers the individual's services, otherwise would be	56826
required to pay.	56827
(29) Failure to use universal blood and body fluid	56828
precautions established by rules adopted under section 4731.051 of	56829
the Revised Code;	56830
(30) Failure to provide notice to, and receive acknowledgment	56831
of the notice from, a patient when required by section 4731.143 of	56832
the Revised Code prior to providing nonemergency professional	56833
services, or failure to maintain that notice in the patient's ~~file~~	56834
<u>medical record</u> ;	56835
(31) Failure of a physician supervising a physician assistant	56836
to maintain supervision in accordance with the requirements of	56837
Chapter 4730. of the Revised Code and the rules adopted under that	56838
chapter;	56839
(32) Failure of a physician or podiatrist to enter into a	56840
standard care arrangement with a clinical nurse specialist,	56841
certified nurse-midwife, or certified nurse practitioner with whom	56842
the physician or podiatrist is in collaboration pursuant to	56843
section 4731.27 of the Revised Code or failure to fulfill the	56844

responsibilities of collaboration after entering into a standard	56845
care arrangement;	56846
(33) Failure to comply with the terms of a consult agreement	56847
entered into with a pharmacist pursuant to section 4729.39 of the	56848
Revised Code;	56849
(34) Failure to cooperate in an investigation conducted by	56850
the board under division (F) of this section, including failure to	56851
comply with a subpoena or order issued by the board or failure to	56852
answer truthfully a question presented by the board in an	56853
investigative interview, an investigative office conference, at a	56854
deposition, or in written interrogatories, except that failure to	56855
cooperate with an investigation shall not constitute grounds for	56856
discipline under this section if a court of competent jurisdiction	56857
has issued an order that either quashes a subpoena or permits the	56858
individual to withhold the testimony or evidence in issue;	56859
(35) Failure to supervise an oriental medicine practitioner	56860
or acupuncturist in accordance with Chapter 4762. of the Revised	56861
Code and the board's rules for providing that supervision;	56862
(36) Failure to supervise an anesthesiologist assistant in	56863
accordance with Chapter 4760. of the Revised Code and the board's	56864
rules for supervision of an anesthesiologist assistant;	56865
(37) Assisting suicide, as defined in section 3795.01 of the	56866
Revised Code;	56867
(38) Failure to comply with the requirements of section	56868
2317.561 of the Revised Code;	56869
(39) Failure to supervise a radiologist assistant in	56870
accordance with Chapter 4774. of the Revised Code and the board's	56871
rules for supervision of radiologist assistants;	56872
(40) Performing or inducing an abortion at an office or	56873
facility with knowledge that the office or facility fails to post	56874

the notice required under section 3701.791 of the Revised Code;	56875
(41) Failure to comply with the standards and procedures	56876
established in rules under section 4731.054 of the Revised Code	56877
for the operation of or the provision of care at a pain management	56878
clinic;	56879
(42) Failure to comply with the standards and procedures	56880
established in rules under section 4731.054 of the Revised Code	56881
for providing supervision, direction, and control of individuals	56882
at a pain management clinic;	56883
(43) Failure to comply with the requirements of section	56884
4729.79 or 4731.055 of the Revised Code, unless the state board of	56885
pharmacy no longer maintains a drug database pursuant to section	56886
4729.75 of the Revised Code;	56887
(44) Failure to comply with the requirements of section	56888
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	56889
submit to the department of health in accordance with a court	56890
order a complete report as described in section 2919.171 or	56891
2919.202 of the Revised Code;	56892
(45) Practicing at a facility that is subject to licensure as	56893
a category III terminal distributor of dangerous drugs with a pain	56894
management clinic classification unless the person operating the	56895
facility has obtained and maintains the license with the	56896
classification;	56897
(46) Owning a facility that is subject to licensure as a	56898
category III terminal distributor of dangerous drugs with a pain	56899
management clinic classification unless the facility is licensed	56900
with the classification;	56901
(47) Failure to comply with the requirement regarding	56902
maintaining notes described in division (B) of section 2919.191 of	56903
the Revised Code or failure to satisfy the requirements of section	56904
2919.191 of the Revised Code prior to performing or inducing an	56905

abortion upon a pregnant woman; 56906

(48) Failure to comply with the requirements in section 56907
3719.061 of the Revised Code before issuing for a minor a 56908
prescription for an opioid analgesic, as defined in section 56909
3719.01 of the Revised Code; 56910

(49) Failure to comply with the requirements of section 56911
4731.30 of the Revised Code or rules adopted under section 56912
4731.301 of the Revised Code when recommending treatment with 56913
medical marijuana; 56914

(50) Practicing at a facility, clinic, or other location that 56915
is subject to licensure as a category III terminal distributor of 56916
dangerous drugs with an office-based opioid treatment 56917
classification unless the person operating that place has obtained 56918
and maintains the license with the classification; 56919

(51) Owning a facility, clinic, or other location that is 56920
subject to licensure as a category III terminal distributor of 56921
dangerous drugs with an office-based opioid treatment 56922
classification unless that place is licensed with the 56923
classification. 56924

(C) Disciplinary actions taken by the board under divisions 56925
(A) and (B) of this section shall be taken pursuant to an 56926
adjudication under Chapter 119. of the Revised Code, except that 56927
in lieu of an adjudication, the board may enter into a consent 56928
agreement with an individual to resolve an allegation of a 56929
violation of this chapter or any rule adopted under it. A consent 56930
agreement, when ratified by an affirmative vote of not fewer than 56931
six members of the board, shall constitute the findings and order 56932
of the board with respect to the matter addressed in the 56933
agreement. If the board refuses to ratify a consent agreement, the 56934
admissions and findings contained in the consent agreement shall 56935
be of no force or effect. 56936

A telephone conference call may be utilized for ratification 56937
of a consent agreement that revokes or suspends an individual's 56938
license or certificate to practice or certificate to recommend. 56939
The telephone conference call shall be considered a special 56940
meeting under division (F) of section 121.22 of the Revised Code. 56941

If the board takes disciplinary action against an individual 56942
under division (B) of this section for a second or subsequent plea 56943
of guilty to, or judicial finding of guilt of, a violation of 56944
section 2919.123 of the Revised Code, the disciplinary action 56945
shall consist of a suspension of the individual's license or 56946
certificate to practice for a period of at least one year or, if 56947
determined appropriate by the board, a more serious sanction 56948
involving the individual's license or certificate to practice. Any 56949
consent agreement entered into under this division with an 56950
individual that pertains to a second or subsequent plea of guilty 56951
to, or judicial finding of guilt of, a violation of that section 56952
shall provide for a suspension of the individual's license or 56953
certificate to practice for a period of at least one year or, if 56954
determined appropriate by the board, a more serious sanction 56955
involving the individual's license or certificate to practice. 56956

(D) For purposes of divisions (B)(10), (12), and (14) of this 56957
section, the commission of the act may be established by a finding 56958
by the board, pursuant to an adjudication under Chapter 119. of 56959
the Revised Code, that the individual committed the act. The board 56960
does not have jurisdiction under those divisions if the trial 56961
court renders a final judgment in the individual's favor and that 56962
judgment is based upon an adjudication on the merits. The board 56963
has jurisdiction under those divisions if the trial court issues 56964
an order of dismissal upon technical or procedural grounds. 56965

(E) The sealing of conviction records by any court shall have 56966
no effect upon a prior board order entered under this section or 56967
upon the board's jurisdiction to take action under this section 56968

if, based upon a plea of guilty, a judicial finding of guilt, or a
judicial finding of eligibility for intervention in lieu of
conviction, the board issued a notice of opportunity for a hearing
prior to the court's order to seal the records. The board shall
not be required to seal, destroy, redact, or otherwise modify its
records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to
show that a person has violated any provision of this chapter or
any rule adopted under it. Any person may report to the board in a
signed writing any information that the person may have that
appears to show a violation of any provision of this chapter or
any rule adopted under it. In the absence of bad faith, any person
who reports information of that nature or who testifies before the
board in any adjudication conducted under Chapter 119. of the
Revised Code shall not be liable in damages in a civil action as a
result of the report or testimony. Each complaint or allegation of
a violation received by the board shall be assigned a case number
and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or
any rule adopted under it shall be supervised by the supervising
member elected by the board in accordance with section 4731.02 of
the Revised Code and by the secretary as provided in section
4731.39 of the Revised Code. The president may designate another
member of the board to supervise the investigation in place of the
supervising member. No member of the board who supervises the
investigation of a case shall participate in further adjudication
of the case.

(3) In investigating a possible violation of this chapter or
any rule adopted under this chapter, or in conducting an
inspection under division (E) of section 4731.054 of the Revised
Code, the board may question witnesses, conduct interviews,
administer oaths, order the taking of depositions, inspect and

copy any books, accounts, papers, records, or documents, issue 57001
subpoenas, and compel the attendance of witnesses and production 57002
of books, accounts, papers, records, documents, and testimony, 57003
except that a subpoena for patient record information shall not be 57004
issued without consultation with the attorney general's office and 57005
approval of the secretary and supervising member of the board. 57006

(a) Before issuance of a subpoena for patient record 57007
information, the secretary and supervising member shall determine 57008
whether there is probable cause to believe that the complaint 57009
filed alleges a violation of this chapter or any rule adopted 57010
under it and that the records sought are relevant to the alleged 57011
violation and material to the investigation. The subpoena may 57012
apply only to records that cover a reasonable period of time 57013
surrounding the alleged violation. 57014

(b) On failure to comply with any subpoena issued by the 57015
board and after reasonable notice to the person being subpoenaed, 57016
the board may move for an order compelling the production of 57017
persons or records pursuant to the Rules of Civil Procedure. 57018

(c) A subpoena issued by the board may be served by a 57019
sheriff, the sheriff's deputy, or a board employee designated by 57020
the board. Service of a subpoena issued by the board may be made 57021
by delivering a copy of the subpoena to the person named therein, 57022
reading it to the person, or leaving it at the person's usual 57023
place of residence, usual place of business, or address on file 57024
with the board. When serving a subpoena to an applicant for or the 57025
holder of a license or certificate issued under this chapter, 57026
service of the subpoena may be made by certified mail, return 57027
receipt requested, and the subpoena shall be deemed served on the 57028
date delivery is made or the date the person refuses to accept 57029
delivery. If the person being served refuses to accept the 57030
subpoena or is not located, service may be made to an attorney who 57031
notifies the board that the attorney is representing the person. 57032

(d) A sheriff's deputy who serves a subpoena shall receive 57033
the same fees as a sheriff. Each witness who appears before the 57034
board in obedience to a subpoena shall receive the fees and 57035
mileage provided for under section 119.094 of the Revised Code. 57036

(4) All hearings, investigations, and inspections of the 57037
board shall be considered civil actions for the purposes of 57038
section 2305.252 of the Revised Code. 57039

(5) A report required to be submitted to the board under this 57040
chapter, a complaint, or information received by the board 57041
pursuant to an investigation or pursuant to an inspection under 57042
division (E) of section 4731.054 of the Revised Code is 57043
confidential and not subject to discovery in any civil action. 57044

The board shall conduct all investigations or inspections and 57045
proceedings in a manner that protects the confidentiality of 57046
patients and persons who file complaints with the board. The board 57047
shall not make public the names or any other identifying 57048
information about patients or complainants unless proper consent 57049
is given or, in the case of a patient, a waiver of the patient 57050
privilege exists under division (B) of section 2317.02 of the 57051
Revised Code, except that consent or a waiver of that nature is 57052
not required if the board possesses reliable and substantial 57053
evidence that no bona fide physician-patient relationship exists. 57054

The board may share any information it receives pursuant to 57055
an investigation or inspection, including patient records and 57056
patient record information, with law enforcement agencies, other 57057
licensing boards, and other governmental agencies that are 57058
prosecuting, adjudicating, or investigating alleged violations of 57059
statutes or administrative rules. An agency or board that receives 57060
the information shall comply with the same requirements regarding 57061
confidentiality as those with which the state medical board must 57062
comply, notwithstanding any conflicting provision of the Revised 57063
Code or procedure of the agency or board that applies when it is 57064

dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty

plea, or judicial finding of eligibility for intervention in lieu 57126
of conviction is overturned on appeal, upon exhaustion of the 57127
criminal appeal, a petition for reconsideration of the order may 57128
be filed with the board along with appropriate court documents. 57129
Upon receipt of a petition of that nature and supporting court 57130
documents, the board shall reinstate the individual's license or 57131
certificate to practice. The board may then hold an adjudication 57132
under Chapter 119. of the Revised Code to determine whether the 57133
individual committed the act in question. Notice of an opportunity 57134
for a hearing shall be given in accordance with Chapter 119. of 57135
the Revised Code. If the board finds, pursuant to an adjudication 57136
held under this division, that the individual committed the act or 57137
if no hearing is requested, the board may order any of the 57138
sanctions identified under division (B) of this section. 57139

(I) The license or certificate to practice issued to an 57140
individual under this chapter and the individual's practice in 57141
this state are automatically suspended as of the date of the 57142
individual's second or subsequent plea of guilty to, or judicial 57143
finding of guilt of, a violation of section 2919.123 of the 57144
Revised Code. In addition, the license or certificate to practice 57145
or certificate to recommend issued to an individual under this 57146
chapter and the individual's practice in this state are 57147
automatically suspended as of the date the individual pleads 57148
guilty to, is found by a judge or jury to be guilty of, or is 57149
subject to a judicial finding of eligibility for intervention in 57150
lieu of conviction in this state or treatment or intervention in 57151
lieu of conviction in another jurisdiction for any of the 57152
following criminal offenses in this state or a substantially 57153
equivalent criminal offense in another jurisdiction: aggravated 57154
murder, murder, voluntary manslaughter, felonious assault, 57155
kidnapping, rape, sexual battery, gross sexual imposition, 57156
aggravated arson, aggravated robbery, or aggravated burglary. 57157
Continued practice after suspension shall be considered practicing 57158

without a license or certificate. 57159

The board shall notify the individual subject to the 57160
suspension by certified mail or in person in accordance with 57161
section 119.07 of the Revised Code. If an individual whose license 57162
or certificate is automatically suspended under this division 57163
fails to make a timely request for an adjudication under Chapter 57164
119. of the Revised Code, the board shall do whichever of the 57165
following is applicable: 57166

(1) If the automatic suspension under this division is for a 57167
second or subsequent plea of guilty to, or judicial finding of 57168
guilt of, a violation of section 2919.123 of the Revised Code, the 57169
board shall enter an order suspending the individual's license or 57170
certificate to practice for a period of at least one year or, if 57171
determined appropriate by the board, imposing a more serious 57172
sanction involving the individual's license or certificate to 57173
practice. 57174

(2) In all circumstances in which division (I)(1) of this 57175
section does not apply, enter a final order permanently revoking 57176
the individual's license or certificate to practice. 57177

(J) If the board is required by Chapter 119. of the Revised 57178
Code to give notice of an opportunity for a hearing and if the 57179
individual subject to the notice does not timely request a hearing 57180
in accordance with section 119.07 of the Revised Code, the board 57181
is not required to hold a hearing, but may adopt, by an 57182
affirmative vote of not fewer than six of its members, a final 57183
order that contains the board's findings. In that final order, the 57184
board may order any of the sanctions identified under division (A) 57185
or (B) of this section. 57186

(K) Any action taken by the board under division (B) of this 57187
section resulting in a suspension from practice shall be 57188
accompanied by a written statement of the conditions under which 57189

the individual's license or certificate to practice may be 57190
reinstated. The board shall adopt rules governing conditions to be 57191
imposed for reinstatement. Reinstatement of a license or 57192
certificate suspended pursuant to division (B) of this section 57193
requires an affirmative vote of not fewer than six members of the 57194
board. 57195

(L) When the board refuses to grant or issue a license or 57196
certificate to practice to an applicant, revokes an individual's 57197
license or certificate to practice, refuses to renew an 57198
individual's license or certificate to practice, or refuses to 57199
reinstate an individual's license or certificate to practice, the 57200
board may specify that its action is permanent. An individual 57201
subject to a permanent action taken by the board is forever 57202
thereafter ineligible to hold a license or certificate to practice 57203
and the board shall not accept an application for reinstatement of 57204
the license or certificate or for issuance of a new license or 57205
certificate. 57206

(M) Notwithstanding any other provision of the Revised Code, 57207
all of the following apply: 57208

(1) The surrender of a license or certificate issued under 57209
this chapter shall not be effective unless or until accepted by 57210
the board. A telephone conference call may be utilized for 57211
acceptance of the surrender of an individual's license or 57212
certificate to practice. The telephone conference call shall be 57213
considered a special meeting under division (F) of section 121.22 57214
of the Revised Code. Reinstatement of a license or certificate 57215
surrendered to the board requires an affirmative vote of not fewer 57216
than six members of the board. 57217

(2) An application for a license or certificate made under 57218
the provisions of this chapter may not be withdrawn without 57219
approval of the board. 57220

(3) Failure by an individual to renew a license or 57221
certificate to practice in accordance with this chapter or a 57222
certificate to recommend in accordance with rules adopted under 57223
section 4731.301 of the Revised Code shall not remove or limit the 57224
board's jurisdiction to take any disciplinary action under this 57225
section against the individual. 57226

(4) At the request of the board, a license or certificate 57227
holder shall immediately surrender to the board a license or 57228
certificate that the board has suspended, revoked, or permanently 57229
revoked. 57230

(N) Sanctions shall not be imposed under division (B)(28) of 57231
this section against any person who waives deductibles and 57232
copayments as follows: 57233

(1) In compliance with the health benefit plan that expressly 57234
allows such a practice. Waiver of the deductibles or copayments 57235
shall be made only with the full knowledge and consent of the plan 57236
purchaser, payer, and third-party administrator. Documentation of 57237
the consent shall be made available to the board upon request. 57238

(2) For professional services rendered to any other person 57239
authorized to practice pursuant to this chapter, to the extent 57240
allowed by this chapter and rules adopted by the board. 57241

(O) Under the board's investigative duties described in this 57242
section and subject to division (F) of this section, the board 57243
shall develop and implement a quality intervention program 57244
designed to improve through remedial education the clinical and 57245
communication skills of individuals authorized under this chapter 57246
to practice medicine and surgery, osteopathic medicine and 57247
surgery, and podiatric medicine and surgery. In developing and 57248
implementing the quality intervention program, the board may do 57249
all of the following: 57250

(1) Offer in appropriate cases as determined by the board an 57251

educational and assessment program pursuant to an investigation 57252
the board conducts under this section; 57253

(2) Select providers of educational and assessment services, 57254
including a quality intervention program panel of case reviewers; 57255

(3) Make referrals to educational and assessment service 57256
providers and approve individual educational programs recommended 57257
by those providers. The board shall monitor the progress of each 57258
individual undertaking a recommended individual educational 57259
program. 57260

(4) Determine what constitutes successful completion of an 57261
individual educational program and require further monitoring of 57262
the individual who completed the program or other action that the 57263
board determines to be appropriate; 57264

(5) Adopt rules in accordance with Chapter 119. of the 57265
Revised Code to further implement the quality intervention 57266
program. 57267

An individual who participates in an individual educational 57268
program pursuant to this division shall pay the financial 57269
obligations arising from that educational program. 57270

Sec. 4731.221. If the state medical board has reason to 57271
believe that any person who has been granted a license or 57272
certificate under this chapter is mentally ill or mentally 57273
incompetent, it may file in the probate court of the county in 57274
which such person has a legal residence an affidavit in the form 57275
prescribed in section 5122.11 of the Revised Code and signed by 57276
the board secretary or a member of the board secretary's staff, 57277
whereupon the same proceedings shall be had as provided in Chapter 57278
5122. of the Revised Code. The attorney general may represent the 57279
board in any proceeding commenced under this section. 57280

If any person who has been granted a license or certificate 57281

under this chapter is adjudged by a probate court to be mentally 57282
ill or mentally incompetent, the person's license or certificate 57283
shall be automatically suspended until such person has filed with 57284
the state medical board a certified copy of an adjudication by a 57285
probate court of the person's subsequent restoration to competency 57286
or has submitted to such board proof, satisfactory to the board, 57287
that the person has been discharged as having a restoration to 57288
competency in the manner and form provided in section 5122.38 of 57289
the Revised Code. The judge of such court shall forthwith notify 57290
the state medical board of an adjudication of mental illness or 57291
mental incompetence, and shall note any suspension of a license or 57292
certificate in the margin of the court's record of such license or 57293
certificate. 57294

Sec. 4731.222. (A) This section applies to both of the 57295
following: 57296

(1) An applicant seeking restoration of a license or 57297
certificate issued under this chapter that has been in a suspended 57298
or inactive state for any cause for more than two years; 57299

(2) An applicant seeking issuance of a license or certificate 57300
pursuant to section 4731.17, ~~4731.29~~, 4731.295, 4731.57, or 57301
4731.571 of the Revised Code who for more than two years has not 57302
been engaged in the practice of medicine and surgery, osteopathic 57303
medicine and surgery, podiatric medicine and surgery, or a limited 57304
branch of medicine as any of the following: 57305

(a) An active practitioner; 57306

(b) A participant in a program of graduate medical education, 57307
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 57308

(c) A student in a college of podiatry determined by the 57309
state medical board to be in good standing; 57310

(d) A student in a school, college, or institution giving 57311

instruction in a limited branch of medicine determined by the 57312
board to be in good standing under section 4731.16 of the Revised 57313
Code. 57314

(B) Before restoring a license or certificate to good 57315
standing for or issuing a license or certificate to an applicant 57316
subject to this section, the state medical board may impose terms 57317
and conditions including any one or more of the following: 57318

(1) Requiring the applicant to pass an oral or written 57319
examination, or both, to determine the applicant's present fitness 57320
to resume practice; 57321

(2) Requiring the applicant to obtain additional training and 57322
to pass an examination upon completion of such training; 57323

(3) Requiring an assessment of the applicant's physical 57324
skills for purposes of determining whether the applicant's 57325
coordination, fine motor skills, and dexterity are sufficient for 57326
performing medical evaluations and procedures in a manner that 57327
meets the minimal standards of care; 57328

(4) Requiring an assessment of the applicant's skills in 57329
recognizing and understanding diseases and conditions; 57330

(5) Requiring the applicant to undergo a comprehensive 57331
physical examination, which may include an assessment of physical 57332
abilities, evaluation of sensory capabilities, or screening for 57333
the presence of neurological disorders; 57334

(6) Restricting or limiting the extent, scope, or type of 57335
practice of the applicant. 57336

The board shall consider the moral background and the 57337
activities of the applicant during the period of suspension or 57338
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 57339
or 4731.52 of the Revised Code. The board shall not restore a 57340
license or certificate under this section unless the applicant 57341

complies with sections 4776.01 to 4776.04 of the Revised Code. 57342

Sec. 4731.223. (A) As used in this section, "prosecutor" has 57343
the same meaning as in section 2935.01 of the Revised Code. 57344

(B) Whenever any person holding a valid license or 57345
certificate issued pursuant to this chapter pleads guilty to, is 57346
subject to a judicial finding of guilt of, or is subject to a 57347
judicial finding of eligibility for intervention in lieu of 57348
conviction for a violation of Chapter 2907., 2925., or 3719. of 57349
the Revised Code or of any substantively comparable ordinance of a 57350
municipal corporation in connection with the person's practice, or 57351
for a second or subsequent time pleads guilty to, or is subject to 57352
a judicial finding of guilt of, a violation of section 2919.123 of 57353
the Revised Code, the prosecutor in the case, on forms prescribed 57354
and provided by the state medical board, shall promptly notify the 57355
board of the conviction or guilty plea. Within thirty days of 57356
receipt of that information, the board shall initiate action in 57357
accordance with Chapter 119. of the Revised Code to determine 57358
whether to suspend or revoke the license or certificate under 57359
section 4731.22 of the Revised Code. 57360

(C) The prosecutor in any case against any person holding a 57361
valid license or certificate issued pursuant to this chapter, on 57362
forms prescribed and provided by the state medical board, shall 57363
notify the board of any of the following: 57364

(1) A plea of guilty to, a finding of guilt by a jury or 57365
court of, or judicial finding of eligibility for intervention in 57366
lieu of conviction for a felony, or a case in which the trial 57367
court issues an order of dismissal upon technical or procedural 57368
grounds of a felony charge; 57369

(2) A plea of guilty to, a finding of guilt by a jury or 57370
court of, or judicial finding of eligibility for intervention in 57371
lieu of conviction for a misdemeanor committed in the course of 57372

practice, or a case in which the trial court issues an order of 57373
dismissal upon technical or procedural grounds of a charge of a 57374
misdemeanor, if the alleged act was committed in the course of 57375
practice; 57376

(3) A plea of guilty to, a finding of guilt by a jury or 57377
court of, or judicial finding of eligibility for intervention in 57378
lieu of conviction for a misdemeanor involving moral turpitude, or 57379
a case in which the trial court issues an order of dismissal upon 57380
technical or procedural grounds of a charge of a misdemeanor 57381
involving moral turpitude. 57382

The report shall include the name and address of the license 57383
or certificate holder, the nature of the offense for which the 57384
action was taken, and the certified court documents recording the 57385
action. 57386

Sec. 4731.224. (A) Within sixty days after the imposition of 57387
any formal disciplinary action taken by any health care facility, 57388
including a hospital, health care facility operated by a health 57389
insuring corporation, ambulatory surgical center, or similar 57390
facility, against any individual holding a valid license or 57391
certificate to practice issued pursuant to this chapter, the chief 57392
administrator or executive officer of the facility shall report to 57393
the state medical board the name of the individual, the action 57394
taken by the facility, and a summary of the underlying facts 57395
leading to the action taken. Upon request, the board shall be 57396
provided certified copies of the patient records that were the 57397
basis for the facility's action. Prior to release to the board, 57398
the summary shall be approved by the peer review committee that 57399
reviewed the case or by the governing board of the facility. As 57400
used in this division, "formal disciplinary action" means any 57401
action resulting in the revocation, restriction, reduction, or 57402
termination of clinical privileges for violations of professional 57403

ethics, or for reasons of medical incompetence, medical 57404
malpractice, or drug or alcohol abuse. "Formal disciplinary 57405
action" includes a summary action, an action that takes effect 57406
notwithstanding any appeal rights that may exist, and an action 57407
that results in an individual surrendering clinical privileges 57408
while under investigation and during proceedings regarding the 57409
action being taken or in return for not being investigated or 57410
having proceedings held. "Formal disciplinary action" does not 57411
include any action taken for the sole reason of failure to 57412
maintain records on a timely basis or failure to attend staff or 57413
section meetings. 57414

The filing or nonfiling of a report with the board, 57415
investigation by the board, or any disciplinary action taken by 57416
the board, shall not preclude any action by a health care facility 57417
to suspend, restrict, or revoke the individual's clinical 57418
privileges. 57419

In the absence of fraud or bad faith, no individual or entity 57420
that provides patient records to the board shall be liable in 57421
damages to any person as a result of providing the records. 57422

(B) If any individual authorized to practice under this 57423
chapter or any professional association or society of such 57424
individuals believes that a violation of any provision of this 57425
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 57426
Revised Code, or any rule of the board has occurred, the 57427
individual, association, or society shall report to the board the 57428
information upon which the belief is based. This division does not 57429
require any treatment provider approved by the board under section 57430
4731.25 of the Revised Code or any employee, agent, or 57431
representative of such a provider to make reports with respect to 57432
an impaired practitioner participating in treatment or aftercare 57433
for substance abuse as long as the practitioner maintains 57434

participation in accordance with the requirements of section 57435
4731.25 of the Revised Code, and as long as the treatment provider 57436
or employee, agent, or representative of the provider has no 57437
reason to believe that the practitioner has violated any provision 57438
of this chapter or any rule adopted under it, other than the 57439
provisions of division (B)(26) of section 4731.22 of the Revised 57440
Code. This division does not require reporting by any member of an 57441
impaired practitioner committee established by a health care 57442
facility or by any representative or agent of a committee or 57443
program sponsored by a professional association or society of 57444
individuals authorized to practice under this chapter to provide 57445
peer assistance to practitioners with substance abuse problems 57446
with respect to a practitioner who has been referred for 57447
examination to a treatment program approved by the board under 57448
section 4731.25 of the Revised Code if the practitioner cooperates 57449
with the referral for examination and with any determination that 57450
the practitioner should enter treatment and as long as the 57451
committee member, representative, or agent has no reason to 57452
believe that the practitioner has ceased to participate in the 57453
treatment program in accordance with section 4731.25 of the 57454
Revised Code or has violated any provision of this chapter or any 57455
rule adopted under it, other than the provisions of division 57456
(B)(26) of section 4731.22 of the Revised Code. 57457

(C) Any professional association or society composed 57458
primarily of doctors of medicine and surgery, doctors of 57459
osteopathic medicine and surgery, doctors of podiatric medicine 57460
and surgery, or practitioners of limited branches of medicine that 57461
suspends or revokes an individual's membership for violations of 57462
professional ethics, or for reasons of professional incompetence 57463
or professional malpractice, within sixty days after a final 57464
decision shall report to the board, on forms prescribed and 57465
provided by the board, the name of the individual, the action 57466
taken by the professional organization, and a summary of the 57467

underlying facts leading to the action taken. 57468

The filing of a report with the board or decision not to file 57469
a report, investigation by the board, or any disciplinary action 57470
taken by the board, does not preclude a professional organization 57471
from taking disciplinary action against an individual. 57472

(D) Any insurer providing professional liability insurance to 57473
an individual authorized to practice under this chapter, or any 57474
other entity that seeks to indemnify the professional liability of 57475
such an individual, shall notify the board within thirty days 57476
after the final disposition of any written claim for damages where 57477
such disposition results in a payment exceeding twenty-five 57478
thousand dollars. The notice shall contain the following 57479
information: 57480

(1) The name and address of the person submitting the 57481
notification; 57482

(2) The name and address of the insured who is the subject of 57483
the claim; 57484

(3) The name of the person filing the written claim; 57485

(4) The date of final disposition; 57486

(5) If applicable, the identity of the court in which the 57487
final disposition of the claim took place. 57488

(E) The board may investigate possible violations of this 57489
chapter or the rules adopted under it that are brought to its 57490
attention as a result of the reporting requirements of this 57491
section, except that the board shall conduct an investigation if a 57492
possible violation involves repeated malpractice. As used in this 57493
division, "repeated malpractice" means three or more claims for 57494
medical malpractice within the previous five-year period, each 57495
resulting in a judgment or settlement in excess of twenty-five 57496
thousand dollars in favor of the claimant, and each involving 57497

negligent conduct by the practicing individual. 57498

(F) All summaries, reports, and records received and 57499
maintained by the board pursuant to this section shall be held in 57500
confidence and shall not be subject to discovery or introduction 57501
in evidence in any federal or state civil action involving a 57502
health care professional or facility arising out of matters that 57503
are the subject of the reporting required by this section. The 57504
board may use the information obtained only as the basis for an 57505
investigation, as evidence in a disciplinary hearing against an 57506
individual whose practice is regulated under this chapter, or in 57507
any subsequent trial or appeal of a board action or order. 57508

The board may disclose the summaries and reports it receives 57509
under this section only to health care facility committees within 57510
or outside this state that are involved in credentialing or 57511
recredentialing the individual or in reviewing the individual's 57512
clinical privileges. The board shall indicate whether or not the 57513
information has been verified. Information transmitted by the 57514
board shall be subject to the same confidentiality provisions as 57515
when maintained by the board. 57516

(G) Except for reports filed by an individual pursuant to 57517
division (B) of this section, the board shall send a copy of any 57518
reports or summaries it receives pursuant to this section to the 57519
individual who is the subject of the reports or summaries. The 57520
individual shall have the right to file a statement with the board 57521
concerning the correctness or relevance of the information. The 57522
statement shall at all times accompany that part of the record in 57523
contention. 57524

(H) An individual or entity that, pursuant to this section, 57525
reports to the board or refers an impaired practitioner to a 57526
treatment provider approved by the board under section 4731.25 of 57527
the Revised Code shall not be subject to suit for civil damages as 57528
a result of the report, referral, or provision of the information. 57529

(I) In the absence of fraud or bad faith, no professional 57530
association or society of individuals authorized to practice under 57531
this chapter that sponsors a committee or program to provide peer 57532
assistance to practitioners with substance abuse problems, no 57533
representative or agent of such a committee or program, and no 57534
member of the state medical board shall be held liable in damages 57535
to any person by reason of actions taken to refer a practitioner 57536
to a treatment provider approved under section 4731.25 of the 57537
Revised Code for examination or treatment. 57538

Sec. 4731.225. (A) If the holder of a license or certificate 57539
issued under this chapter violates division (A), (B), or (C) of 57540
section 4731.66 or section 4731.69 of the Revised Code, or if any 57541
other person violates division (B) or (C) of section 4731.66 or 57542
section 4731.69 of the Revised Code, the state medical board, 57543
pursuant to an adjudication under Chapter 119. of the Revised Code 57544
and an affirmative vote of not fewer than six of its members, 57545
shall: 57546

(1) For a first violation, impose a civil penalty of not more 57547
than five thousand dollars; 57548

(2) For each subsequent violation, impose a civil penalty of 57549
not more than twenty thousand dollars and, if the violator is a 57550
license or certificate holder, proceed under division (B)(27) of 57551
section 4731.22 of the Revised Code. 57552

(B)(1) If the holder of a license or certificate issued under 57553
this chapter violates any section of this chapter other than 57554
section 4731.281 or 4731.282 of the Revised Code or the sections 57555
specified in division (A) of this section, or violates any rule 57556
adopted under this chapter, the board may, pursuant to an 57557
adjudication under Chapter 119. of the Revised Code and an 57558
affirmative vote of not fewer than six of its members, impose a 57559
civil penalty. The amount of the civil penalty shall be determined 57560

by the board in accordance with the guidelines adopted under 57561
division (B)(2) of this section. The civil penalty may be in 57562
addition to any other action the board may take under section 57563
4731.22 of the Revised Code. 57564

(2) The board shall adopt and may amend guidelines regarding 57565
the amounts of civil penalties to be imposed under this section. 57566
Adoption or amendment of the guidelines requires the approval of 57567
not fewer than six board members. 57568

Under the guidelines, no civil penalty amount shall exceed 57569
twenty thousand dollars. 57570

(C) Amounts received from payment of civil penalties imposed 57571
under this section shall be deposited by the board in accordance 57572
with section 4731.24 of the Revised Code. Amounts received from 57573
payment of civil penalties imposed for violations of division 57574
(B)(26) of section 4731.22 of the Revised Code shall be used by 57575
the board solely for investigations, enforcement, and compliance 57576
monitoring. 57577

Sec. 4731.23. (A)(1)(a) The state medical board shall 57578
designate one or more attorneys at law who have been admitted to 57579
the practice of law, and who are classified as either 57580
administrative law attorney examiners or as administrative law 57581
attorney examiner administrators under the state job 57582
classification plan adopted under section 124.14 of the Revised 57583
Code, as hearing examiners, subject to Chapter 119. of the Revised 57584
Code, to conduct any hearing which the medical board is empowered 57585
to hold or undertake pursuant to Chapter 119. of the Revised Code. 57586

(b) Notwithstanding the requirement of division (A)(1)(a) of 57587
this section that the board designate as a hearing examiner an 57588
attorney who is classified as either an administrative law 57589
attorney examiner or an administrative law attorney examiner 57590
administrator, the board may, subject to section 127.16 of the 57591

Revised Code, enter into a personal service contract with an 57592
attorney admitted to the practice of law in this state to serve on 57593
a temporary basis as a hearing examiner. 57594

(2) The hearing examiner shall hear and consider the oral and 57595
documented evidence introduced by the parties and issue in writing 57596
proposed findings of fact and conclusions of law to the board for 57597
their consideration within thirty days following the close of the 57598
hearing. 57599

(B) The board shall be given copies of the transcript of the 57600
record hearing and all exhibits and documents presented by the 57601
parties at the hearing. 57602

(C) The board shall, upon the favorable vote of three 57603
members, allow the parties or their counsel the opportunity to 57604
present oral arguments on the proposed findings of fact and 57605
conclusions of law of the hearing examiner prior to the board's 57606
final action. 57607

(D) The board shall render a decision and take action within 57608
sixty days following the receipt of the hearing examiner's 57609
proposed findings of fact and conclusions of law or within any 57610
longer period mutually agreed upon by the board and the license or 57611
certificate holder. 57612

(E) The final decision of the board in any hearing which the 57613
board is empowered to undertake shall be in writing and contain 57614
findings of fact and conclusions of law. Copies of the decision 57615
shall be delivered to the parties personally or by certified mail. 57616
The decision shall be final upon delivery or mailing, except that 57617
the license or certificate holder may appeal in the manner 57618
provided by Chapter 119. of the Revised Code. 57619

Sec. 4731.24. Except as provided in sections 4731.281 and 57620
4731.40 of the Revised Code, all receipts of the state medical 57621

board, from any source, shall be deposited in the state treasury. 57622
The funds shall be deposited to the credit of the state medical 57623
board operating fund, which is hereby created. Except as provided 57624
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 57625
4774.133, and 4778.141 of the Revised Code, all funds deposited 57626
into the state treasury under this section shall be used solely 57627
for the administration and enforcement of this chapter and 57628
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 57629
the Revised Code by the board. 57630

Sec. 4731.25. The state medical board, in accordance with 57631
Chapter 119. of the Revised Code, shall adopt and may amend and 57632
rescind rules establishing standards for approval of physicians 57633
and facilities as treatment providers for impaired practitioners 57634
who are regulated under this chapter or Chapter 4730., 4759., 57635
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 57636
rules shall include standards for both inpatient and outpatient 57637
treatment. The rules shall provide that in order to be approved, a 57638
treatment provider must have the capability of making an initial 57639
examination to determine what type of treatment an impaired 57640
practitioner requires. Subject to the rules, the board shall 57641
review and approve treatment providers on a regular basis. The 57642
board, at its discretion, may withdraw or deny approval subject to 57643
the rules. 57644

An approved impaired practitioner treatment provider shall: 57645

(A) Report to the board the name of any practitioner 57646
suffering or showing evidence of suffering impairment as described 57647
in division (B)(5) of section 4730.25 of the Revised Code, 57648
division (B)(26) of section 4731.22 of the Revised Code, division 57649
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 57650
section 4760.13 of the Revised Code, division (B)(6) of section 57651
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 57652

the Revised Code, or division (B)(6) of section 4778.14 of the 57653
Revised Code who fails to comply within one week with a referral 57654
for examination; 57655

(B) Report to the board the name of any impaired practitioner 57656
who fails to enter treatment within forty-eight hours following 57657
the provider's determination that the practitioner needs 57658
treatment; 57659

(C) Require every practitioner who enters treatment to agree 57660
to a treatment contract establishing the terms of treatment and 57661
aftercare, including any required supervision or restrictions of 57662
practice during treatment or aftercare; 57663

(D) Require a practitioner to suspend practice upon entry 57664
into any required inpatient treatment; 57665

(E) Report to the board any failure by an impaired 57666
practitioner to comply with the terms of the treatment contract 57667
during inpatient or outpatient treatment or aftercare; 57668

(F) Report to the board the resumption of practice of any 57669
impaired practitioner before the treatment provider has made a 57670
clear determination that the practitioner is capable of practicing 57671
according to acceptable and prevailing standards of care; 57672

(G) Require a practitioner who resumes practice after 57673
completion of treatment to comply with an aftercare contract that 57674
meets the requirements of rules adopted by the board for approval 57675
of treatment providers; 57676

(H) Report the identity of any practitioner practicing under 57677
the terms of an aftercare contract to hospital administrators, 57678
medical chiefs of staff, and chairpersons of impaired practitioner 57679
committees of all health care institutions at which the 57680
practitioner holds clinical privileges or otherwise practices. If 57681
the practitioner does not hold clinical privileges at any health 57682
care institution, the treatment provider shall report the 57683

practitioner's identity to the impaired practitioner committee of 57684
the county medical society, osteopathic academy, or podiatric 57685
medical association in every county in which the practitioner 57686
practices. If there are no impaired practitioner committees in the 57687
county, the treatment provider shall report the practitioner's 57688
identity to the president or other designated member of the county 57689
medical society, osteopathic academy, or podiatric medical 57690
association. 57691

(I) Report to the board the identity of any practitioner who 57692
suffers a relapse at any time during or following aftercare. 57693

Any individual authorized to practice under this chapter who 57694
enters into treatment by an approved treatment provider shall be 57695
deemed to have waived any confidentiality requirements that would 57696
otherwise prevent the treatment provider from making reports 57697
required under this section. 57698

In the absence of fraud or bad faith, no person or 57699
organization that conducts an approved impaired practitioner 57700
treatment program, no member of such an organization, and no 57701
employee, representative, or agent of the treatment provider shall 57702
be held liable in damages to any person by reason of actions taken 57703
or recommendations made by the treatment provider or its 57704
employees, representatives, or agents. 57705

Sec. 4731.26. Upon application by the holder of a license or 57706
certificate to practice issued under this chapter, the state 57707
medical board shall issue a duplicate license or certificate to 57708
replace one missing or damaged, to reflect a name change, or for 57709
any other reasonable cause. The fee for a duplicate license or 57710
certificate to practice shall be thirty-five dollars. 57711

Sec. 4731.281. (A)(1) Each person holding a ~~certificate~~ 57712
license issued under this chapter to practice medicine and 57713

surgery, osteopathic medicine and surgery, or podiatric medicine 57714
and surgery wishing to renew that ~~certificate~~ license shall apply 57715
to the board for renewal. Applications shall be submitted to the 57716
board in a manner prescribed by the board. Each application shall 57717
be accompanied by a biennial renewal fee of three hundred five 57718
dollars. Applications shall be submitted according to the 57719
following schedule: 57720

(a) Persons whose last name begins with the letters "A" 57721
through "B," on or before April 1, 2001, and the first day of 57722
April of every odd-numbered year thereafter; 57723

(b) Persons whose last name begins with the letters "C" 57724
through "D," on or before January 1, 2001, and the first day of 57725
January of every odd-numbered year thereafter; 57726

(c) Persons whose last name begins with the letters "E" 57727
through "G," on or before October 1, 2000, and the first day of 57728
October of every even-numbered year thereafter; 57729

(d) Persons whose last name begins with the letters "H" 57730
through "K," on or before July 1, 2000, and the first day of July 57731
of every even-numbered year thereafter; 57732

(e) Persons whose last name begins with the letters "L" 57733
through "M," on or before April 1, 2000, and the first day of 57734
April of every even-numbered year thereafter; 57735

(f) Persons whose last name begins with the letters "N" 57736
through "R," on or before January 1, 2000, and the first day of 57737
January of every even-numbered year thereafter; 57738

(g) Persons whose last name begins with the letter "S," on or 57739
before October 1, 1999, and the first day of October of every 57740
odd-numbered year thereafter; 57741

(h) Persons whose last name begins with the letters "T" 57742
through "Z," on or before July 1, 1999, and the first day of July 57743

of every odd-numbered year thereafter. 57744

The board shall deposit the fee in accordance with section 57745
4731.24 of the Revised Code, except that the board shall deposit 57746
twenty dollars of the fee into the state treasury to the credit of 57747
the physician loan repayment fund created by section 3702.78 of 57748
the Revised Code. 57749

(2) The board shall provide to every person holding a 57750
~~certificate~~ license to practice medicine and surgery, osteopathic 57751
medicine and surgery, or podiatric medicine and surgery, a renewal 57752
notice or may provide the notice to the person through the 57753
secretary of any recognized medical, osteopathic, or podiatric 57754
society, according to the following schedule: 57755

(a) To persons whose last name begins with the letters "A" 57756
through "B," on or before January 1, 2001, and the first day of 57757
January of every odd-numbered year thereafter; 57758

(b) To persons whose last name begins with the letters "C" 57759
through "D," on or before October 1, 2000, and the first day of 57760
October of every even-numbered year thereafter; 57761

(c) To persons whose last name begins with the letters "E" 57762
through "G," on or before July 1, 2000, and the first day of July 57763
of every even-numbered year thereafter; 57764

(d) To persons whose last name begins with the letters "H" 57765
through "K," on or before April 1, 2000, and the first day of 57766
April of every even-numbered year thereafter; 57767

(e) To persons whose last name begins with the letters "L" 57768
through "M," on or before January 1, 2000, and the first day of 57769
January of every even-numbered year thereafter; 57770

(f) To persons whose last name begins with the letters "N" 57771
through "R," on or before October 1, 1999, and the first day of 57772
October of every odd-numbered year thereafter; 57773

(g) To persons whose last name begins with the letter "S," on 57774
or before July 1, 1999, and the first day of July of every 57775
odd-numbered year thereafter; 57776

(h) To persons whose last name begins with the letters "T" 57777
through "Z," on or before April 1, 1999, and the first day of 57778
April of every odd-numbered year thereafter. 57779

(3) Failure of any person to receive a notice of renewal from 57780
the board shall not excuse the person from the requirements 57781
contained in this section. 57782

(4) The board's notice shall inform the applicant of the 57783
renewal procedure. The board shall provide the application for 57784
renewal in a form determined by the board. 57785

(5) The applicant shall provide in the application the 57786
applicant's full name; the applicant's residence address, business 57787
address, and electronic mail address; the number of the 57788
applicant's license certificate to practice; and any other 57789
information required by the board. 57790

(6)(a) Except as provided in division (A)(6)(b) of this 57791
section, in the case of an applicant who prescribes or personally 57792
furnishes opioid analgesics or benzodiazepines, as defined in 57793
section 3719.01 of the Revised Code, the applicant shall certify 57794
to the board whether the applicant has been granted access to the 57795
drug database established and maintained by the state board of 57796
pharmacy pursuant to section 4729.75 of the Revised Code. 57797

(b) The requirement in division (A)(6)(a) of this section 57798
does not apply if any of the following is the case: 57799

(i) The state board of pharmacy notifies the state medical 57800
board pursuant to section 4729.861 of the Revised Code that the 57801
applicant has been restricted from obtaining further information 57802
from the drug database. 57803

(ii) The state board of pharmacy no longer maintains the drug database. 57804
57805

(iii) The applicant does not practice medicine and surgery, 57806
osteopathic medicine and surgery, or podiatric medicine and 57807
surgery in this state. 57808

(c) If an applicant certifies to the state medical board that 57809
the applicant has been granted access to the drug database and the 57810
board finds through an audit or other means that the applicant has 57811
not been granted access, the board may take action under section 57812
4731.22 of the Revised Code. 57813

(7) The applicant shall include with the application a list 57814
of the names and addresses of any clinical nurse specialists, 57815
certified nurse-midwives, or certified nurse practitioners with 57816
whom the applicant is currently collaborating, as defined in 57817
section 4723.01 of the Revised Code. 57818

(8) The applicant shall report any criminal offense to which 57819
the applicant has pleaded guilty, of which the applicant has been 57820
found guilty, or for which the applicant has been found eligible 57821
for intervention in lieu of conviction, since last ~~filing~~ 57822
submitting an application for a ~~certificate~~ license to practice or 57823
renewal of a ~~certificate~~ license. 57824

(9) The applicant shall execute and deliver the application 57825
to the board in a manner prescribed by the board. 57826

(B) The board shall renew a ~~certificate~~ license under this 57827
chapter to practice medicine and surgery, osteopathic medicine and 57828
surgery, or podiatric medicine and surgery upon application and 57829
qualification therefor in accordance with this section. A renewal 57830
shall be valid for a two-year period. 57831

(C) Failure of any ~~certificate~~ license holder to renew and 57832
comply with this section shall operate automatically to suspend 57833
the holder's ~~certificate~~ license to practice and if applicable, 57834

the holder's certificate to recommend issued under section 4731.30 57835
of the Revised Code. Continued practice after the suspension shall 57836
be considered as practicing in violation of section 4731.41, 57837
4731.43, or 4731.60 of the Revised Code. If the ~~certificate~~ 57838
license has been suspended pursuant to this division for two years 57839
or less, it may be reinstated. The board shall reinstate a 57840
~~certificate~~ license to practice suspended for failure to renew 57841
upon an applicant's submission of a renewal application, the 57842
biennial renewal fee, and the applicable monetary penalty. The 57843
penalty for reinstatement shall be one hundred dollars. If the 57844
~~certificate~~ license has been suspended pursuant to this division 57845
for more than two years, it may be restored. Subject to section 57846
4731.222 of the Revised Code, the board may restore a ~~certificate~~ 57847
license to practice suspended for failure to renew upon an 57848
applicant's submission of a restoration application, the biennial 57849
renewal fee, and the applicable monetary penalty and compliance 57850
with sections 4776.01 to 4776.04 of the Revised Code. The board 57851
shall not restore to an applicant a ~~certificate~~ license to 57852
practice unless the board, in its discretion, decides that the 57853
results of the criminal records check do not make the applicant 57854
ineligible for a ~~certificate~~ license issued pursuant to section 57855
4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for 57856
restoration shall be two hundred dollars. The board shall deposit 57857
the penalties in accordance with section 4731.24 of the Revised 57858
Code. Any renewal or restoration of a ~~certificate~~ license to 57859
practice under this section shall operate automatically to renew 57860
the holder's certificate to recommend. 57861

~~(D) If an individual certifies completion of the number of 57862
hours and type of continuing medical education required to renew 57863
or reinstate a certificate to practice, and the board finds 57864
through the random samples it conducts under this section or 57865
through any other means that the individual did not complete the 57866
requisite continuing medical education, the board may impose a 57867~~

~~civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E)~~ The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate license to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

~~(F)~~~~(E)~~ Each mailing sent by the board under division (A)(2) of this section to a person holding a certificate license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

~~(G)~~~~(F)~~ Each person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes not later than thirty days after the change occurs:

(1) A change in the certificate license holder's residence address, business address, or electronic mail address;

(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the

~~certificate~~ license holder is collaborating. 57899

Sec. 4731.282. (A)(1) Except as provided in division (D) of 57900
this section, each person holding a ~~certificate~~ license to 57901
practice medicine and surgery, osteopathic medicine and surgery, 57902
or podiatric medicine and surgery issued by the state medical 57903
board shall complete biennially not less than one hundred hours of 57904
continuing medical education that has been approved by the board. 57905

(2) Each person holding a ~~certificate~~ license to practice 57906
shall be given sufficient choice of continuing education programs 57907
to ensure that the person has had a reasonable opportunity to 57908
participate in continuing education programs that are relevant to 57909
the person's medical practice in terms of subject matter and 57910
level. 57911

(B) In determining whether a course, program, or activity 57912
qualifies for credit as continuing medical education, the board 57913
shall approve all of the following: 57914

(1) Continuing medical education completed by holders of 57915
~~certificates~~ licenses to practice medicine and surgery that is 57916
certified by the Ohio state medical association; 57917

(2) Continuing medical education completed by holders of 57918
~~certificates~~ licenses to practice osteopathic medicine and surgery 57919
that is certified by the Ohio osteopathic association; 57920

(3) Continuing medical education completed by holders of 57921
~~certificates~~ licenses to practice podiatric medicine and surgery 57922
that is certified by the Ohio podiatric medical association. 57923

(C) The board shall approve one or more continuing medical 57924
education courses of study included within the programs certified 57925
by the Ohio state medical association and the Ohio osteopathic 57926
association under divisions (B)(1) and (2) of this section that 57927
assist doctors of medicine and doctors of osteopathic medicine in 57928

both of the following: 57929

(1) Recognizing the signs of domestic violence and its 57930
relationship to child abuse; 57931

(2) Diagnosing and treating chronic pain, as defined in 57932
section 4731.052 of the Revised Code. 57933

(D) The board shall adopt rules providing for pro rata 57934
reductions by month of the number of hours of continuing education 57935
that must be completed for ~~certificate~~ license holders who are in 57936
their first renewal period, have been disabled by illness or 57937
accident, or have been absent from the country. The board shall 57938
adopt the rules in accordance with Chapter 119. of the Revised 57939
Code. 57940

(E) The board may require a random sample of holders of 57941
~~certificates~~ licenses to practice medicine and surgery, 57942
osteopathic medicine and surgery, or podiatric medicine and 57943
surgery to submit materials documenting completion of the required 57944
number of hours of continuing medical education. This division 57945
does not limit the board's authority to conduct investigations 57946
pursuant to section 4731.22 of the Revised Code. 57947

(F) ~~The board may impose a civil penalty of not more than~~ 57948
~~five thousand dollars if~~ (1) If, through a random sample conducted 57949
under division (E) of this section or any other means, ~~it the~~ 57950
board finds that an individual ~~falsely who~~ certified ~~that the~~ 57951
~~individual completed~~ completion of the number of hours and type of 57952
continuing medical education required ~~for renewal of~~ to renew, 57953
reinstate, or restore a certificate license to practice. ~~If the~~ 57954
~~civil penalty is imposed in addition to any other action the board~~ 57955
~~takes~~ did not complete the requisite continuing medical education, 57956
the board may do either of the following: 57957

(a) Take disciplinary action against the individual under 57958
section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, 57959

or both; 57960

(b) Permit the individual to agree in writing to complete the 57961
continuing medical education and pay a civil penalty. 57962

(2) The board's finding in any disciplinary action taken 57963
under division (F)(1)(a) of this section shall be made pursuant to 57964
an adjudication under Chapter 119. of the Revised Code and by an 57965
affirmative vote of not fewer than six of its members. 57966

(3) A civil penalty imposed under this division may be in 57967
addition to or in lieu of any other action the board takes under 57968
section 4731.22 of the Revised Code. paid under division (F)(1)(b) 57969
of this section or imposed under division (F)(1)(a) of this 57970
section shall be in an amount specified by the board of not more 57971
than five thousand dollars. The board shall deposit civil 57972
penalties in accordance with section 4731.24 of the Revised Code. 57973

Sec. 4731.291. (A) An individual seeking to pursue an 57974
internship, residency, or clinical fellowship program in this 57975
state, who does not hold a ~~certificate~~ license to practice 57976
medicine and surgery or osteopathic medicine or surgery issued 57977
under this chapter, shall apply to the state medical board for a 57978
training certificate. The application shall be made on forms that 57979
the board shall furnish and shall be accompanied by an application 57980
fee of seventy-five dollars. 57981

An applicant for a training certificate shall furnish to the 57982
board ~~of~~ all of the following: 57983

(1) Evidence satisfactory to the board that the applicant is 57984
at least eighteen years of age and is of good moral character. 57985

(2) Evidence satisfactory to the board that the applicant has 57986
been accepted or appointed to participate in this state in one of 57987
the following: 57988

(a) An internship or residency program accredited by either 57989

the accreditation council for graduate medical education of the 57990
American medical association or the American osteopathic 57991
association; 57992

(b) A clinical fellowship program at an institution with a 57993
residency program accredited by either the accreditation council 57994
for graduate medical education of the American medical association 57995
or the American osteopathic association that is in a clinical 57996
field the same as or related to the clinical field of the 57997
fellowship program; 57998

(3) Information identifying the beginning and ending dates of 57999
the period for which the applicant has been accepted or appointed 58000
to participate in the internship, residency, or clinical 58001
fellowship program; 58002

(4) Any other information that the board requires. 58003

(B) If no grounds for denying a license or certificate under 58004
section 4731.22 of the Revised Code apply, and the applicant meets 58005
the requirements of division (A) of this section, the board shall 58006
issue a training certificate to the applicant. The board shall not 58007
require an examination as a condition of receiving a training 58008
certificate. 58009

A training certificate issued pursuant to this section shall 58010
be valid only for the period of one year, but may in the 58011
discretion of the board and upon application duly made, be renewed 58012
annually for a maximum of five years. The fee for renewal of a 58013
training certificate shall be thirty-five dollars. 58014

The board shall maintain a register of all individuals who 58015
hold training certificates. 58016

(C) The holder of a valid training certificate shall be 58017
entitled to perform such acts as may be prescribed by or 58018
incidental to the holder's internship, residency, or clinical 58019
fellowship program, but the holder shall not be entitled otherwise 58020

to engage in the practice of medicine and surgery or osteopathic 58021
medicine and surgery in this state. The holder shall limit 58022
activities under the certificate to the programs of the hospitals 58023
or facilities for which the training certificate is issued. The 58024
holder shall train only under the supervision of the physicians 58025
responsible for supervision as part of the internship, residency, 58026
or clinical fellowship program. A 58027

A training certificate may be revoked by the board upon 58028
proof, satisfactory to the board, that the holder thereof has 58029
engaged in practice in this state outside the scope of the 58030
internship, residency, or clinical fellowship program for which 58031
the training certificate has been issued, or upon proof, 58032
satisfactory to the board, that the holder thereof has engaged in 58033
unethical conduct or that there are grounds for action against the 58034
holder under section 4731.22 of the Revised Code. 58035

(D) The board may adopt rules as the board finds necessary to 58036
effect the purpose of this section. 58037

Sec. 4731.292. The state medical board may register, without 58038
examination, persons who are not citizens of the United States, 58039
but who hold the degree of doctor of medicine or the degree of 58040
doctor of osteopathic medicine and surgery, for the purpose of 58041
permitting such persons to practice in hospitals operated by the 58042
state. Registration pursuant to this section permits practice of 58043
medicine or osteopathic medicine and surgery in state operated 58044
institutions under the supervision of the medical staff of such 58045
institution until the next scheduled examination ~~conducted~~ 58046
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 58047
~~Revised Code in its rules.~~ 58048

An applicant for a limited certificate to practice medicine 58049
or osteopathic medicine and surgery shall furnish proof, 58050
satisfactory to the board, that: 58051

(A) ~~He~~ The applicant has filed an application for 58052
naturalization and that such application has not been rejected or 58053
withdrawn, or if not yet eligible to file an application for 58054
naturalization, ~~he~~ the applicant has filed a declaration of 58055
intention to become a citizen of the United States in an 58056
appropriate court of record. 58057

(B) ~~He~~ The applicant has successfully passed the educational 58058
council for foreign medical graduates test. 58059

(C) ~~He~~ The applicant is at least eighteen years of age and of 58060
good moral character. 58061

(D) ~~He~~ The applicant is a graduate of a medical or 58062
osteopathic school or college which is reputable and in good 58063
standing in the judgment of the board. 58064

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 58065
and training within the physical confines of the institution for 58066
which the limited certificate to practice is granted. 58067

(F) The medical staff of the institution for which the 58068
limited certificate to practice is granted has approved in writing 58069
~~his~~ the applicant's application for such certificate. 58070

(G) ~~He~~ The applicant will practice medicine or osteopathic 58071
medicine and surgery only under the supervision of the attending 58072
medical staff of the institution for which the limited certificate 58073
is granted. 58074

(H) ~~He~~ The applicant has made application to take the state 58075
medical board examination as provided by this section. 58076

Registration pursuant to this section shall be valid until 58077
such time as the applicant takes the state medical board 58078
examination. If the applicant passes the examination, ~~he~~ the 58079
applicant shall then be granted a limited certificate to practice 58080
medicine or osteopathic medicine and surgery. A holder of a 58081

limited certificate to practice, upon completion of the requisite 58082
training and upon receipt of his United States citizenship, shall 58083
be entitled to receive an unlimited ~~certificate~~ license to 58084
practice. 58085

A limited certificate to practice issued pursuant to this 58086
section shall be valid for a period of one year only, but may be 58087
renewed, in the discretion of the board and upon application duly 58088
made, annually, with the written approval of the medical staff of 58089
the institution for which the limited certificate to practice has 58090
been issued, but no limited certificate shall be renewed more than 58091
four times. The fee to be paid to the board for the issuances of 58092
the pre-examination registration permit to engage in limited 58093
practice shall be one hundred dollars; the fee to be paid for each 58094
renewal of a limited certificate shall be ten dollars. 58095

An applicant for a limited certificate to practice must take 58096
~~the an examination conducted under section 4731.13 of the Revised~~ 58097
~~Code~~ prescribed by the board in its rules at the first reasonable 58098
opportunity. Failure to take the examination at the first 58099
reasonable opportunity authorizes the termination of the 58100
pre-examination registration permit to engage in a limited 58101
practice as defined in this section. 58102

The holder of a valid limited certificate to practice may 58103
engage in the practice of medicine and surgery or osteopathic 58104
medicine and surgery only under the supervision of a member of the 58105
medical staff of the institution for which the limited certificate 58106
to practice has been issued, and only within physical confines of 58107
the institution so named. A limited certificate to practice may be 58108
revoked by the board upon proof, satisfactory to the board, that 58109
the holder thereof has engaged in the practice of medicine and 58110
surgery or osteopathic medicine and surgery in this state outside 58111
the scope of ~~his~~ the holder's certificate, or upon proof that the 58112
holder thereof has engaged in unethical conduct or has violated 58113

section 4731.22 of the Revised Code. 58114

The board may promulgate such additional rules and 58115
regulations as the board finds necessary to effect the purpose of 58116
this section. 58117

Sec. 4731.294. (A) The state medical board may issue, without 58118
examination, a special activity certificate to any person seeking 58119
to practice medicine and surgery or osteopathic medicine and 58120
surgery in conjunction with a special activity, program, or event 58121
taking place in this state. 58122

(B) An applicant for a special activity certificate shall 58123
hold a telemedicine certificate issued under section 4731.296 of 58124
the Revised Code or submit evidence satisfactory to the board of 58125
all of the following: 58126

(1) The applicant holds a current, unrestricted license to 58127
practice medicine and surgery or osteopathic medicine and surgery 58128
issued by another state or country and that within the two-year 58129
period immediately preceding application, the applicant has done 58130
one of the following: 58131

(a) Actively practiced medicine and surgery or osteopathic 58132
medicine and surgery in the United States; 58133

(b) Participated in a graduate medical education program 58134
accredited by either the accreditation council for graduate 58135
medical education of the American medical association or the 58136
American osteopathic association; 58137

(c) Successfully passed the federation licensing examination 58138
established by the federation of state medical boards, a special 58139
examination established by the federation of state medical boards, 58140
or all parts of a standard medical licensing examination 58141
established for purposes of determining the competence of 58142
individuals to practice medicine and surgery or osteopathic 58143

medicine and surgery in the United States. 58144

(2) The applicant meets the same educational requirements 58145
that individuals must meet under sections 4731.09, ~~4731.091~~, and 58146
4731.14 of the Revised Code. 58147

(3) The applicant's practice in conjunction with the special 58148
activity, program, or event will be in the public interest. 58149

(C) The applicant shall pay a fee of one hundred twenty-five 58150
dollars unless the applicant holds a telemedicine certificate 58151
issued under section 4731.296 of the Revised Code. If the 58152
applicant holds a telemedicine certificate, the board shall not 58153
charge a fee for issuing a certificate under this section. The 58154
board shall maintain a register of all persons who hold a special 58155
activity certificate. 58156

(D) The holder of a special activity certificate may practice 58157
medicine and surgery or osteopathic medicine and surgery only in 58158
conjunction with the special activity, event, or program for which 58159
the certificate is issued. The board may revoke a certificate on 58160
receiving proof satisfactory to the board that the holder of the 58161
certificate has engaged in practice in this state outside the 58162
scope of the certificate or that there are grounds for action 58163
against the certificate holder under section 4731.22 of the 58164
Revised Code. 58165

(E) A special activity certificate is valid for the shorter 58166
of thirty days or the duration of the special activity, program, 58167
or event. The certificate may not be renewed. 58168

(F) The state medical board shall adopt rules in accordance 58169
with Chapter 119. of the Revised Code that specify how often an 58170
applicant may be granted a certificate under this section. 58171

Sec. 4731.295. (A)(1) As used in this section: 58172

(a) "Free clinic" has the same meaning as in section 3701.071 58173

of the Revised Code. 58174

(b) "Indigent and uninsured person" and "operation" have the 58175
same meanings as in section 2305.234 of the Revised Code. 58176

(2) For the purposes of this section, a person shall be 58177
considered retired from practice if the person's license ~~or~~ 58178
~~certificate~~ has expired with the person's intention of ceasing to 58179
practice medicine and surgery or osteopathic medicine and surgery 58180
for remuneration. 58181

(B) The state medical board may issue, without examination, a 58182
volunteer's certificate to a person who is retired from practice 58183
so that the person may provide medical services to indigent and 58184
uninsured persons at any location, including a free clinic. The 58185
board shall deny issuance of a volunteer's certificate to a person 58186
who is not qualified under this section to hold a volunteer's 58187
certificate. 58188

(C) An application for a volunteer's certificate shall 58189
include all of the following: 58190

(1) A copy of the applicant's degree of medicine or 58191
osteopathic medicine. 58192

(2) One of the following, as applicable: 58193

(a) A copy of the applicant's most recent license ~~or~~ 58194
~~certificate~~ authorizing the practice of medicine and surgery or 58195
osteopathic medicine and surgery issued by a jurisdiction in the 58196
United States that licenses persons to practice medicine and 58197
surgery or osteopathic medicine and surgery. 58198

(b) A copy of the applicant's most recent license equivalent 58199
to a license to practice medicine and surgery or osteopathic 58200
medicine and surgery in one or more branches of the United States 58201
armed services that the United States government issued. 58202

(3) Evidence of one of the following, as applicable: 58203

(a) That the applicant has maintained for at least ten years 58204
prior to retirement full licensure in good standing in any 58205
jurisdiction in the United States that licenses persons to 58206
practice medicine and surgery or osteopathic medicine and surgery. 58207

(b) That the applicant has practiced for at least ten years 58208
prior to retirement in good standing as a doctor of medicine and 58209
surgery or osteopathic medicine and surgery in one or more of the 58210
branches of the United States armed services. 58211

(4) A notarized statement from the applicant, on a form 58212
prescribed by the board, that the applicant will not accept any 58213
form of remuneration for any medical services rendered while in 58214
possession of a volunteer's certificate. 58215

(D) The holder of a volunteer's certificate may provide 58216
medical services only to indigent and uninsured persons, but may 58217
do so at any location, including a free clinic. The holder shall 58218
not accept any form of remuneration for providing medical services 58219
while in possession of the certificate. Except in a medical 58220
emergency, the holder shall not perform any operation or deliver 58221
babies. The board may revoke a volunteer's certificate on 58222
receiving proof satisfactory to the board that the holder has 58223
engaged in practice in this state outside the scope of the 58224
certificate. 58225

(E)(1) A volunteer's certificate shall be valid for a period 58226
of three years, unless earlier revoked under division (D) of this 58227
section or pursuant to section 4731.22 of the Revised Code. A 58228
volunteer's certificate may be renewed upon the application of the 58229
holder. The board shall maintain a register of all persons who 58230
hold volunteer's certificates. The board shall not charge a fee 58231
for issuing or renewing a certificate pursuant to this section. 58232

(2) To be eligible for renewal of a volunteer's certificate 58233
the holder of the certificate shall certify to the board 58234

completion of one hundred fifty hours of continuing medical 58235
education that meets the requirements of section 4731.282 of the 58236
Revised Code regarding certification by private associations and 58237
approval by the board. The board may not renew a certificate if 58238
the holder has not complied with the continuing medical education 58239
requirements. Any entity for which the holder provides medical 58240
services may pay for or reimburse the holder for any costs 58241
incurred in obtaining the required continuing medical education 58242
credits. 58243

(3) The board shall issue a volunteer's certificate to each 58244
person who qualifies under this section for the certificate. The 58245
certificate shall state that the certificate holder is authorized 58246
to provide medical services pursuant to the laws of this state. 58247
The holder shall display the certificate prominently at the 58248
location where the holder primarily practices. 58249

(4) The holder of a volunteer's certificate issued pursuant 58250
to this section is subject to the immunity provisions regarding 58251
the provision of services to indigent and uninsured persons in 58252
section 2305.234 of the Revised Code. 58253

(F) The board shall adopt rules in accordance with Chapter 58254
119. of the Revised Code to administer and enforce this section. 58255

Sec. 4731.296. (A) For the purposes of this section, "the 58256
practice of telemedicine" means the practice of medicine in this 58257
state through the use of any communication, including oral, 58258
written, or electronic communication, by a physician located 58259
outside this state. 58260

(B) A person who wishes to practice telemedicine in this 58261
state shall file an application with the state medical board, 58262
together with a fee ~~in the amount of the fee described in division~~ 58263
~~(D) of section 4731.29 of the Revised Code~~ three hundred five 58264
dollars and shall comply with sections 4776.01 to 4776.04 of the 58265

Revised Code. If the board, in its discretion, decides that the results of the criminal records check do not make the person ineligible for a telemedicine certificate, the board may issue, without examination, a telemedicine certificate to a person who meets all of the following requirements:

(1) The person holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state that requires license holders to complete at least fifty hours of continuing medical education every two years.

(2) The person's principal place of practice is in that state.

(3) The person does not hold a ~~certificate~~ license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state.

(4) The person meets the same age, moral character, and educational requirements individuals must meet under sections ~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with ~~division (E) of section 4731.29~~ 4731.142 of the Revised Code.

(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code.

(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of

the certificate or that there are grounds for action against the 58297
holder under section 4731.22 of the Revised Code. 58298

(E) A telemedicine certificate shall be valid for a period 58299
specified by the board, and the initial renewal shall be in 58300
accordance with a schedule established by the board. Thereafter, 58301
the certificate shall be valid for two years. A certificate may be 58302
renewed on application of the holder. 58303

To be eligible for renewal, the holder of the certificate 58304
shall do both of the following: 58305

(1) Pay a fee in the amount of the fee described in division 58306
(A)(1) of section 4731.281 of the Revised Code; 58307

(2) Certify to the board compliance with the continuing 58308
medical education requirements of the state in which the holder's 58309
principal place of practice is located. 58310

The board may require a random sample of persons holding a 58311
telemedicine certificate to submit materials documenting 58312
completion of the continuing medical education requirements 58313
described in this division. 58314

(F) The board shall convert a telemedicine certificate to a 58315
certificate license issued under section ~~4731.29~~ 4731.14 of the 58316
Revised Code on receipt of a written request from the certificate 58317
holder. Once the telemedicine certificate is converted, the holder 58318
is subject to all requirements and privileges attendant to a 58319
certificate license issued under section ~~4731.29~~ 4731.14 of the 58320
Revised Code, including continuing medical education requirements. 58321

Sec. 4731.298. (A) The state medical board shall issue, 58322
without examination, to an applicant who meets the requirements of 58323
this section a visiting clinical professional development 58324
certificate authorizing the practice of medicine and surgery or 58325
osteopathic medicine and surgery as part of the applicant's 58326

participation in a clinical professional development program. 58327

(B) To be eligible for a visiting clinical professional 58328
development certificate, an applicant shall provide to the board 58329
both of the following: 58330

(1) Documentation satisfactory to the board of all of the 58331
following: 58332

(a) Verification from the school or hospital conducting the 58333
program that the applicant has sufficient financial resources to 58334
support the applicant and any dependents based on the cost of 58335
living in the geographic area of the school or hospital conducting 58336
the program, including room, board, transportation, and related 58337
living expenses; 58338

(b) Valid health and evacuation insurance for the duration of 58339
the applicant's stay in the United States; 58340

(c) Professional liability insurance provided by the program 58341
or the school or hospital conducting the program for the duration 58342
of the applicant's participation in the program; 58343

(d) Proficiency in spoken English as demonstrated by passing 58344
the examination described in section 4731.142 of the Revised Code; 58345

(e) A description from the school or hospital conducting the 58346
program of the scope of medical or surgical activities permitted 58347
during the applicant's participation in the program that includes 58348
all of the following: 58349

(i) The type of practice in which the applicant will be 58350
involved; 58351

(ii) The type of patient contact that will occur; 58352

(iii) The type of supervision the applicant will experience; 58353

(iv) A list of procedures the applicant will learn; 58354

(v) A list of any patient-based research projects in which 58355

the applicant will be involved; 58356

(vi) Whether the applicant will act as a consultant to a 58357
person who holds a ~~certificate~~ license to practice medicine and 58358
surgery or osteopathic medicine and surgery issued under this 58359
chapter; 58360

(vii) Any other details of the applicant's participation in 58361
the program. 58362

(f) A statement from the school or hospital conducting the 58363
program regarding why the applicant needs advanced training and 58364
the benefits to the applicant's home country of the applicant 58365
receiving the training. 58366

(2) Evidence satisfactory to the board that the applicant 58367
meets all of the following requirements: 58368

(a) Has been accepted for participation in a clinical 58369
professional development program of a medical school or 58370
osteopathic medical school in this state that is accredited by the 58371
liaison committee on medical education or the American osteopathic 58372
association or of a teaching hospital affiliated with such a 58373
medical school; 58374

(b) Is an international medical graduate who holds a medical 58375
degree from an educational institution listed in the international 58376
medical education directory; 58377

(c) Has practiced medicine and surgery or osteopathic 58378
medicine and surgery for at least five years after completing 58379
graduate medical education, including postgraduate residency and 58380
advanced training; 58381

(d) Has credentials that are primary-source verified by the 58382
educational commission for foreign medical graduates or the 58383
federation credentials verification service; 58384

(e) Holds a current, unrestricted license to practice 58385

medicine and surgery or osteopathic medicine and surgery issued in another country;	58386 58387
(f) Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;	58388 58389
(g) Agrees to return to the applicant's home state or country at the conclusion of the clinical professional development program.	58390 58391 58392
(C) The applicant shall pay a fee of three hundred seventy-five dollars. The board shall maintain a register of all persons who hold visiting clinical professional development certificates.	58393 58394 58395 58396
(D) The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of a qualified faculty member of the medical school, osteopathic medical school, or teaching hospital conducting the program who holds a ~~certificate~~ <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.	58397 58398 58399 58400 58401 58402 58403 58404 58405 58406
The program in which the certificate holder participates shall ensure that the certificate holder does not do any of the following:	58407 58408 58409
(1) Write orders or prescribe medication;	58410
(2) Bill for services performed;	58411
(3) Occupy a residency or fellowship position approved by the accreditation council for graduate medical education;	58412 58413
(4) Attempt to have participation in a clinical professional development program pursuant to this section counted toward	58414 58415

meeting the graduate medical education requirements specified in 58416
section ~~4731.091~~ 4731.09 of the Revised Code. 58417

(E) The board may revoke a certificate issued under this 58418
section on receiving proof satisfactory to the board that the 58419
certificate holder has engaged in practice in this state outside 58420
the scope of the certificate or that there are grounds for action 58421
against the certificate holder under section 4731.22 of the 58422
Revised Code. 58423

(F) A visiting clinical professional development certificate 58424
is valid for the shorter of one year or the duration of the 58425
program in which the holder is participating. The certificate 58426
ceases to be valid if the holder resigns or is otherwise 58427
terminated from the program. The certificate may not be extended. 58428

(G) The program in which a certificate holder participates 58429
shall obtain from each patient or patient's parent or legal 58430
guardian written consent to any medical or surgical procedure or 58431
course of procedures in which the certificate holder participates. 58432

(H) The board may adopt any rules it considers necessary to 58433
implement this section. The rules shall be adopted in accordance 58434
with Chapter 119. of the Revised Code. 58435

Sec. 4731.299. (A) The state medical board may issue, without 58436
examination, to an applicant who meets all of the requirements of 58437
this section an expedited ~~certificate~~ license to practice medicine 58438
and surgery or osteopathic medicine and surgery by endorsement. 58439
58440

(B) An individual who seeks an expedited ~~certificate to~~ 58441
~~practice medicine and surgery or osteopathic medicine and surgery~~ 58442
license by endorsement shall file with the board a written 58443
application on a form prescribed and supplied by the board. The 58444
application shall include all of the information the board 58445

considers necessary to process it. 58446

(C) To be eligible to receive an expedited ~~certificate~~ 58447
license by endorsement, an applicant shall do both of the 58448
following: 58449

(1) Provide evidence satisfactory to the board that the 58450
applicant meets all of the following requirements: 58451

(a) Has passed one of the following: 58452

(i) Steps one, two, and three of the United States medical 58453
licensing examination; 58454

(ii) Levels one, two, and three of the comprehensive 58455
osteopathic medical licensing examination of the United States; 58456

(iii) Any other medical licensing examination recognized by 58457
the board. 58458

(b) For at least five years immediately preceding the date of 58459
application, has held a current, unrestricted license to practice 58460
medicine and surgery or osteopathic medicine and surgery issued by 58461
the licensing authority of another state or a Canadian province; 58462

(c) For at least two years immediately preceding the date of 58463
application, has actively practiced medicine and surgery or 58464
osteopathic medicine and surgery in a clinical setting; 58465

(d) Is in compliance with the medical education and training 58466
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the 58467
Revised Code. 58468

(2) Certify to the board that all of the following are the 58469
case: 58470

(a) Not more than two malpractice claims have been filed 58471
against the applicant within a period of ten years and no 58472
malpractice claim against the applicant has resulted in total 58473
payment of more than five hundred thousand dollars. 58474

(b) The applicant does not have a criminal record according 58475
to the criminal records check required by section ~~4731.081~~ 4731.08 58476
of the Revised Code. 58477

(c) The applicant does not have a medical condition that 58478
could affect the applicant's ability to practice according to 58479
acceptable and prevailing standards of care. 58480

(d) No adverse action has been taken against the applicant by 58481
a health care institution. 58482

(e) To the applicant's knowledge, no federal agency, medical 58483
society, medical association, or branch of the United States 58484
military has investigated or taken action against the applicant. 58485

(f) No professional licensing or regulatory authority has 58486
filed a complaint against, investigated, or taken action against 58487
the applicant and the applicant has not withdrawn a professional 58488
license application. 58489

(g) The applicant has not been suspended or expelled from any 58490
institution of higher education or school, including a medical 58491
school. 58492

(D) An applicant for an expedited ~~certificate~~ license by 58493
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 58494
Revised Code. 58495

(E) At the time of application, the applicant shall pay to 58496
the board a fee of one thousand dollars, no part of which shall be 58497
returned. No application shall be considered filed until the board 58498
receives the fee. 58499

(F) The secretary and supervising member of the board shall 58500
review all applications received under this section. 58501

If the secretary and supervising member determine that an 58502
applicant meets the requirements for an expedited ~~certificate to~~ 58503
~~practice medicine and surgery or osteopathic medicine and surgery~~ 58504

license by endorsement, the board shall issue the ~~certificate~~ 58505
license to the applicant. 58506

If the secretary and supervising member determine that an 58507
applicant does not meet the requirements for an expedited 58508
~~certificate to practice medicine and surgery or osteopathic~~ 58509
~~medicine and surgery~~ license by endorsement, the application shall 58510
be treated as an application under section ~~4731.08~~ 4731.09 of the 58511
Revised Code. 58512

(G) Each ~~certificate~~ license issued by the board under this 58513
section shall be signed by the president and secretary of the 58514
board and attested by the board's seal. 58515

(H) Within sixty days after September 29, 2013, the board 58516
shall approve acceptable means of demonstrating compliance with 58517
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 58518
required by division (C)(1)(d) of this section. 58519

Sec. 4731.341. (A) The practice of medicine in all of its 58520
branches or the treatment of human ailments without the use of 58521
drugs or medicines and without operative surgery by any person not 58522
at that time holding a valid and current license or certificate as 58523
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 58524
hereby declared to be inimical to the public welfare and to 58525
constitute a public nuisance. 58526

(B) The attorney general, the prosecuting attorney of any 58527
county in which the offense was committed or the offender resides, 58528
the state medical board, or any other person having knowledge of a 58529
person who either directly or by complicity is in violation of 58530
division (A) of this section, may on or after January 1, 1969, in 58531
accord with provisions of the Revised Code governing injunctions, 58532
maintain an action in the name of the state to enjoin any person 58533
from engaging either directly or by complicity in the unlawful 58534
activity by applying for an injunction in the Franklin county 58535

court of common pleas or any other court of competent jurisdiction. 58536
58537

Prior to application for such injunction, the secretary of 58538
the state medical board shall notify the person allegedly engaged 58539
either directly or by complicity in the unlawful activity by 58540
registered mail that the secretary has received information 58541
indicating that this person is so engaged. Said person shall 58542
answer the secretary within thirty days showing either that the 58543
person is ~~either~~ properly licensed or certified for the stated 58544
activity or that the person is not in violation of Chapter 4723. 58545
or 4731. of the Revised Code. If the answer is not forthcoming 58546
within thirty days after notice by the secretary, the secretary 58547
shall request that the attorney general, the prosecuting attorney 58548
of the county in which the offense was committed or the offender 58549
resides, or the state medical board proceed as authorized in this 58550
section. 58551

Upon the filing of a verified petition in court, the court 58552
shall conduct a hearing on the petition and shall give the same 58553
preference to this proceeding as is given all proceedings under 58554
Chapter 119. of the Revised Code, irrespective of the position of 58555
the proceeding on the calendar of the court. 58556

Such injunction proceedings shall be in addition to, and not 58557
in lieu of, all penalties and other remedies provided in Chapters 58558
4723. and 4731. of the Revised Code. 58559

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised 58560
Code shall not prohibit service in case of emergency, domestic 58561
administration of family remedies, or provision of assistance to 58562
another individual who is self-administering drugs. 58563

Sections 4731.01 to 4731.47 of the Revised Code shall not 58564
apply to any of the following: 58565

(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties;

(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry;

(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies:

(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis.

(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation.

(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code.

(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient

for the same condition; 58597

(5) A physician or surgeon residing on the border of a 58598
contiguous state and authorized under the laws thereof to practice 58599
medicine and surgery therein, whose practice extends within the 58600
limits of this state. Such practitioner shall not either in person 58601
or through the use of any communication, including oral, written, 58602
or electronic communication, open an office or appoint a place to 58603
see patients or receive calls within the limits of this state. 58604

(6) A board, committee, or corporation engaged in the conduct 58605
described in division (A) of section 2305.251 of the Revised Code 58606
when acting within the scope of the functions of the board, 58607
committee, or corporation; 58608

(7) The conduct of an independent review organization 58609
accredited by the superintendent of insurance under section 58610
3922.13 of the Revised Code for the purpose of external reviews 58611
conducted under Chapter 3922. of the Revised Code. 58612

As used in division (A)(1) of this section, "armed forces of 58613
the United States" means the army, air force, navy, marine corps, 58614
coast guard, and any other military service branch that is 58615
designated by congress as a part of the armed forces of the United 58616
States. 58617

(B)(1) Subject to division (B)(2) of this section, this 58618
chapter does not apply to a person who holds a current, 58619
unrestricted license to practice medicine and surgery or 58620
osteopathic medicine and surgery in another state when the person, 58621
pursuant to a written agreement with an athletic team located in 58622
the state in which the person holds the license, provides medical 58623
services to any of the following while the team is traveling to or 58624
from or participating in a sporting event in this state: 58625

(a) A member of the athletic team; 58626

(b) A member of the athletic team's coaching, communications, 58627

equipment, or sports medicine staff; 58628

(c) A member of a band or cheerleading squad accompanying the 58629
athletic team; 58630

(d) The athletic team's mascot. 58631

(2) In providing medical services pursuant to division (B)(1) 58632
of this section, the person shall not provide medical services at 58633
a health care facility, including a hospital, an ambulatory 58634
surgical facility, or any other facility in which medical care, 58635
diagnosis, or treatment is provided on an inpatient or outpatient 58636
basis. 58637

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 58638
apply to any graduate of a podiatric school or college while 58639
performing those acts that may be prescribed by or incidental to 58640
participation in an accredited podiatric internship, residency, or 58641
fellowship program situated in this state approved by the state 58642
medical board. 58643

(D) This chapter does not apply to an oriental medicine 58644
practitioner or acupuncturist who complies with Chapter 4762. of 58645
the Revised Code. 58646

(E) This chapter does not prohibit the administration of 58647
drugs by any of the following: 58648

(1) An individual who is licensed or otherwise specifically 58649
authorized by the Revised Code to administer drugs; 58650

(2) An individual who is not licensed or otherwise 58651
specifically authorized by the Revised Code to administer drugs, 58652
but is acting pursuant to the rules for delegation of medical 58653
tasks adopted under section 4731.053 of the Revised Code; 58654

(3) An individual specifically authorized to administer drugs 58655
pursuant to a rule adopted under the Revised Code that is in 58656
effect on April 10, 2001, as long as the rule remains in effect, 58657

specifically authorizing an individual to administer drugs. 58658

(F) The exemptions described in divisions (A)(3), (4), and 58659
(5) of this section do not apply to a physician or surgeon whose 58660
~~certificate~~ license to practice issued under this chapter is under 58661
suspension or has been revoked or permanently revoked by action of 58662
the state medical board. 58663

Sec. 4731.41. (A) No person shall practice medicine and 58664
surgery, or any of its branches, without the appropriate license 58665
or certificate from the state medical board to engage in the 58666
practice. No person shall advertise or claim to the public to be a 58667
practitioner of medicine and surgery, or any of its branches, 58668
without a license or certificate from the board. No person shall 58669
open or conduct an office or other place for such practice without 58670
a license or certificate from the board. No person shall conduct 58671
an office in the name of some person who has a license or 58672
certificate to practice medicine and surgery, or any of its 58673
branches. No person shall practice medicine and surgery, or any of 58674
its branches, after the person's license or certificate has been 58675
revoked, or, if suspended, during the time of such suspension. 58676

A license or certificate signed by the secretary of the board 58677
to which is affixed the official seal of the board to the effect 58678
that it appears from the records of the board that no such license 58679
or certificate to practice medicine and surgery, or any of its 58680
branches, in this state has been issued to the person specified 58681
therein, or that a license or certificate to practice, if issued, 58682
has been revoked or suspended, shall be received as prima-facie 58683
evidence of the record of the board in any court or before any 58684
officer of the state. 58685

(B) No license or certificate from the state medical board is 58686
required by a physician who comes into this state to practice 58687
medicine at a free-of-charge camp accredited by the SeriousFun 58688

children's network that specializes in providing therapeutic 58689
recreation, as defined in section 2305.231 of the Revised Code, 58690
for individuals with chronic illnesses as long as all of the 58691
following apply: 58692

(1) The physician provides documentation to the medical 58693
director of the camp that the physician is licensed and in good 58694
standing to practice medicine in another state; 58695

(2) The physician provides services only at the camp or in 58696
connection with camp events or camp activities that occur off the 58697
grounds of the camp; 58698

(3) The physician receives no compensation for the services; 58699

(4) The physician provides those services within this state 58700
for not more than thirty days per calendar year; 58701

(5) The camp has a medical director who holds an unrestricted 58702
license to practice medicine issued in accordance with division 58703
(A) of this section. 58704

Sec. 4731.43. No person shall announce or advertise ~~himself~~ 58705
that person as an osteopathic physician and surgeon, or shall 58706
practice as such, without a ~~certificate~~ license from the state 58707
medical board or without complying with all the provisions of law 58708
relating to such practice, or shall practice after such 58709
~~certificate~~ license has been revoked, or if suspended, during the 58710
time of such suspension. 58711

A ~~certificate~~ license certified by the secretary, under the 58712
official seal of the said board to the effect that it appears from 58713
the records of the board that no ~~certificate~~ license to practice 58714
osteopathic medicine and surgery has been issued to any person 58715
specified therein, or that a ~~certificate~~ license, if issued, has 58716
been revoked or suspended shall be received as prima-facie 58717
evidence of the record in any court or before any officer of the 58718

state. 58719

Sec. 4731.531. In addition to any other eligibility 58720
requirement set forth in this chapter, each applicant for a 58721
~~certificate~~ license to practice podiatric medicine and surgery 58722
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 58723
The state medical board shall not grant to an applicant a 58724
~~certificate~~ license to practice podiatric medicine and surgery 58725
unless the board, in its discretion, decides that the results of 58726
the criminal records check do not make the applicant ineligible 58727
for a ~~certificate~~ license issued pursuant to section 4731.56 or 58728
4731.57 of the Revised Code. 58729

Sec. 4731.55. The examinations of applicants for ~~certificates~~ 58730
licenses to practice podiatric medicine and surgery shall be 58731
conducted under rules prescribed by the state medical board. An 58732
applicant who holds the degree of doctor of podiatric medicine 58733
shall be examined in subjects pertinent to current podiatric 58734
educational standards. 58735

Sec. 4731.56. The state medical board shall issue its 58736
~~certificate~~ license to practice podiatric medicine and surgery to 58737
each applicant who passes the examination conducted under section 58738
4731.55 of the Revised Code and has paid the treasurer of the 58739
state medical board a ~~certificate~~ license issuance fee of three 58740
hundred dollars. Each ~~certificate~~ license shall be signed by the 58741
board's president and secretary and attested by its seal. An 58742
affirmative vote of not less than six members of the state medical 58743
board is required for issuance of a ~~certificate~~ license. 58744

A ~~certificate~~ license authorizing the practice of podiatric 58745
medicine and surgery permits the holder the use of the title 58746
"physician" or the use of the title "surgeon" when the title is 58747
qualified by letters or words showing that the holder of the 58748

~~certificate~~ license is a practitioner of podiatric medicine and 58749
surgery. The ~~certificate~~ license shall be prominently displayed in 58750
the ~~certificate~~ license holder's office or the place where a major 58751
portion of the ~~certificate~~ license holder's practice is conducted. 58752

Sec. 4731.57. When a podiatrist licensed by the licensing 58753
authority of another state wishes to remove to this state to 58754
practice the podiatrist's profession, the state medical board may, 58755
in its discretion, by an affirmative vote of not less than six of 58756
its members, issue to the applicant a ~~certificate~~ license to 58757
practice podiatric medicine and surgery without requiring the 58758
applicant to submit to examination, provided the applicant meets 58759
the requirements for entrance set forth in section 4731.53 of the 58760
Revised Code and pays a fee of three hundred dollars. Application 58761
shall be made on a form prescribed by the board. 58762

Sec. 4731.571. The state medical board may, upon an 58763
affirmative vote of not less than six members, issue a ~~certificate~~ 58764
license to practice podiatry by endorsement to an applicant who 58765
has successfully passed the written examination of a recognized 58766
national certifying agency in podiatry; provided the written 58767
examination of the certifying agency was, in the opinion of the 58768
board, equivalent to its own examination, and provided further 58769
that the applicant satisfies in all other respects, the 58770
requirements for a license as set forth in sections 4731.51 to 58771
4731.60 of the Revised Code. Such application to the board shall 58772
be accompanied by an application fee of three hundred dollars. 58773

Sec. 4731.573. (A) An individual seeking to pursue an 58774
internship, residency, or clinical fellowship program in podiatric 58775
medicine and surgery in this state, who does not hold a 58776
~~certificate~~ license to practice podiatric medicine and surgery 58777
issued under this chapter, shall apply to the state medical board 58778

for a training certificate. The application shall be made on forms 58779
that the board shall furnish and shall be accompanied by an 58780
application fee of seventy-five dollars. 58781

An applicant for a training certificate shall furnish to the 58782
board all of the following: 58783

(1) Evidence satisfactory to the board that the applicant is 58784
at least eighteen years of age and is of good moral character; 58785

(2) Evidence satisfactory to the board that the applicant has 58786
been accepted or appointed to participate in this state in one of 58787
the following: 58788

(a) An internship or residency program accredited by either 58789
the council on podiatric medical education or the American 58790
podiatric medical association; 58791

(b) A clinical fellowship program at an institution with a 58792
residency program accredited by either the council on podiatric 58793
medical education or the American podiatric medical association 58794
that is in a clinical field the same as or related to the clinical 58795
field of the fellowship program. 58796

(3) Information identifying the beginning and ending dates of 58797
the period for which the applicant has been accepted or appointed 58798
to participate in the internship, residency, or clinical 58799
fellowship program; 58800

(4) Any other information that the board requires. 58801

(B) If no grounds for denying a license or certificate under 58802
section 4731.22 of the Revised Code apply and the applicant meets 58803
the requirements of division (A) of this section, the board shall 58804
issue a training certificate to the applicant. The board shall not 58805
require an examination as a condition of receiving a training 58806
certificate. 58807

A training certificate issued pursuant to this section shall 58808

be valid only for the period of one year, but may in the 58809
discretion of the board and upon application duly made, be renewed 58810
annually for a maximum of five years. The fee for renewal of a 58811
training certificate shall be thirty-five dollars. 58812

The board shall maintain a register of all individuals who 58813
hold training certificates. 58814

(C) The holder of a valid training certificate shall be 58815
entitled to perform such acts as may be prescribed by or 58816
incidental to the holder's internship, residency, or clinical 58817
fellowship program, but the holder shall not be entitled otherwise 58818
to engage in the practice of podiatric medicine and surgery in 58819
this state. The holder shall limit activities under the 58820
certificate to the programs of the hospitals or facilities for 58821
which the training certificate is issued. The holder shall train 58822
only under the supervision of the podiatrists responsible for 58823
supervision as part of the internship, residency, or clinical 58824
fellowship program. A training certificate may be revoked by the 58825
board upon proof, satisfactory to the board, that the holder 58826
thereof has engaged in practice in this state outside the scope of 58827
the internship, residency, or clinical fellowship program for 58828
which the training certificate has been issued, or upon proof, 58829
satisfactory to the board, that the holder thereof has engaged in 58830
unethical conduct or that there are grounds for action against the 58831
holder under section 4731.22 of the Revised Code. 58832

(D) The board may adopt rules as the board finds necessary to 58833
effect the purpose of this section. 58834

Sec. 4731.60. No person shall practice podiatric medicine and 58835
surgery without a ~~certificate~~ license from the state medical 58836
board; no person shall advertise or announce as a practitioner of 58837
podiatric medicine and surgery without a ~~certificate~~ license from 58838
the board; no person shall open or conduct an office or other 58839

place for such practice without a ~~certificate~~ license from the 58840
board; no person shall conduct an office in the name of some 58841
person who has a ~~certificate~~ license to practice podiatric 58842
medicine and surgery; and no person shall practice podiatric 58843
medicine and surgery after a ~~certificate~~ license has been revoked, 58844
or if suspended, during the time of such suspension. 58845

A certificate signed by the secretary to which is affixed the 58846
official seal of the board to the effect that it appears from the 58847
records of the board that no such ~~certificate~~ license to practice 58848
podiatric medicine and surgery, in the state has been issued to 58849
any such person specified therein, or that a ~~certificate~~ license, 58850
if issued, has been revoked or suspended, shall be received as 58851
prima-facie evidence of the record of such board in any court or 58852
before any officer of this state. 58853

Sec. 4731.61. The ~~certificate~~ license of a podiatrist may be 58854
revoked, limited, or suspended; the holder of a ~~certificate~~ 58855
license may be placed on probation or reprimanded; or an applicant 58856
may be refused registration or reinstatement for violations of 58857
section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code 58858
by an affirmative vote of not less than six members of the state 58859
medical board. 58860

This section does not preclude the application to, or limit 58861
the operation or effect upon, podiatrists of other sections of 58862
Chapter 4731. of the Revised Code. 58863

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 58864
Revised Code: 58865

(A)(1) "Clinical laboratory services" means either of the 58866
following: 58867

(a) Any examination of materials derived from the human body 58868

for the purpose of providing information for the diagnosis, 58869
prevention, or treatment of any disease or impairment or for the 58870
assessment of health; 58871

(b) Procedures to determine, measure, or otherwise describe 58872
the presence or absence of various substances or organisms in the 58873
body. 58874

(2) "Clinical laboratory services" does not include the mere 58875
collection or preparation of specimens. 58876

(B) "Designated health services" means any of the following: 58877

(1) Clinical laboratory services; 58878

(2) Home health care services; 58879

(3) Outpatient prescription drugs. 58880

(C) "Fair market value" means the value in arms-length 58881
transactions, consistent with general market value and: 58882

(1) With respect to rentals or leases, the value of rental 58883
property for general commercial purposes, not taking into account 58884
its intended use; 58885

(2) With respect to a lease of space, not adjusted to reflect 58886
the additional value the prospective lessee or lessor would 58887
attribute to the proximity or convenience to the lessor if the 58888
lessor is a potential source of referrals to the lessee. 58889

(D) "Governmental health care program" means any program 58890
providing health care benefits that is administered by the federal 58891
government, this state, or a political subdivision of this state, 58892
including the medicare program, health care coverage for public 58893
employees, health care benefits administered by the bureau of 58894
workers' compensation, and the medicaid program. 58895

(E)(1) "Group practice" means a group of two or more holders 58896
of licenses or certificates under this chapter legally organized 58897
as a partnership, professional corporation or association, limited 58898

liability company, foundation, nonprofit corporation, faculty	58899
practice plan, or similar group practice entity, including an	58900
organization comprised of a nonprofit medical clinic that	58901
contracts with a professional corporation or association of	58902
physicians to provide medical services exclusively to patients of	58903
the clinic in order to comply with section 1701.03 of the Revised	58904
Code and including a corporation, limited liability company,	58905
partnership, or professional association described in division (B)	58906
of section 4731.226 of the Revised Code formed for the purpose of	58907
providing a combination of the professional services of	58908
optometrists who are licensed, certificated, or otherwise legally	58909
authorized to practice optometry under Chapter 4725. of the	58910
Revised Code, chiropractors who are licensed, certificated, or	58911
otherwise legally authorized to practice chiropractic or	58912
acupuncture under Chapter 4734. of the Revised Code, psychologists	58913
who are licensed, certificated, or otherwise legally authorized to	58914
practice psychology under Chapter 4732. of the Revised Code,	58915
registered or licensed practical nurses who are licensed,	58916
certificated, or otherwise legally authorized to practice nursing	58917
under Chapter 4723. of the Revised Code, pharmacists who are	58918
licensed, certificated, or otherwise legally authorized to	58919
practice pharmacy under Chapter 4729. of the Revised Code,	58920
physical therapists who are licensed, certificated, or otherwise	58921
legally authorized to practice physical therapy under sections	58922
4755.40 to 4755.56 of the Revised Code, occupational therapists	58923
who are licensed, certificated, or otherwise legally authorized to	58924
practice occupational therapy under sections 4755.04 to 4755.13 of	58925
the Revised Code, mechanotherapists who are licensed,	58926
certificated, or otherwise legally authorized to practice	58927
mechanotherapy under section 4731.151 of the Revised Code, and	58928
doctors of medicine and surgery, osteopathic medicine and surgery,	58929
or podiatric medicine and surgery who are licensed, certificated,	58930
or otherwise legally authorized for their respective practices	58931

under this chapter, and licensed professional clinical counselors, 58932
licensed professional counselors, independent social workers, 58933
social workers, independent marriage and family therapists, or 58934
marriage and family therapists who are licensed, certificated, or 58935
otherwise legally authorized for their respective practices under 58936
Chapter 4757. of the Revised Code to which all of the following 58937
apply: 58938

(a) Each physician who is a member of the group practice 58939
provides substantially the full range of services that the 58940
physician routinely provides, including medical care, 58941
consultation, diagnosis, or treatment, through the joint use of 58942
shared office space, facilities, equipment, and personnel. 58943

(b) Substantially all of the services of the members of the 58944
group are provided through the group and are billed in the name of 58945
the group and amounts so received are treated as receipts of the 58946
group. 58947

(c) The overhead expenses of and the income from the practice 58948
are distributed in accordance with methods previously determined 58949
by members of the group. 58950

(d) The group practice meets any other requirements that the 58951
state medical board applies in rules adopted under section 4731.70 58952
of the Revised Code. 58953

(2) In the case of a faculty practice plan associated with a 58954
hospital with a medical residency training program in which 58955
physician members may provide a variety of specialty services and 58956
provide professional services both within and outside the group, 58957
as well as perform other tasks such as research, the criteria in 58958
division (E)(1) of this section apply only with respect to 58959
services rendered within the faculty practice plan. 58960

(F) "Home health care services" and "immediate family" have 58961
the same meanings as in the rules adopted under section 4731.70 of 58962

the Revised Code. 58963

(G) "Hospital" has the same meaning as in section 3727.01 of 58964
the Revised Code. 58965

(H) A "referral" includes both of the following: 58966

(1) A request by a holder of a license or certificate under 58967
this chapter for an item or service, including a request for a 58968
consultation with another physician and any test or procedure 58969
ordered by or to be performed by or under the supervision of the 58970
other physician; 58971

(2) A request for or establishment of a plan of care by a 58972
license or certificate holder that includes the provision of 58973
designated health services. 58974

(I) "Third-party payer" has the same meaning as in section 58975
3901.38 of the Revised Code. 58976

Sec. 4731.66. (A) Except as provided in sections 4731.67 and 58977
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 58978
under this chapter to practice medicine and surgery, osteopathic 58979
medicine and surgery, or podiatric medicine and surgery shall 58980
refer a patient to a person for a designated health service if the 58981
~~certificate~~ license holder, or a member of the ~~certificate~~ license 58982
holder's immediate family, has either of the following financial 58983
relationships with the person: 58984

(1) An ownership or investment interest in the person whether 58985
through debt, equity, or other means; 58986

(2) Any compensation arrangement involving any remuneration, 58987
directly or indirectly, overtly or covertly, in cash or in kind. 58988

(B) No person to which a ~~certificate~~ license holder has 58989
referred a patient in violation of division (A) of this section 58990
shall bill the patient, any third-party payer, any governmental 58991
health care program, or any other person or governmental entity 58992

for the designated health service rendered pursuant to the 58993
referral. 58994

(C) No person shall knowingly enter into an arrangement or 58995
scheme, including a cross-referral arrangement, that has a 58996
principal purpose of assuring referrals by a ~~certificate~~ license 58997
holder to a particular person that, if the ~~certificate~~ license 58998
holder directly made referrals to such person, would violate 58999
division (A) of this section. 59000

Sec. 4731.67. Section 4731.66 of the Revised Code does not 59001
apply to any of the following referrals by the holder of a 59002
~~certificate~~ license under this chapter: 59003

(A) Referrals for physicians' services that are performed by 59004
or under the personal supervision of a physician in the same group 59005
practice as the referring physician; 59006

(B) Referrals for clinical laboratory services by a 59007
~~certificate~~ license holder specializing in the practice of 59008
pathology if those services are provided by or under the 59009
supervision of the pathologist pursuant to a consultation 59010
requested by another physician; 59011

(C) Referrals for in-office ancillary services to which all 59012
of the following apply: 59013

(1) The services are furnished by the referring physician, a 59014
physician in the same group practice as the referring physician, 59015
or individuals who are employed by the referring physician or the 59016
group practice and who are supervised by the referring physician 59017
or a physician in the group practice, and are furnished either: 59018

(a) In a building in which the referring physician, or 59019
another physician in the same group practice as the referring 59020
physician, furnishes physicians' services unrelated to the 59021
furnishing of designated health services; 59022

(b) In another building used by the referring physician's group practice for the centralized provision of the group's designated health services.	59023 59024 59025
(2) The services are billed by the physician performing or supervising the services, the physician's group practice, or an entity wholly owned by the group practice.	59026 59027 59028
(3) The physician's ownership or investment interest in the services described in this division meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.	59029 59030 59031 59032
(D) Referrals for in-office ancillary services if the third-party payer is aware of and has agreed in writing to reimburse the services notwithstanding the financial arrangement between the physician and the provider of such ancillary services.	59033 59034 59035 59036
(E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation;	59037 59038
(F) Referrals to a hospital for designated health services, if all of the following apply:	59039 59040
(1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section.	59041 59042 59043 59044 59045
(2) The referring physician is authorized to perform services at the hospital.	59046 59047
(3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital.	59048 59049
(G) Referrals to a hospital with which the ~~certificate~~ <u>license</u> holder's or immediate family member's financial relationship does not relate to the provision of designated health	59050 59051 59052

services; 59053

(H) Referrals to a laboratory located in a rural area as 59054
defined in section 1886(d)(2)(D) of the "Social Security Act," 49 59055
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the 59056
financial relationship consists of an ownership or investment 59057
interest described in division (A)(1) of section 4731.66 of the 59058
Revised Code, and not a compensation arrangement described in 59059
division (A)(2) of that section; 59060

(I) Any other referrals in which the financial relationship 59061
between the ~~certificate~~ license holder or immediate family member 59062
and the person furnishing services has been specified in rules 59063
adopted by the state medical board under section 4731.70 of the 59064
Revised Code. 59065

Sec. 4731.68. (A) Ownership of investment securities in a 59066
corporation, including bonds, debentures, notes, other debt 59067
instruments, or shares, shall not be considered an ownership or 59068
investment interest described in division (A)(1) of section 59069
4731.66 of the Revised Code if all of the following apply: 59070

(1) The securities were purchased on terms generally 59071
available to the public. 59072

(2) The corporation is listed for trading on the New York 59073
stock exchange or the American stock exchange or is a national 59074
market system security traded under an automated interdealer 59075
quotation system operated by the national association of 59076
securities dealers. 59077

(3) The corporation had, at the end of its most recent fiscal 59078
year, total assets exceeding one hundred million dollars. 59079

(B) Payments for the rental or lease of office space shall 59080
not be considered a compensation arrangement described in division 59081
(A)(2) of section 4731.66 of the Revised Code if all of the 59082

following apply:	59083
(1) There is a written agreement signed by the parties for	59084
the rental or lease of the space that does all of the following:	59085
(a) Specifies the space covered by the agreement and	59086
dedicated for the use of the lessee;	59087
(b) Provides for a term of rental or lease of at least one	59088
year;	59089
(c) Provides for payment on a periodic basis of an amount	59090
that is consistent with fair market value;	59091
(d) Provides for an amount of aggregate payments that does	59092
not directly or indirectly vary based on the volume or value of	59093
any referrals of business between the parties;	59094
(e) Would be commercially reasonable even if no referrals	59095
were made between the parties.	59096
(2) In the case of a rental or lease arrangement between a	59097
holder of a ~~certificate~~ <u>license</u> under this chapter or member of	59098
the ~~certificate~~ <u>license</u> holder's immediate family and another	59099
person in which the ~~certificate~~ <u>license</u> holder or family member	59100
also has an ownership or investment interest described in division	59101
(A)(1) of section 4731.66 of the Revised Code, the office space is	59102
in the same building as the building in which the ~~certificate~~	59103
<u>license</u> holder or the ~~certificate~~ <u>license</u> holder's group practice	59104
has a practice.	59105
(3) The arrangement meets any other requirements that the	59106
state medical board applies in rules adopted under section 4731.70	59107
of the Revised Code.	59108
(C) An arrangement between a hospital and a ~~certificate~~	59109
<u>license</u> holder or a member of the ~~certificate~~ <u>license</u> holder's	59110
immediate family for the employment of the ~~certificate~~ <u>license</u>	59111
holder or family member or for the provision of administrative	59112

services shall not be considered a compensation arrangement 59113
described in division (A)(2) of section 4731.66 of the Revised 59114
Code if all of the following apply: 59115

(1) The arrangement is for identifiable services. 59116

(2) The amount of the remuneration under the arrangement is 59117
consistent with the fair market value of the services and is not 59118
determined in a manner that directly or indirectly takes into 59119
account the volume or value of any referrals by the ~~certificate~~ 59120
license holder. 59121

(3) The remuneration is provided pursuant to an agreement 59122
that would be commercially reasonable even if the ~~certificate~~ 59123
license holder made no referrals to the hospital. 59124

(4) The arrangement meets any other requirements that the 59125
state medical board applies in rules adopted under section 4731.70 59126
of the Revised Code. 59127

(D) Remuneration by a hospital of a ~~certificate~~ license 59128
holder to induce the ~~certificate~~ license holder to relocate to the 59129
geographic area served by the hospital in order to be a member of 59130
the hospital's medical staff shall not be considered a 59131
compensation arrangement described in division (A)(2) of section 59132
4731.66 of the Revised Code if all of the following apply: 59133

(1) The ~~certificate~~ license holder is not required to refer 59134
patients to the hospital. 59135

(2) The amount of the remuneration is not determined in a 59136
manner that directly or indirectly takes into account the volume 59137
or value of any referrals by the ~~certificate~~ license holder to the 59138
hospital. 59139

(3) The arrangement meets any other requirements that the 59140
state medical board applies in rules adopted under section 4731.70 59141
of the Revised Code. 59142

(E) Remuneration of a ~~certificate~~ license holder or member of 59143
the ~~certificate~~ license holder's immediate family by a person 59144
other than a hospital shall not be considered a compensation 59145
arrangement described in division (A)(2) of section 4731.66 of the 59146
Revised Code if all of the following apply: 59147

(1) The remuneration is for any of the following: 59148

(a) Specific, identifiable services as the medical director 59149
or a member of a medical advisory board of the person; 59150

(b) Specific, identifiable physicians' services furnished to 59151
an individual in a hospice if the physicians' services are payable 59152
by the individual's third-party payer only to the hospice; 59153

(c) Specific, identifiable physicians' services furnished to 59154
a nonprofit blood center; 59155

(d) Specific, identifiable administrative services other than 59156
direct patient care services in circumstances specified in rules 59157
adopted by the state medical board under section 4731.70 of the 59158
Revised Code. 59159

(2) The amount of the remuneration under the arrangement is 59160
consistent with the fair market value of the services and is not 59161
determined in a manner that directly or indirectly takes into 59162
account the volume or value of any referrals by the ~~certificate~~ 59163
license holder. 59164

(3) The remuneration is provided pursuant to an agreement 59165
that would be commercially reasonable even if the ~~certificate~~ 59166
license holder made no referrals to the person. 59167

(4) The arrangement meets any other requirements that the 59168
state medical board applies in rules adopted under section 4731.70 59169
of the Revised Code. 59170

(F) Isolated financial transactions, including a one-time 59171
sale of property, shall not be considered a compensation 59172

arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the other parties to the transaction.

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(G) Payment of the salary of a ~~certificate~~ license holder by the ~~certificate~~ license holder's group practice shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code.

Sec. 4731.76. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. 4731.82. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code, except that it does not include either of the following:

(a) The product of human conception of at least twenty weeks of gestation;

(b) The purposeful termination of a pregnancy, as described 59202
in section 2919.11 of the Revised Code. 59203

(2) "Physician" means an individual holding a ~~certificate~~ 59204
license issued under this chapter to practice medicine and surgery 59205
or osteopathic medicine and surgery ~~pursuant to this chapter~~. 59206

(B) If a woman in the process of experiencing a fetal death 59207
or with the product of human conception as a result of a fetal 59208
death presents herself to a physician and is not referred to a 59209
hospital, the attending physician shall provide the woman with all 59210
of the following: 59211

(1) A written statement, not longer than one page in length, 59212
that confirms that the woman was pregnant and that she 59213
subsequently suffered a miscarriage that resulted in a fetal 59214
death; 59215

(2) Notice of the right of the woman to apply for a fetal 59216
death certificate pursuant to section 3705.20 of the Revised Code; 59217

(3) A short, general description of the attending physician's 59218
procedures for disposing of the product of a fetal death. 59219

The attending physician may present the notice and 59220
description required by divisions (B)(2) and (B)(3) of this 59221
section through oral or written means. The physician shall 59222
document in the woman's medical record that all of the items 59223
required by this division were provided to the woman and shall 59224
place in the record a copy of the statement required by division 59225
(B)(1) of this section. 59226

(C) A physician is immune from civil or criminal liability or 59227
professional disciplinary action with regard to any action taken 59228
in good faith compliance with this section. 59229

Sec. 4731.85. The department of health shall establish a 59230
procedure to provide special recognition annually to one or more 59231

persons issued a ~~certificate~~ license under this chapter to 59232
practice medicine and surgery, osteopathic medicine and surgery, 59233
or podiatric medicine and surgery who volunteer medical services 59234
to medically underserved areas of this state or to charitable 59235
shelters or clinics. Any person may nominate a ~~certificate~~ license 59236
holder for consideration by the department. The department shall 59237
annually submit to newspapers of general circulation and other 59238
publications selected by the department a request for nominations. 59239
The request shall describe the required form and content of 59240
nominations and indicate a deadline for submitting nominations. 59241

The department may adopt criteria and guidelines for 59242
selecting nominees for recognition. The department shall publicize 59243
the names, professional accomplishments, and service contributions 59244
of the ~~certificate~~ license holders that it recognizes under this 59245
section. The department may purchase recognition awards and take 59246
other actions to honor such volunteers. 59247

Sec. 4732.01. As used in this chapter: 59248

(A) "Psychologist" means any person who holds self out to the 59249
public by any title or description of services incorporating the 59250
words "psychologic," "psychological," "psychologist," 59251
"psychology," or any other terms that imply the person is trained, 59252
experienced, or an expert in the field of psychology. 59253

(B) "The practice of psychology" means rendering or offering 59254
to render to individuals, groups, organizations, or the public any 59255
service involving the application of psychological procedures to 59256
assessment, diagnosis, prevention, treatment, or amelioration of 59257
psychological problems or emotional or mental disorders of 59258
individuals or groups; or to the assessment or improvement of 59259
psychological adjustment or functioning of individuals or groups, 59260
whether or not there is a diagnosable pre-existing psychological 59261

problem. Practice of psychology includes the practice of school 59262
psychology. For purposes of this chapter, teaching or research 59263
shall not be regarded as the practice of psychology, even when 59264
dealing with psychological subject matter, provided it does not 59265
otherwise involve the professional practice of psychology in which 59266
an individual's welfare is directly affected by the application of 59267
psychological procedures. 59268

(C) "Psychological procedures" include but are not restricted 59269
to application of principles, methods, or procedures of 59270
understanding, predicting, or influencing behavior, such as the 59271
principles pertaining to learning, conditioning, perception, 59272
motivation, thinking, emotions, or interpersonal relationships; 59273
the methods or procedures of verbal interaction, interviewing, 59274
counseling, behavior modification, environmental manipulation, 59275
group process, psychological psychotherapy, or hypnosis; and the 59276
methods or procedures of administering or interpreting tests of 59277
mental abilities, aptitudes, interests, attitudes, personality 59278
characteristics, emotions, or motivation. 59279

(D) "School psychologist" means any person who holds self out 59280
to the public by any title or description of services 59281
incorporating the words "school psychologist" or "school 59282
psychology," or who holds self out to be trained, experienced, or 59283
an expert in the practice of school psychology. 59284

(E) "Practice of school psychology" means rendering or 59285
offering to render to individuals, groups, organizations, or the 59286
public any of the following services: 59287

(1) Evaluation, diagnosis, or test interpretation limited to 59288
assessment of intellectual ability, learning patterns, 59289
achievement, motivation, behavior, or personality factors directly 59290
related to learning problems; 59291

(2) Intervention services, including counseling, for children 59292

or adults for amelioration or prevention of educationally related 59293
learning problems, including emotional and behavioral aspects of 59294
such problems; 59295

(3) Psychological, educational, or vocational consultation or 59296
direct educational services. This does not include industrial 59297
consultation or counseling services to clients undergoing 59298
vocational rehabilitation. 59299

(F) "Licensed psychologist" means an individual holding a 59300
current, valid license to practice psychology issued under section 59301
4732.12 or 4732.15 of the Revised Code. 59302

(G) "School psychologist licensed by the state behavioral 59303
health and social work board ~~of psychology~~" means an individual 59304
holding a current, valid license to practice school psychology 59305
issued under section 4732.12 or 4732.15 of the Revised Code. 59306

(H) "School psychologist licensed by the state board of 59307
education" means an individual holding a current, valid school 59308
psychologist license issued under rules adopted under section 59309
3319.22 of the Revised Code. 59310

(I) "Mental health professional" and "mental health service" 59311
have the same meanings as in section 2305.51 of the Revised Code. 59312

(J) "Telepsychology" means the practice of psychology or 59313
school psychology by distance communication technology, including 59314
telephone, electronic mail, internet-based communications, and 59315
video conferencing. 59316

Sec. 4732.09. Each person who desires to practice psychology 59317
or school psychology shall file with the executive director of the 59318
state behavioral health and social work board ~~of psychology~~ a 59319
~~written~~ an application, under oath, on a form prescribed by the 59320
board. 59321

Sec. 4732.091. (A) As used in this section, "license" and 59322
"applicant for an initial license" have the same meanings as in 59323
section 4776.01 of the Revised Code, except that "license" as used 59324
in both of those terms refers to the types of authorizations 59325
otherwise issued or conferred under this chapter. 59326

(B) In addition to any other eligibility requirement set 59327
forth in this chapter, each applicant for an initial license shall 59328
comply with sections 4776.01 to 4776.04 of the Revised Code. The 59329
state behavioral health and social work board ~~of psychology~~ shall 59330
not grant a license to an applicant for an initial license unless 59331
the applicant complies with sections 4776.01 to 4776.04 of the 59332
Revised Code and the board, in its discretion, decides that the 59333
results of the criminal records check do not make the applicant 59334
ineligible for a license issued pursuant to section 4732.14 of the 59335
Revised Code. 59336

Sec. 4732.10. (A) The state behavioral health and social work 59337
board ~~of psychology~~ shall appoint an entrance examiner who shall 59338
determine the sufficiency of an applicant's qualifications for 59339
admission to the appropriate examination. A member of the board or 59340
the executive director may be appointed as the entrance examiner. 59341
59342

(B) Requirements for admission to examination for a 59343
psychologist license shall be that the applicant: 59344

(1) Is at least twenty-one years of age; 59345

(2) Is of good moral character; 59346

(3) Meets one of the following requirements: 59347

(a) Received an earned doctoral degree from an institution 59348
accredited or recognized by a national or regional accrediting 59349
agency and a program accredited by any of the following: 59350

(i) The American psychological association, office of program consultation and accreditation;	59351 59352
(ii) The accreditation office of the Canadian psychological association;	59353 59354
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	59355 59356 59357
(iv) The national association of school psychologists.	59358
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;	59359 59360 59361 59362 59363
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;	59364 59365 59366 59367 59368
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	59369 59370 59371 59372 59373
(4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.	59374 59375 59376 59377 59378
(5) If applying under division (B)(3)(b) or (c) of this section, has had at least two years of supervised professional	59379 59380

experience in psychological work of a type satisfactory to the 59381
board, at least one year of which must be postdoctoral. The board 59382
shall adopt guidelines for the kind of supervised professional 59383
experience that fulfill this requirement. 59384

(C) Requirements for admission to examination for a school 59385
psychologist license shall be that the applicant: 59386

(1) Has received from an educational institution accredited 59387
or recognized by national or regional accrediting agencies as 59388
maintaining satisfactory standards, including those approved by 59389
the state board of education for the training of school 59390
psychologists, at least a master's degree in school psychology, or 59391
a degree considered equivalent by the board; 59392

(2) Is at least twenty-one years of age; 59393

(3) Is of good moral character; 59394

(4) Has completed at least sixty quarter hours, or the 59395
semester hours equivalent, at the graduate level, of accredited 59396
study in course work relevant to the study of school psychology; 59397

(5) Has completed an internship in an educational institution 59398
approved by the Ohio department of education for school psychology 59399
supervised experience or one year of other training experience 59400
acceptable to the board, such as supervised professional 59401
experience under the direction of a licensed psychologist or 59402
licensed school psychologist; 59403

(6) Furnishes proof of at least twenty-seven months, 59404
exclusive of internship, of full-time experience as a certificated 59405
school psychologist employed by a board of education or a private 59406
school meeting the standards prescribed by the state board of 59407
education, or of experience that the board deems equivalent. 59408

(D) If the entrance examiner finds that the applicant meets 59409
the requirements set forth in this section, the applicant shall be 59410

admitted to the appropriate examination. 59411

(E) The board shall adopt under Chapter 119. of the Revised 59412
Code rules for determining for the purposes of division (B)(3)(b) 59413
of this section whether a degree is equivalent to a degree in 59414
psychology from an institution in the United States. 59415

Sec. 4732.11. (A)(1) Each applicant for a license to practice 59416
as a psychologist shall be required to earn a score acceptable to 59417
the state behavioral health and social work board ~~of psychology~~ on 59418
an examination selected by the board. The applicant shall follow 59419
all necessary procedures and pay all necessary fees for the 59420
examination. An applicant who fails to earn a score acceptable to 59421
the board may be admitted to a subsequent examination no less than 59422
thirty days after the initial examination. After failing to earn a 59423
passing score three consecutive times, an applicant may not be 59424
admitted to the examination for a period of six months following 59425
the third examination attempt. An applicant who fails to achieve 59426
an acceptable score in nine attempts is not eligible for 59427
additional admissions to the examination, and the application 59428
shall be permanently closed. 59429

59430
An applicant who achieves an acceptable score on the 59431
examination selected by the board as a candidate in another state 59432
or Canadian province before or after submitting an application to 59433
the board must cause the score to be submitted directly to the 59434
board's executive director. 59435

(2) The board may also require that an applicant for a 59436
license to practice as a psychologist earn a passing score on an 59437
examination that covers one or more of the following: 59438

(a) Chapter 4732. of the Revised Code; 59439

(b) Rules promulgated under Chapter 4732. of the Revised 59440

Code;	59441
(c) Related provisions of the Revised Code;	59442
(d) Professional ethical principles;	59443
(e) Professional standards of care.	59444
The examination may be administered orally or in writing in	59445
accordance with rules adopted by the board.	59446
(B)(1) Each applicant for a license to practice as a school	59447
psychologist licensed by the state <u>behavioral health and social</u>	59448
<u>work</u> board ~~of psychology~~ shall be required to earn a score	59449
acceptable to the board on an examination selected by the board.	59450
The applicant shall follow all necessary procedures and pay all	59451
necessary fees for the examination.	59452
(2) The board may also require that an applicant for a	59453
license to practice as a school psychologist licensed by the state	59454
<u>behavioral health and social work</u> board ~~of psychology~~ earn a	59455
passing score on an examination that covers one or more of the	59456
following:	59457
(a) Chapter 4732. of the Revised Code;	59458
(b) Rules promulgated under Chapter 4732. of the Revised	59459
Code;	59460
(c) Related provisions of the Revised Code;	59461
(d) Professional ethical principles;	59462
(e) Professional standards of care.	59463
The examination may be administered orally or in writing in	59464
accordance with rules adopted by the board.	59465
(C) The board may establish procedures designed to expose	59466
applicants to the subject matter of the examinations described in	59467
divisions (A)(2) and (B)(2) of this section.	59468
~~(D) The board shall appoint a school psychology examination~~	59469

~~committee responsible to the board. The committee shall consist of~~ 59470
~~five school psychologists each of whom holds either of the~~ 59471
~~following:~~ 59472

~~(1) A school psychologist license issued under this chapter;~~ 59473

~~(2) A psychologist license issued under this chapter and a~~ 59474
~~certificate or license issued by the state board of education.~~ 59475

~~Committee members shall be appointed by the state board of~~ 59476
~~psychology for staggered five-year terms, according to rules~~ 59477
~~adopted by that board. The board may delegate to the committee~~ 59478
~~authority to develop the examination described in division (B)(2)~~ 59479
~~of this section and any procedures to be established under~~ 59480
~~division (C) of this section.~~ 59481

Sec. 4732.12. If an applicant for a license issued by the 59482
state behavioral health and social work board ~~of psychology~~ to 59483
practice as a psychologist or school psychologist receives a score 59484
acceptable to the board on the appropriate examination required by 59485
section 4732.11 of the Revised Code and has paid the fee required 59486
by section 4732.15 of the Revised Code, the board shall issue the 59487
appropriate license. 59488

Sec. 4732.13. A license issued under this chapter by the 59489
state behavioral health and social work board ~~of psychology~~ shall 59490
remain active until it expires pursuant to section 4732.14 of the 59491
Revised Code, or is suspended, revoked, or placed in retired 59492
status. An active psychologist license shall entitle the holder to 59493
practice psychology. An active school psychologist license shall 59494
entitle the holder to practice school psychology. 59495

Sec. 4732.14. (A) On or before the thirty-first day of August 59496
of each even-numbered year, each person who holds an active 59497
license issued under this chapter by the state behavioral health 59498

and social work board ~~of psychology~~ shall register with the board 59499
in a format and manner prescribed by the board, giving the 59500
person's name, address, license number, the continuing education 59501
information required by section 4732.141 of the Revised Code, and 59502
such other reasonable information as the board requires. The 59503
person shall pay to the board a biennial registration fee, as 59504
follows: 59505

(1) From the effective date of this amendment, March 20, 59506
2014, through June 30, 2016, three hundred fifty dollars; 59507

(2) From July 1, 2016, through June 30, 2020, three hundred 59508
sixty dollars; 59509

(3) July 1, 2020, and thereafter three hundred sixty-five 59510
dollars. 59511

A person licensed for the first time on or before the 59512
thirtieth day of September of an even-numbered year shall next be 59513
required to register on or before the thirtieth day of September 59514
of the next even-numbered year. 59515

(B) Before the first day of August of each even-numbered 59516
year, the board shall send a notice to each license holder, 59517
whether a resident or not, at the license holder's last provided 59518
official mailing address, that the license holder's continuing 59519
education compliance must be completed on or before the last day 59520
of August and the biennial registration form and fee are due on or 59521
before the last day of September. A license of any license holder 59522
shall automatically expire if any of the following are not 59523
received on or before the thirtieth day of September of a renewal 59524
year: 59525

(1) The biennial registration fee; 59526

(2) The registration form; 59527

(3) A report of compliance with continuing education 59528

requirements. 59529

Within five years thereafter, the board may reinstate any 59530
expired license upon payment of the current registration fee and a 59531
penalty fee established by the board, not to exceed two hundred 59532
fifty dollars, and receipt of the registration form completed by 59533
the registrant in accordance with this section and section 59534
4732.141 of the Revised Code or in accordance with any 59535
modifications authorized by the board under division (F) of 59536
section 4732.141 of the Revised Code. 59537

The board may by rule waive the payment of the registration 59538
fee and completion of the continuing psychology education required 59539
by section 4732.141 of the Revised Code by a license holder when 59540
the license holder is on active duty in the armed forces of the 59541
United States or a reserve component of the armed forces of the 59542
United States, including the Ohio national guard or the national 59543
guard of any other state. 59544

An individual who has had a license placed on retired status 59545
under section 4732.142 of the Revised Code may seek reinstatement 59546
of the license in accordance with rules adopted by the board. 59547

(C) Each license holder shall notify the executive director 59548
of any change in the license holder's official mailing address, 59549
office address, or employment within sixty days of such change. 59550

Sec. 4732.141. (A)(1) Except as provided in division (D) of 59551
this section, on or before the thirty-first day of August of each 59552
even-numbered year, each person who holds a license issued under 59553
this chapter by the state behavioral health and social work board 59554
~~of psychology~~ shall have completed, in the preceding two-year 59555
period, not less than twenty-three hours of continuing education 59556
in psychology, including not less than four hours of continuing 59557
education in one or more of the following: 59558

(a) Professional conduct; 59559

(b) Ethics; 59560

(c) The role of culture, ethnic identity, or both in the 59561
provision of psychological assessment, consultation, or 59562
psychological interventions, or a combination thereof. 59563

(2) Each license holder shall certify to the board, at the 59564
time of biennial registration pursuant to section 4732.14 of the 59565
Revised Code and on the registration form prescribed by the board 59566
under that section, that in the preceding two years the license 59567
holder has completed continuing psychology education in compliance 59568
with this section. The board shall adopt rules establishing the 59569
procedure for a license holder to certify to the board and for 59570
properly recording with the Ohio psychological association or the 59571
Ohio school psychologists association completion of the continuing 59572
education. 59573

(B) Continuing psychology education may be applied to meet 59574
the requirement of division (A) of this section if both of the 59575
following requirements are met: 59576

(1) It is obtained through a program or course approved by 59577
the state behavioral health and social work board ~~of psychology~~, 59578
the Ohio psychological association, the Ohio association of black 59579
psychologists, or the American psychological association or, in 59580
the case of a school psychologist who holds a license issued under 59581
this chapter or a licensed psychologist with a school psychology 59582
specialty, by the state board of education, the Ohio school 59583
psychologists association, or the national association of school 59584
psychologists; 59585

(2) Completion of the program or course is recorded with the 59586
Ohio psychological association or the Ohio school psychologists 59587
association in accordance with rules adopted by the state 59588
behavioral health and social work board ~~of psychology~~ in 59589

accordance with division (A) of this section. 59590

The state behavioral health and social work board of 59591
~~psychology~~ may disapprove any program or course that has been 59592
approved by the Ohio psychological association, Ohio association 59593
of black psychologists, American psychological association, state 59594
board of education, Ohio school psychologists association, or 59595
national association of school psychologists. Such program or 59596
course may not be applied to meet the requirement of division (A) 59597
of this section. 59598

(C) Each license holder shall be given a sufficient choice of 59599
continuing education programs or courses in psychology, including 59600
programs or courses on professional conduct and ethics when 59601
required under division (A)(2) of this section, to ensure that the 59602
license holder has had a reasonable opportunity to participate in 59603
programs or courses that are relevant to the license holder's 59604
practice in terms of subject matter and level. 59605

(D) The board shall adopt rules providing for reductions of 59606
the hours of continuing psychology education required by this 59607
section for license holders in their first registration period. 59608

(E) Each license holder shall retain in the license holder's 59609
records for at least three years the receipts, vouchers, or 59610
certificates necessary to document completion of continuing 59611
psychology education. Proof of continuing psychology education 59612
recorded with the Ohio psychological association or the Ohio 59613
school psychologists association in accordance with the procedures 59614
established pursuant to division (A) of this section shall serve 59615
as sufficient documentation of completion. With cause, the board 59616
may request the documentation from the license holder. The board 59617
may review any continuing psychology education records recorded by 59618
the Ohio psychological association or the Ohio school 59619
psychologists association. 59620

(F) The board may excuse license holders, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.

(G) The state behavioral health and social work board of ~~psychology~~ shall approve one or more continuing education courses of study that assist psychologists and school psychologists in recognizing the signs of domestic violence and its relationship to child abuse. Psychologists and school psychologists are not required to take the courses.

(H) The board may require a license holder to evidence completion of specific continuing education coursework as part of the process of registering or continuing to register a person working under the license holder's supervision under division (B) of section 4732.22 of the Revised Code and conducting psychological or psychological work or training supervision. Procedures for the completion, verification, and documentation of such continuing education shall be specified in rules adopted by the board. A license holder completing this continuing education may receive credit toward the four-hour requirement in division (A)(1) of this section during the next continuing education period following the completion of this continuing education.

Sec. 4732.142. (A) The holder of a license issued under this chapter who retires from the practice of psychology or school psychology may request during the biennial license registration process that the license holder's license be placed in "licensed psychologist-retired" or "licensed school psychologist-retired" status. Once the license is placed in retired status, the license holder shall not practice psychology or school psychology in this state. A license holder selecting this status shall pay to the state behavioral health and social work board of ~~psychology~~ a fee

of fifty dollars. 59652

(B) Procedures for reinstating a retired license shall be 59653
established in rules adopted by the board. 59654

Sec. 4732.151. The state behavioral health and social work 59655
~~board of psychology~~ shall charge a fee of forty dollars to a 59656
~~license holder of a license issued under this chapter~~ for the 59657
written verification of licensure status, including verification 59658
of the date of licensure, the presence or absence of a history of 59659
disciplinary action, and the expiration date of the license. 59660

Sec. 4732.16. (A) The state behavioral health and social work 59661
~~board of psychology~~ shall investigate alleged violations of this 59662
chapter or the rules adopted under it. Each investigation shall be 59663
assigned by the executive director or designated investigator to 59664
one of the members of the board who shall serve as the supervising 59665
member of the investigation. 59666

As part of its conduct of investigations, the board may 59667
examine witnesses, administer oaths, and issue subpoenas, except 59668
that the board may not compel the attendance of the respondent in 59669
an investigation. A subpoena for patient record information may be 59670
issued only if the supervising member, executive director, 59671
secretary, and an attorney from the office of the attorney general 59672
determine that there is probable cause to believe that the 59673
complaint alleges a violation of this chapter and that the records 59674
sought are relevant to the alleged violation and material to the 59675
investigation. No member of the board who supervises the 59676
investigation or approves the issuance of a subpoena for patient 59677
records shall participate in further adjudication of the case. The 59678
subpoena may apply only to records that cover a reasonable period 59679
of time surrounding the alleged violation. On failure of a person 59680
to comply with a subpoena issued by the board and after reasonable 59681

notice to that person, the board may move for an order compelling 59682
the production of records or persons pursuant to the Rules of 59683
Civil Procedure. 59684

A subpoena issued by the board may be served by a sheriff, 59685
the sheriff's deputy, or a board employee designated by the board. 59686
Service of a subpoena issued by the board may be made by 59687
delivering a copy of the subpoena to the person named in the 59688
subpoena, reading it to the person, or leaving it at the person's 59689
usual place of residence. When the person being served is a person 59690
whose practice is authorized by this chapter, service of the 59691
subpoena may be made by certified mail, return receipt requested, 59692
and the subpoena shall be deemed served on the date delivery is 59693
made or the date the person refuses to accept delivery. 59694

A sheriff's deputy who serves a subpoena shall receive the 59695
same fees as a sheriff. Each witness who appears before the board 59696
in obedience to a subpoena shall receive the fees and mileage 59697
provided for witnesses under section 119.094 of the Revised Code. 59698

(B)(1) The board shall conduct all investigations and 59699
proceedings in a manner that protects the confidentiality of 59700
patients and persons who file complaints with the board. The board 59701
shall not make public the names or any other identifying 59702
information about patients or complainants unless proper consent 59703
is given or, in the case of a patient, the patient privilege has 59704
been waived by the patient. Information received by the board 59705
pursuant to an investigation is confidential and not subject to 59706
discovery in any civil action. 59707

(2) The board may share any information it receives pursuant 59708
to an investigation, including patient records and patient record 59709
information, with law enforcement agencies, other licensing 59710
boards, and other government agencies that are prosecuting, 59711
adjudicating, or investigating alleged violations of statutes or 59712
administrative rules. An agency or board that receives the 59713

information shall comply with the same requirements regarding 59714
confidentiality as the board must comply with under division 59715
(B)(1) of this section, notwithstanding any conflicting provision 59716
of the Revised Code or procedure of the agency or board that 59717
applies when it is dealing with other information in its 59718
possession. 59719

(3) In a judicial proceeding, any information the board 59720
receives pursuant to an investigation may be admitted into 59721
evidence only in accordance with the Ohio Rules of Evidence, but 59722
the court shall require that appropriate measures be taken to 59723
ensure that confidentiality is maintained with respect to any part 59724
of the information that contains names or other identifying 59725
information about patients or complainants whose confidentiality 59726
was protected by the board when the information was in the board's 59727
possession. Measures to ensure confidentiality that may be taken 59728
by the court include sealing its records or deleting specific 59729
information from its records. 59730

Sec. 4732.17. (A) Subject to division (F) of this section, 59731
the state behavioral health and social work board ~~of psychology~~ 59732
may take any of the actions specified in division (C) of this 59733
section against an applicant for or a person who holds a license 59734
issued under this chapter on any of the following grounds as 59735
applicable: 59736

(1) Conviction, including a plea of guilty or no contest, of 59737
a felony, or of any offense involving moral turpitude, in a court 59738
of this or any other state or in a federal court; 59739

(2) A judicial finding of eligibility for intervention in 59740
lieu of conviction for a felony or any offense involving moral 59741
turpitude in a court of this or any other state or in a federal 59742
court; 59743

(3) Using fraud or deceit in the procurement of the license 59744

to practice psychology or school psychology or knowingly assisting	59745
another in the procurement of such a license through fraud or	59746
deceit;	59747
(4) Accepting commissions or rebates or other forms of	59748
remuneration for referring persons to other professionals;	59749
(5) Willful, unauthorized communication of information	59750
received in professional confidence;	59751
(6) Being negligent in the practice of psychology or school	59752
psychology;	59753
(7) Inability to practice according to acceptable and	59754
prevailing standards of care by reason of a mental, emotional,	59755
physiological, or pharmacological condition or substance abuse;	59756
(8) Subject to section 4732.28 of the Revised Code, violating	59757
any rule of professional conduct promulgated by the board;	59758
(9) Practicing in an area of psychology for which the person	59759
is clearly untrained or incompetent;	59760
(10) An adjudication by a court, as provided in section	59761
5122.301 of the Revised Code, that the person is incompetent for	59762
the purpose of holding the license. Such person may have the	59763
person's license issued or restored only upon determination by a	59764
court that the person is competent for the purpose of holding the	59765
license and upon the decision by the board that such license be	59766
issued or restored. The board may require an examination prior to	59767
such issuance or restoration.	59768
(11) Waiving the payment of all or any part of a deductible	59769
or copayment that a patient, pursuant to a health insurance or	59770
health care policy, contract, or plan that covers psychological	59771
services, would otherwise be required to pay if the waiver is used	59772
as an enticement to a patient or group of patients to receive	59773
health care services from that provider;	59774

(12) Advertising that the person will waive the payment of 59775
all or any part of a deductible or copayment that a patient, 59776
pursuant to a health insurance or health care policy, contract, or 59777
plan that covers psychological services, would otherwise be 59778
required to pay; 59779

(13) Any of the following actions taken by the agency 59780
responsible for authorizing or certifying the person to practice 59781
or regulating the person's practice of a health care occupation or 59782
provision of health care services in this state or another 59783
jurisdiction, as evidenced by a certified copy of that agency's 59784
records and findings for any reason other than the nonpayment of 59785
fees: 59786

(a) Limitation, revocation, or suspension of the person's 59787
license to practice; 59788

(b) Acceptance of the person's license surrender; 59789

(c) Denial of a license to the person; 59790

(d) Refuse to renew or reinstate the person's license; 59791

(e) Imposition of probation on the person; 59792

(f) Issuance of an order of censure or other reprimand 59793
against the person; 59794

(g) Other negative action or finding against the person about 59795
which information is available to the public. 59796

(14) Offering or rendering psychological services after a 59797
license issued under this chapter has expired due to a failure to 59798
timely register under section 4732.14 of the Revised Code or 59799
complete continuing education requirements; 59800

(15) Offering or rendering psychological services after a 59801
license issued under this chapter has been placed in retired 59802
status pursuant to section 4732.142 of the Revised Code; 59803

(16) Unless the person is a school psychologist licensed by 59804

the state board of education:	59805
(a) Offering or rendering school psychological services after	59806
a license issued under this chapter has expired due to a failure	59807
to timely register under section 4732.14 of the Revised Code or	59808
complete continuing education requirements;	59809
(b) Offering or rendering school psychological services after	59810
a license issued under this chapter has been placed in retired	59811
status pursuant to section 4732.142 of the Revised Code.	59812
(17) Violating any adjudication order or consent agreement	59813
adopted by the board;	59814
(18) Failure to submit to mental, cognitive, substance abuse,	59815
or medical evaluations, or a combination of these evaluations,	59816
ordered by the board under division (E) of this section.	59817
(B) Notwithstanding divisions (A)(11) and (12) of this	59818
section, sanctions shall not be imposed against any license holder	59819
who waives deductibles and copayments:	59820
(1) In compliance with the health benefit plan that expressly	59821
allows such a practice. Waiver of the deductibles or copays shall	59822
be made only with the full knowledge and consent of the plan	59823
purchaser, payer, and third-party administrator. Such consent	59824
shall be made available to the board upon request.	59825
(2) For professional services rendered to any other person	59826
licensed pursuant to this chapter to the extent allowed by this	59827
chapter and the rules of the board.	59828
(C) For any of the reasons specified in division (A) of this	59829
section, the board may do one or more of the following:	59830
(1) Refuse to issue a license to an applicant;	59831
(2) Issue a reprimand to a license holder;	59832
(3) Suspend the license of a license holder;	59833

(4) Revoke the license of a license holder;	59834
(5) Limit or restrict the areas of practice of an applicant or a license holder;	59835 59836
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;	59837 59838 59839
(7) Require remedial education and training of an applicant or a license holder.	59840 59841
(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.	59842 59843 59844 59845 59846 59847
(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the evaluation or evaluations shall be the responsibility of the applicant or license holder who is evaluated.	59848 59849 59850 59851 59852 59853 59854 59855 59856 59857 59858 59859 59860 59861 59862 59863
(F) Before the board may take action under this section,	59864

written charges shall be filed with the board by the secretary and 59865
a hearing shall be had thereon in accordance with Chapter 119. of 59866
the Revised Code, except as follows: 59867

(1) On receipt of a complaint that any of the grounds listed 59868
in division (A) of this section exist, the state behavioral health 59869
and social work board of ~~psychology~~ may suspend a license issued 59870
under this chapter prior to holding a hearing in accordance with 59871
Chapter 119. of the Revised Code if it determines, based on the 59872
complaint, that there is an immediate threat to the public. A 59873
telephone conference call may be used to conduct an emergency 59874
meeting for review of the matter by a quorum of the board, taking 59875
the vote, and memorializing the action in the minutes of the 59876
meeting. 59877

After suspending a license pursuant to division (F)(1) of 59878
this section, the board shall notify the license holder of the 59879
suspension in accordance with section 119.07 of the Revised Code. 59880
If the individual whose license is suspended fails to make a 59881
timely request for an adjudication under Chapter 119. of the 59882
Revised Code, the board shall enter a final order permanently 59883
revoking the license. 59884

(2) The board shall adopt rules establishing a case 59885
management schedule for pre-hearing procedures by the hearing 59886
examiner or presiding board member. The schedule shall include 59887
applicable deadlines related to the hearing process, including all 59888
of the following: 59889

(a) The date of the hearing; 59890

(b) The date for the disclosure of witnesses and exhibits; 59891

(c) The date for the disclosure of the identity of expert 59892
witnesses and the exchange of written reports; 59893

(d) The deadline for submitting a request for the issuance of 59894
a subpoena for the hearing as provided under Chapter 119. of the 59895

Revised Code and division (F)(4) of this section. 59896

(3) Either party to the hearing may submit a written request 59897
to the other party for a list of witnesses and copies of documents 59898
intended to be introduced at the hearing. The request shall be in 59899
writing and shall be served not less than thirty-seven days prior 59900
to the hearing, unless the hearing officer or presiding board 59901
member grants an extension of time to make the request. Not later 59902
than thirty days before the hearing, the responding party shall 59903
provide the requested list of witnesses, summary of their 59904
testimony, and copies of documents to the requesting party, unless 59905
the hearing officer or presiding board member grants an extension. 59906
Failure to timely provide a list or copies requested in accordance 59907
with this section may, at the discretion of the hearing officer or 59908
presiding board member, result in exclusion from the hearing of 59909
the witnesses, testimony, or documents. 59910

(4) In addition to subpoenas for the production of books, 59911
records, and papers requested under Chapter 119. of the Revised 59912
Code, either party may ask the board to issue a subpoena for the 59913
production of other tangible items. 59914

The person subject to a subpoena for the production of books, 59915
records, papers, or other tangible items shall respond to the 59916
subpoena at least twenty days prior to the date of the hearing. If 59917
a person fails to respond to a subpoena issued by the board, after 59918
providing reasonable notice to the person, the board, the hearing 59919
officer, or both may proceed with enforcement of the subpoena 59920
pursuant to section 119.09 of the Revised Code. 59921

Sec. 4732.171. (A) Except as provided in division (B) of this 59922
section, if, at the conclusion of a hearing required by section 59923
4732.17 of the Revised Code, the state behavioral health and 59924
social work board ~~of psychology~~ determines that a licensed 59925
psychologist or school psychologist licensed by the state 59926

behavioral health and social work board of ~~psychology~~ has engaged 59927
in sexual conduct or had sexual contact with the license holder's 59928
patient or client in violation of any prohibition contained in 59929
Chapter 2907. of the Revised Code, the board shall do one of the 59930
following: 59931

(1) Suspend the license holder's license; 59932

(2) Permanently revoke the license holder's license. 59933

(B) If it determines at the conclusion of the hearing that 59934
neither of the sanctions described in division (A) of this section 59935
is appropriate, the board shall impose another sanction it 59936
considers appropriate and issue a written finding setting forth 59937
the reasons for the sanction imposed and the reason that neither 59938
of the sanctions described in division (A) of this section is 59939
appropriate. 59940

Sec. 4732.172. Any finding made, and the record of any 59941
sanction imposed, by the state behavioral health and social work 59942
board of ~~psychology~~ under section 4732.17 or 4732.171 of the 59943
Revised Code is a public record under section 149.43 of the 59944
Revised Code. 59945

Sec. 4732.173. (A) The state behavioral health and social 59946
work board of ~~psychology~~ may approve or establish a colleague 59947
assistance program for the purpose of affording holders of 59948
licenses issued under this chapter, license applicants, and 59949
persons subject to discipline pursuant to division (B) of section 59950
4731.22 of the Revised Code access to all of the following: 59951

(1) Resources concerning the prevention of distress; 59952

(2) Evaluation and intervention services concerning mental, 59953
emotional, substance use, and other conditions that may impair 59954
competence, objectivity, and judgment in the provision of 59955

psychological or school psychological services; 59956

(3) Consultation and mentoring services for practice 59957
oversight and remediation of professional skill deficits. 59958

The board may compel a license holder, applicant, or 59959
registered person to participate in the program in conjunction 59960
with the board's actions under section 4732.17 of the Revised 59961
Code. 59962

(B) If a program is approved or established, the board shall 59963
adopt rules specifying the circumstances under which self-referred 59964
participants may receive confidential services from the program. 59965

Sec. 4732.18. At any time after the suspension or revocation 59966
of a license issued under this chapter, the state behavioral 59967
health and social work board ~~of psychology~~ may restore the license 59968
upon the written finding by the board that circumstances so 59969
warrant. At the time it restores a license, the board may impose 59970
restrictions and limitations on the practice of the license 59971
holder. 59972

The board may require a person seeking restoration of a 59973
license to submit to mental, substance abuse, cognitive, or 59974
physical evaluations, or a combination of these evaluations. 59975
Evaluations shall be conducted by qualified individuals selected 59976
by the board. The costs of any evaluative processes shall be paid 59977
by the applicant for restoration. A person requesting restoration 59978
of a license is deemed to have given consent to submit to a mental 59979
or physical examination when directed to do so in writing by the 59980
board and to have waived all objections to the admissibility of 59981
testimony or examination reports that constitute a privileged 59982
communication. 59983

As a further condition of license restoration, the board may 59984
require the applicant to do both of the following: 59985

(A) Take the examination selected by the board under section 59986
4732.11 of the Revised Code and receive a score acceptable to the 59987
board; 59988

(B) Participate in board processes designed to expose the 59989
applicant to Chapter 4732. of the Revised Code and rules 59990
promulgated thereunder, which may include passing a written or 59991
oral examination on the Ohio laws and rules governing 59992
psychologists and school psychologists. 59993

Sec. 4732.21. Except as provided in section 4732.22 of the 59994
Revised Code: 59995

(A) No person who is not a licensed psychologist shall offer 59996
or render services as a psychologist or otherwise engage in the 59997
practice of psychology. 59998

(B) No person who is not a licensed psychologist, a school 59999
psychologist licensed by the state behavioral health and social 60000
work board ~~of psychology~~, or a school psychologist licensed by the 60001
state board of education shall offer or render services as a 60002
school psychologist or otherwise engage in the practice of school 60003
psychology. 60004

Sec. 4732.22. (A) The following persons are exempted from the 60005
licensing requirements of this chapter: 60006

(1) A person who holds a license or certificate issued by the 60007
state board of education authorizing the practice of school 60008
psychology, while practicing school psychology within the scope of 60009
employment by a board of education or by a private school meeting 60010
the standards prescribed by the state board of education under 60011
division (D) of section 3301.07 of the Revised Code, or while 60012
acting as a school psychologist within the scope of employment in 60013
a program for children with disabilities established under Chapter 60014
3323. or 5126. of the Revised Code. A person exempted under this 60015

division shall not offer psychological services to any other 60016
individual, organization, or group for remuneration, monetary or 60017
otherwise, unless the person is licensed by the state behavioral 60018
health and social work board ~~of psychology~~. 60019

(2) Any nonresident temporarily employed in this state to 60020
render psychological services for not more than thirty days a 60021
year, who, in the opinion of the board, meets the standards for 60022
entrance in division (B) of section 4732.10 of the Revised Code, 60023
who has paid the required fee and submitted an application 60024
prescribed by the board, and who holds whatever license or 60025
certificate, if any, is required for such practice in the person's 60026
home state or home country. 60027

(3) Any person working under the supervision of a 60028
psychologist or school psychologist licensed under this chapter, 60029
while carrying out specific tasks, under the license holder's 60030
supervision, as an extension of the license holder's legal and 60031
ethical authority as specified under this chapter if the person is 60032
registered under division (B) of this section. All fees shall be 60033
billed under the name of the license holder. The person working 60034
under the license holder's supervision shall not represent self to 60035
the public as a psychologist or school psychologist, although 60036
supervised persons and persons in training may be ascribed such 60037
titles as "psychology trainee," "psychology assistant," 60038
"psychology intern," or other appropriate term that clearly 60039
implies their supervised or training status. 60040

(4) Any student in an accredited educational institution, 60041
while carrying out activities that are part of the student's 60042
prescribed course of study, provided such activities are 60043
supervised by a professional person who is qualified to perform 60044
such activities and is licensed under this chapter or is a 60045
qualified supervisor pursuant to rules of the board; 60046

(5) Recognized religious officials, including ministers, 60047

priests, rabbis, imams, Christian science practitioners, and other 60048
persons recognized by the board, conducting counseling when the 60049
counseling activities are within the scope of the performance of 60050
their regular duties and are performed under the auspices or 60051
sponsorship of an established and legally cognizable religious 60052
denomination or sect, as defined in current federal tax 60053
regulations, and when the religious official does not refer to the 60054
official's self as a psychologist and remains accountable to the 60055
established authority of the religious denomination or sect; 60056

(6) Persons in the employ of the federal government insofar 60057
as their activities are a part of the duties of their positions; 60058

(7) Persons licensed, certified, or registered under any 60059
other provision of the Revised Code who are practicing those arts 60060
and utilizing psychological procedures that are allowed and within 60061
the standards and ethics of their profession or within new areas 60062
of practice that represent appropriate extensions of their 60063
profession, provided that they do not hold themselves out to the 60064
public by the title of psychologist; 60065

(8) Persons using the term "social psychologist," 60066
"experimental psychologist," "developmental psychologist," 60067
"research psychologist," "cognitive psychologist," and other terms 60068
used by those in academic and research settings who possess a 60069
doctoral degree in psychology from an educational institution 60070
accredited or recognized by national or regional accrediting 60071
agencies as maintaining satisfactory standards and who do not use 60072
such a term in the solicitation or rendering of professional 60073
psychological services. 60074

(B) The license holder who is supervising a person described 60075
in division (A)(3) of this section shall register the person with 60076
the board. The board shall adopt rules regarding the registration 60077
process and the supervisory relationship. 60078

Sec. 4732.221. A nonresident applicant seeking a review of 60079
qualifications and permission of the state behavioral health and 60080
social work board of ~~psychology~~ to practice psychology in Ohio for 60081
no more than thirty days per year under division (A)(2) of section 60082
4732.22 of the Revised Code shall pay a fee established by the 60083
board of not less than seventy-five dollars and not more than one 60084
hundred fifty dollars, no part of which shall be returned. The 60085
board may adopt rules for the purpose of recognizing a 60086
nonresident's interjurisdictional practice credentials granted by 60087
the association of state and provincial psychology boards and 60088
other relevant professional organizations. 60089

Sec. 4732.24. On complaint by the state behavioral health and 60090
social work board of ~~psychology~~, the unlawful practice of 60091
psychology or school psychology may be enjoined by the common 60092
pleas court of the county in which such practice is occurring. 60093

Sec. 4732.25. All fines collected for violation of section 60094
4732.21 of the Revised Code shall be distributed as follows: 60095

(A) One half to the state behavioral health and social work 60096
board of ~~psychology~~; 60097

(B) One half to the municipal corporation in which the 60098
offense was committed or, if the offense was committed outside a 60099
municipal corporation, to the county in which the offense was 60100
committed. 60101

Money received by a municipal corporation or a county shall 60102
be paid into its general fund and may be used for any lawful 60103
purpose. 60104

Sec. 4732.26. The state behavioral health and social work 60105
board of ~~psychology~~, subject to the approval of the controlling 60106
board, may establish fees in excess of the amounts provided by 60107

sections 4732.01 to 4732.99 of the Revised Code, provided that 60108
such fees do not exceed the amounts permitted by those sections by 60109
more than fifty per cent. 60110

Sec. 4732.27. On receipt of a notice pursuant to section 60111
3123.43 of the Revised Code, the state behavioral health and 60112
social work board of ~~psychology~~ shall comply with sections 3123.41 60113
to 3123.50 of the Revised Code and any applicable rules adopted 60114
under section 3123.63 of the Revised Code with respect to a 60115
license issued pursuant to this chapter. 60116

Sec. 4732.28. (A) An individual whom the state behavioral 60117
health and social work board of ~~psychology~~ licenses, certificates, 60118
or otherwise legally authorizes to engage in the practice of 60119
psychology may render the professional services of a psychologist 60120
within this state through a corporation formed under division (B) 60121
of section 1701.03 of the Revised Code, a limited liability 60122
company formed under Chapter 1705. of the Revised Code, a 60123
partnership, or a professional association formed under Chapter 60124
1785. of the Revised Code. This division does not preclude an 60125
individual of that nature from rendering professional services as 60126
a psychologist through another form of business entity, including, 60127
but not limited to, a nonprofit corporation or foundation, or in 60128
another manner that is authorized by or in accordance with this 60129
chapter, another chapter of the Revised Code, or rules of the 60130
state behavioral health and social work board of ~~psychology~~ 60131
adopted pursuant to this chapter. 60132

(B) A corporation, limited liability company, partnership, or 60133
professional association described in division (A) of this section 60134
may be formed for the purpose of providing a combination of the 60135
professional services of the following individuals who are 60136
licensed, certificated, or otherwise legally authorized to 60137
practice their respective professions: 60138

(1) Optometrists who are authorized to practice optometry	60139
under Chapter 4725. of the Revised Code;	60140
(2) Chiropractors who are authorized to practice chiropractic	60141
or acupuncture under Chapter 4734. of the Revised Code;	60142
(3) Psychologists who are authorized to practice psychology	60143
under this chapter;	60144
(4) Registered or licensed practical nurses who are	60145
authorized to practice nursing as registered nurses or as licensed	60146
practical nurses under Chapter 4723. of the Revised Code;	60147
(5) Pharmacists who are authorized to practice pharmacy under	60148
Chapter 4729. of the Revised Code;	60149
(6) Physical therapists who are authorized to practice	60150
physical therapy under sections 4755.40 to 4755.56 of the Revised	60151
Code;	60152
(7) Occupational therapists who are authorized to practice	60153
occupational therapy under sections 4755.04 to 4755.13 of the	60154
Revised Code;	60155
(8) Mechanotherapists who are authorized to practice	60156
mechanotherapy under section 4731.151 of the Revised Code;	60157
(9) Doctors of medicine and surgery, osteopathic medicine and	60158
surgery, or podiatric medicine and surgery who are authorized for	60159
their respective practices under Chapter 4731. of the Revised	60160
Code;	60161
(10) Licensed professional clinical counselors, licensed	60162
professional counselors, independent social workers, social	60163
workers, independent marriage and family therapists, or marriage	60164
and family therapists who are authorized for their respective	60165
practices under Chapter 4757. of the Revised Code.	60166
This division shall apply notwithstanding a provision of a	60167
code of ethics applicable to a psychologist that prohibits a	60168

psychologist from engaging in the practice of psychology in 60169
combination with a person who is licensed, certificated, or 60170
otherwise legally authorized to practice optometry, chiropractic, 60171
acupuncture through the state chiropractic board, nursing, 60172
pharmacy, physical therapy, occupational therapy, mechanotherapy, 60173
medicine and surgery, osteopathic medicine and surgery, podiatric 60174
medicine and surgery, professional counseling, social work, or 60175
marriage and family therapy, but who is not also licensed, 60176
certificated, or otherwise legally authorized to engage in the 60177
practice of psychology. 60178

Sec. 4732.31. (A) The state behavioral health and social work 60179
~~board of psychology~~ shall provide access to the following 60180
information through the internet: 60181

(1) The names of all licensed psychologists and all school 60182
psychologists licensed by the state behavioral health and social 60183
work board ~~of psychology~~; 60184

(2) The names of all licensed psychologists and all school 60185
psychologists licensed by the state behavioral health and social 60186
work board ~~of psychology~~ who have been reprimanded by the board 60187
for misconduct, the names of all licensed psychologists or school 60188
psychologists licensed by the state behavioral health and social 60189
work board ~~of psychology~~ whose licenses are under an active 60190
suspension imposed for misconduct, the names of all former 60191
licensed psychologists and school psychologists licensed by the 60192
state behavioral health and social work board ~~of psychology~~ whose 60193
licenses have been suspended or revoked for misconduct, and the 60194
reason for each reprimand, suspension, or revocation; 60195

(3) Written findings made under division (B) of section 60196
4732.171 of the Revised Code. 60197

(B) Division (A)(2) of this section does not apply to a 60198
suspension of the license of a psychologist or school psychologist 60199

that is an automatic suspension imposed under section 4732.14 of 60200
the Revised Code. 60201

Sec. 4732.32. The state behavioral health and social work 60202
~~board of psychology~~ shall comply with section 4776.20 of the 60203
Revised Code. 60204

Sec. 4732.33. The state behavioral health and social work 60205
~~board of psychology~~ shall adopt rules governing the use of 60206
telepsychology for the purpose of protecting the welfare of 60207
recipients of telepsychology services and establishing 60208
requirements for the responsible use of telepsychology in the 60209
practice of psychology and school psychology, including 60210
supervision of persons registered with the ~~state board of~~ 60211
~~psychology~~ as described in division (B) of section 4732.22 of the 60212
Revised Code. 60213

Sec. 4736.12. (A) The state board of sanitarian registration 60214
shall charge the following fees: 60215

(1) To apply as a sanitarian-in-training, eighty one hundred 60216
twenty dollars; 60217

(2) For sanitarians-in-training to apply for registration as 60218
sanitarians, eighty one hundred twenty dollars. The applicant 60219
shall pay this fee only once regardless of the number of times the 60220
applicant takes an examination required under section 4736.08 of 60221
the Revised Code. 60222

(3) For persons other than sanitarians-in-training to apply 60223
for registration as sanitarians, including persons meeting the 60224
requirements of section 4736.16 of the Revised Code, one hundred 60225
sixty dollars. The applicant shall pay this fee only once 60226
regardless of the number of times the applicant takes an 60227
examination required under section 4736.08 of the Revised Code. 60228

(4) The renewal fee for registered sanitarians shall be 60229
~~ninety~~ one hundred five dollars. 60230

(5) The renewal fee for sanitarians-in-training shall be 60231
~~ninety~~ one hundred five dollars. 60232

(6) For late application for renewal, an additional 60233
seventy-five dollars. 60234

The board of sanitarian registration, with the approval of 60235
the controlling board, may establish fees in excess of the amounts 60236
provided in this section, provided that such fees do not exceed 60237
the amounts permitted by this section by more than fifty per cent. 60238

(B) The board of sanitarian registration shall charge 60239
separate fees for examinations as required by section 4736.08 of 60240
the Revised Code, provided that the fees are not in excess of the 60241
actual cost to the board of conducting the examinations. 60242

(C) The board of sanitarian registration may adopt rules 60243
establishing fees for all of the following: 60244

(1) Application for the registration of a training agency 60245
approved under rules adopted by the board pursuant to section 60246
4736.11 of the Revised Code and for the annual registration 60247
renewal of an approved training agency; 60248

(2) Application for the review of continuing education hours 60249
submitted for the board's approval by approved training agencies 60250
or by registered sanitarians or sanitarians-in-training; 60251

(3) Additional copies of pocket identification cards and wall 60252
certificates. 60253

Sec. 4743.05. Except as otherwise provided in sections 60254
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 60255
Revised Code, all money collected under Chapters 3773., 4701., 60256
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 60257
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 60258

4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of the Revised 60259
Code shall be paid into the state treasury to the credit of the 60260
occupational licensing and regulatory fund, which is hereby 60261
created for use in administering such chapters. 60262

At the end of each quarter, the director of budget and 60263
management shall transfer from the occupational licensing and 60264
regulatory fund to the nurse education assistance fund created in 60265
section 3333.28 of the Revised Code the amount certified to the 60266
director under division (B) of section 4723.08 of the Revised 60267
Code. 60268

At the end of each quarter, the director shall transfer from 60269
the occupational licensing and regulatory fund to the certified 60270
public accountant education assistance fund created in section 60271
4701.26 of the Revised Code the amount certified to the director 60272
under division (H)(2) of section 4701.10 of the Revised Code. 60273

Sec. 4744.02. (A) There is hereby created the state vision 60274
and hearing professionals board consisting of the following 60275
members, appointed by the governor with the advice and consent of 60276
the senate: 60277

(1) Two individuals licensed as optometrists under Chapter 60278
4725. of the Revised Code; 60279

(2) Two individuals licensed as licensed dispensing opticians 60280
under Chapter 4725. of the Revised Code; 60281

(3) Two individuals licensed as speech-language pathologists 60282
under Chapter 4753. of the Revised Code; 60283

(4) One individual licensed as an audiologist under Chapter 60284
4753. of the Revised Code; 60285

(5) One individual licensed as a hearing aid fitter under 60286
Chapter 4747. of the Revised Code; 60287

(6) One individual representing the general public. 60288

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, four members shall serve terms ending March 22, 2019, three members shall serve terms ending March 22, 2020, and two members shall serve terms ending March 22, 2021.

Thereafter, terms of office are three years, with each term commencing on the twenty-third day of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms.

Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(C) No individual may be appointed to the board who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

Sec. 4744.04. (A) There is hereby created the state behavioral health and social work board consisting of the

<u>following members, appointed by the governor with the advice and</u>	60320
<u>consent of the senate:</u>	60321
<u>(1) One individual licensed as a psychologist under Chapter</u>	60322
<u>4732. of the Revised Code who is not a school psychologist;</u>	60323
<u>(2) One individual licensed as a school psychologist under</u>	60324
<u>Chapter 4732. of the Revised Code;</u>	60325
<u>(3) One individual licensed as an independent chemical</u>	60326
<u>dependency counselor-clinical supervisor, independent chemical</u>	60327
<u>dependency counselor, chemical dependency counselor II, or</u>	60328
<u>chemical dependency counselor III under Chapter 4758. of the</u>	60329
<u>Revised Code;</u>	60330
<u>(4) One individual holding a prevention consultant</u>	60331
<u>certificate or prevention specialist I certificate issued under</u>	60332
<u>Chapter 4758. of the Revised Code;</u>	60333
<u>(5) One individual licensed as a professional clinical</u>	60334
<u>counselor or professional counselor under Chapter 4757. of the</u>	60335
<u>Revised Code;</u>	60336
<u>(6) Two individuals licensed as independent social workers or</u>	60337
<u>social workers under Chapter 4757. of the Revised Code;</u>	60338
<u>(7) One individual licensed as an independent marriage and</u>	60339
<u>family therapist or marriage and family therapist under Chapter</u>	60340
<u>4757. of the Revised Code;</u>	60341
<u>(8) One individual representing the general public.</u>	60342
<u>(B) Not later than ninety days after the effective date of</u>	60343
<u>this section, the governor shall make initial appointments to the</u>	60344
<u>board. Of the initial appointments, four members shall serve terms</u>	60345
<u>ending October 4, 2019, three members shall serve terms ending</u>	60346
<u>October 4, 2020, and two members shall serve terms ending October</u>	60347
<u>4, 2021. Thereafter, terms of office are three years, with each</u>	60348
<u>term commencing on the fifth day of October and ending on the</u>	60349

fourth day of October. Each member shall hold office from the date 60350
of appointment until the end of the term for which the member was 60351
appointed, except that a member shall continue in office after the 60352
expiration date of the member's term until the member's successor 60353
takes office. No member shall serve more than three consecutive 60354
terms. 60355

Vacancies shall be filled in the same manner as original 60356
appointments. Any member appointed to fill a vacancy occurring 60357
before the expiration of the term for which the member's 60358
predecessor was appointed shall hold office for the remainder of 60359
that term. 60360

(C) No individual may be appointed to the board who has been 60361
convicted of or pleaded guilty to a felony under the laws of this 60362
state, another state, or the United States. 60363

The governor may remove a member of the board for 60364
malfeasance, misfeasance, or nonfeasance after a hearing in 60365
accordance with Chapter 119. of the Revised Code. The governor 60366
shall remove, after a hearing in accordance with Chapter 119. of 60367
the Revised Code, any member who has been convicted of or pleaded 60368
guilty to a felony under the laws of this state, another state, or 60369
the United States. 60370

Sec. 4744.041. (A) The state behavioral health and social 60371
work board shall appoint a school psychology examination committee 60372
responsible to the board. 60373

(B) The committee shall consist of five school psychologists, 60374
each of whom holds either of the following: 60375

(1) A school psychologist license issued under Chapter 4732. 60376
of the Revised Code; 60377

(2) A psychologist license issued under Chapter 4732. of the 60378
Revised Code and a certificate or license issued by the state 60379

board of education. 60380

(C) Committee members shall be appointed by the state 60381
behavioral health and social work board for staggered five-year 60382
terms, in accordance with rules adopted by the board. The board 60383
may delegate to the committee authority to develop the examination 60384
described in division (B)(2) of section 4732.11 of the Revised 60385
Code and any procedures the board establishes under division (C) 60386
of section 4732.11 of the Revised Code. 60387

Sec. 4744.06. (A) There is hereby created the state physical 60388
health services board consisting of the following members, 60389
appointed by the governor with the advice and consent of the 60390
senate: 60391

(1) One individual licensed as an occupational therapist 60392
under Chapter 4755. of the Revised Code; 60393

(2) One individual licensed as a physical therapist under 60394
Chapter 4755. of the Revised Code; 60395

(3) One individual licensed as an athletic trainer under 60396
Chapter 4755. of the Revised Code; 60397

(4) Two individuals licensed as occupational therapists, 60398
physical therapists, or athletic trainers under Chapter 4755. of 60399
the Revised Code, in any combination of those professionals; 60400

(5) One individual licensed as an orthotist or orthotist or 60401
prosthetist under Chapter 4779. of the Revised Code; 60402

(6) One individual licensed as a prosthetist or an orthotist 60403
or prosthetist under Chapter 4779. of the Revised Code; 60404

(7) One individual licensed as a pedorthist under Chapter 60405
4779. of the Revised Code; 60406

(8) One individual representing the general public. 60407

(B) Not later than ninety days after the effective date of 60408

this section, the governor shall make initial appointments to the 60409
board. Of the initial appointments, four members shall serve terms 60410
ending August 27, 2019, three members shall serve terms ending 60411
August 27, 2020, and two members shall serve terms ending August 60412
27, 2021. Thereafter, terms of office are three years, with each 60413
term commencing on the twenty-eighth day of August and ending on 60414
the twenty-seventh day of August. Each member shall hold office 60415
from the date of appointment until the end of the term for which 60416
the member was appointed, except that a member shall continue in 60417
office after the expiration date of the member's term until the 60418
member's successor takes office. No member shall serve more than 60419
three consecutive terms. 60420

Vacancies shall be filled in the same manner as original 60421
appointments. Any member appointed to fill a vacancy occurring 60422
before the expiration of the term for which the member's 60423
predecessor was appointed shall hold office for the remainder of 60424
that term. 60425

(C) No individual may be appointed to the board who has been 60426
convicted of or pleaded guilty to a felony under the laws of this 60427
state, another state, or the United States. 60428

The governor may remove a member of the board for 60429
malfeasance, misfeasance, or nonfeasance after a hearing in 60430
accordance with Chapter 119. of the Revised Code. The governor 60431
shall remove, after a hearing in accordance with Chapter 119. of 60432
the Revised Code, any member who has been convicted of or pleaded 60433
guilty to a felony under the laws of this state, another state, or 60434
the United States. 60435

Sec. 4744.07. When the term of a member of a board organized 60436
under this chapter expires or a vacancy occurs on the board, a 60437
professional association representing the interests of the 60438
occupation of the board position to be filled may recommend to the 60439

governor individuals to fill the position. The governor shall 60440
consider the recommendation in making appointments to the board. 60441

Sec. 4744.10. Whenever the term "state board of optometry," 60442
"Ohio optical dispensers board," "hearing aid dealers and fitters 60443
licensing board," or "board of speech-language pathology and 60444
audiology" is used in any statute, rule, contract, or other 60445
document, the use shall be construed to mean the "state vision and 60446
hearing professionals board." 60447

Whenever "executive director of the state board of 60448
optometry," "executive secretary-treasurer of the Ohio optical 60449
dispensers board," "secretary of the hearing aid dealers and 60450
fitters licensing board," or "executive director of the board of 60451
speech-language pathology and audiology" is used in a statute, 60452
rule, contract, or other document, the use shall be construed to 60453
mean the executive director of the state vision and hearing 60454
professionals board. 60455

Whenever the term "chemical dependency professionals board," 60456
"counselor, social worker, and marriage and family therapist 60457
board," or "state board of psychology" is used in any statute, 60458
rule, contract, or other document, the use shall be construed to 60459
mean the "state behavioral health and social work board." 60460

Whenever the executive director of the "chemical dependency 60461
professionals board," "counselor, social worker, and marriage and 60462
family therapist board," or "state board of psychology" is used in 60463
any statute, rule, contract, or other document, the use shall be 60464
construed to mean the executive director of the state behavioral 60465
health and social work board. 60466

Whenever the term "Ohio occupational therapy, physical 60467
therapy, and athletic trainers board" or "state board of 60468
orthotics, prosthetics, and pedorthics" is used in any statute, 60469

rule, contract, or other document, the use shall be construed to 60470
mean the "state physical health services board." 60471

Whenever the executive director of the "Ohio occupational 60472
therapy, physical therapy, and athletic trainers board" or "state 60473
board of orthotics, prosthetics, and pedorthics" is used in any 60474
statute, rule, contract, or other document, the use shall be 60475
construed to mean the executive director of the state physical 60476
health services board. 60477

Sec. 4744.12. (A) Each board organized under this chapter 60478
shall annually elect from among its members a president and 60479
secretary. Each board shall hold at least four regular meetings 60480
each year and may hold additional meetings as it considers 60481
necessary. At least one of the board's regular meetings shall be 60482
held in Franklin county. The boards shall publish the time and 60483
place of any meetings at least thirty days before the date on 60484
which the meeting is to be held, except that in the case of an 60485
emergency or special meeting, the board shall give 60486
twenty-four-hours' notice or as much notice as possible. 60487

A majority of board members constitutes a quorum. 60488

(B) Each board shall do all of the following: 60489

(1) Adopt a seal and certificate of suitable design; 60490

(2) Maintain a record of its proceedings; 60491

(3) Maintain a register of every individual holding a 60492
certificate, license, permit, registration, or endorsement issued 60493
under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 60494
4779., and 4783. of the Revised Code, as applicable, and every 60495
individual whose certificate, license, permit, registration, or 60496
endorsement has been revoked under those chapters. 60497

(C) Except as otherwise provided in the Revised Code, the 60498
books and records of each board, including its registers, shall be 60499

open to public inspection at all reasonable times. A copy of an 60500
entry in those books and records, certified by the executive 60501
director under the board's seal, is prima facie evidence of the 60502
facts therein stated. 60503

Sec. 4744.14. Each board organized under this chapter shall 60504
hire an executive director. Before discharging the executive 60505
director's duties, each executive director shall give a bond, to 60506
be approved by the board, in the amount of two thousand dollars to 60507
ensure the faithful performance of the executive director's 60508
duties. The board shall pay the premium of the bond in the same 60509
manner as it pays other expenditures of the board. The bond shall 60510
be deposited with the secretary of state and kept in the secretary 60511
of state's office. 60512

The executive director of each board organized under this 60513
chapter, in consultation with the director of administrative 60514
services, may employ inspectors, investigators, assistants, and 60515
other employees as necessary to administer and enforce Chapters 60516
4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 4783. 60517
of the Revised Code, as applicable. 60518

Sec. 4744.16. Each member of a board organized under this 60519
chapter shall receive an amount fixed under division (J) of 60520
section 124.15 of the Revised Code for each day the member is 60521
performing their official duties and be reimbursed for actual and 60522
necessary expenses incurred in performing such duties. 60523

Each board, in consultation with the director of 60524
administrative services, shall set the compensation of its 60525
executive director and of any employees of the board. The 60526
executive director of each board shall be reimbursed for necessary 60527
expenses in accordance with section 126.31 of the Revised Code. 60528

All vouchers of the board shall be approved by the board's 60529

president or executive director, or both, as authorized by the 60530
board. 60531

Sec. 4744.18. Each board organized under this chapter shall 60532
have an office in Franklin county, where all of the board's 60533
permanent records shall be kept. On request of each board, the 60534
director of administrative services shall supply each board with 60535
office space and supplies. The board's president and executive 60536
director shall submit an order to the director of administrative 60537
services for all printing and binding necessary for the board's 60538
work. 60539

Sec. 4744.20. All expenses of the boards organized under this 60540
chapter shall be paid from, and all receipts of the boards shall 60541
be deposited in, the state treasury to the credit of the 60542
occupational licensing and regulatory fund created in section 60543
4743.05 of the Revised Code. 60544

Sec. 4744.24. Each board organized under this chapter shall 60545
annually, on or before the first day of February, submit a report 60546
to the governor of all its official acts during the preceding 60547
year, its receipts and disbursements, and a complete report of the 60548
conditions of the professions regulated by the board. Each board 60549
shall submit its first report to the governor not later than 60550
February 1, 2019. Each board shall submit the reports to the 60551
governor electronically. 60552

Sec. 4744.28. Each board organized under this chapter may 60553
adopt rules as necessary for the transaction of its business. 60554

Sec. 4744.30. In the absence of fraud or bad faith, any board 60555
organized under this chapter, current or former board members, 60556
agents of the board, persons formally requested by the board to be 60557

the board's representative, or employees of the board shall not be 60558
held liable in damages to any person as the result of any act, 60559
omission, proceeding, conduct, or decision related to official 60560
duties undertaken or performed pursuant to Chapters 4725., 4732., 60561
4747., 4753., 4755., 4757., 4758., 4779., and 4783. of the Revised 60562
Code, as applicable. 60563

If such a person asks to be defended by the state against any 60564
claim or action arising out of any act, omission, proceeding, 60565
conduct, or decision related to the person's official duties, and 60566
if the request is made in writing at a reasonable time before 60567
trial and the person requesting defense cooperates in good faith 60568
in the defense of the claim or action, the state shall provide and 60569
pay for the person's defense and shall pay any resulting judgment, 60570
compromise, or settlement. At no time shall the state pay any part 60571
of a claim or judgment that is for punitive or exemplary damages. 60572

Sec. 4744.36. Each board organized under this chapter may 60573
appoint committees or other groups to assist in fulfilling its 60574
duties. A committee or group may consist of board members, other 60575
individuals with appropriate backgrounds, or both board members 60576
and other individuals with appropriate backgrounds. Any appointed 60577
committee or group shall act under the board's direction and shall 60578
perform its functions within the limits established by the board. 60579

Except as otherwise provided in the Revised Code, a committee 60580
or group organized under this section is advisory in nature and 60581
may not act independently of the board or act on the board's 60582
behalf. 60583

Members of a committee or group may be reimbursed by the 60584
board for any expenses incurred in the performance of their 60585
duties, in accordance with section 126.31 of the Revised Code and 60586
with approval from the director of administrative services. 60587

Sec. 4744.40. Each board organized under this chapter may 60588
enter into contracts with any person or government entity to 60589
implement this chapter and Chapters 4725., 4732., 4747., 4753., 60590
4755., 4757., 4758., 4779., and 4783. of the Revised Code, as 60591
applicable, the rules adopted under those chapters, any other 60592
applicable statutes or rules, and any applicable federal statutes 60593
or regulations. 60594

Sec. 4744.48. Each board organized under this chapter may 60595
become a member of a national licensing organization for the 60596
professions regulated by that board. The board may participate in 60597
any of the organization's activities, including reporting actions 60598
the board takes against an applicant or license holder to any data 60599
bank established by the organization. 60600

Sec. 4744.50. Each board organized under this chapter shall 60601
establish a code of ethical practice for individuals licensed, 60602
certified, or registered by that board in accordance with rules 60603
adopted under Chapter 119. of the Revised Code. In establishing 60604
the codes of ethical practice, the board shall define 60605
unprofessional conduct in the rules, which shall include engaging 60606
in a dual relationship with a client or former client, committing 60607
an act of sexual abuse, misconduct, or exploitation of a client or 60608
former client, and, except as permitted by law, violating client 60609
confidentiality. 60610

The codes of ethical practice may be based on any codes of 60611
ethical practice developed by national organizations representing 60612
the interests of those professions regulated by each board. The 60613
board may establish standards in its codes of ethical practice 60614
that are more stringent than those established by national 60615
organizations. 60616

The board may take disciplinary action against an applicant 60617

or license holder for violating any code of ethical practice 60618
established under this section. 60619

Sec. 4744.54. No board organized under this chapter or any 60620
committees established by the board shall discriminate against an 60621
applicant or license holder because of the person's race, color, 60622
religion, sex, national origin, disability as defined in section 60623
4112.01 of the Revised Code, or age. A person who files with the 60624
board or committee a statement alleging discrimination based on 60625
any of those reasons may request a hearing with the board or 60626
committee, as appropriate. 60627

Sec. 4745.01. (A) "Standard renewal procedure," as used in 60628
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 60629
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 60630
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~, 4169., 4561., 60631
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 60632
4728., 4729., 4731., 4733., 4734., ~~4735.~~, 4739., 4741., 4747., 60633
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 60634
4773., and 4775. of the Revised Code, means the license renewal 60635
procedures specified in this chapter. 60636

(B) "Licensing agency," as used in this chapter, means any 60637
department, division, board, section of a board, or other state 60638
governmental unit subject to the standard renewal procedure, as 60639
defined in this section, and authorized by the Revised Code to 60640
issue a license to engage in a specific profession, occupation, or 60641
occupational activity, or to have charge of and operate certain 60642
specified equipment, machinery, or premises. 60643

(C) "License," as used in this chapter, means a license, 60644
certificate, permit, card, or other authority issued or conferred 60645
by a licensing agency by authority of which the licensee has or 60646
claims the privilege to engage in the profession, occupation, or 60647

occupational activity, or to have control of and operate certain 60648
specific equipment, machinery, or premises, over which the 60649
licensing agency has jurisdiction. 60650

(D) "Licensee," as used in this chapter, means either the 60651
person to whom the license is issued or renewed by a licensing 60652
agency, or the person, partnership, or corporation at whose 60653
request the license is issued or renewed. 60654

(E) "Renewal" and "renewed," as used in this chapter and in 60655
the chapters of the Revised Code specified in division (A) of this 60656
section, includes the continuing licensing procedure provided in 60657
Chapter 3748. of the Revised Code and rules adopted under it and 60658
in sections 1321.05 and 3921.33 of the Revised Code, and as 60659
applied to those continuing licenses any reference in this chapter 60660
to the date of expiration of any license shall be construed to 60661
mean the due date of the annual or other fee for the continuing 60662
license. 60663

Sec. 4745.02. On or before the thirtieth day prior to the 60664
expiration of any license, each licensing agency shall ~~cause to be~~ 60665
~~mailed~~ provide a notice ~~and application~~ for renewal to every 60666
licensee for whom a license was issued or renewed during the 60667
current license year or other specified period and who has been 60668
approved for renewal by the specific licensing agency. 60669

The licensee shall complete the applicable renewal 60670
application and ~~return it to~~ pay the applicable renewal fee. 60671
Renewal fees paid pursuant to this section shall be deposited with 60672
the treasurer of state ~~with a renewal fee in the amount specified~~ 60673
~~on the renewal application.~~ 60674

Upon receipt of the correct fee by the treasurer and 60675
acceptance of the renewal application by the licensing agency, the 60676
applicant shall be entered as currently renewed on the records of 60677
the particular licensing agency, and notice of the entry shall be 60678

~~mailed~~ provided to each licensee as soon as practicable, but not 60679
later than thirty days after receipt ~~by the treasurer~~ of the 60680
application and renewal fee. A certification by the respective 60681
licensing agency, with its seal affixed, of those records shall be 60682
prima-facie evidence of renewal in all courts in the trial of any 60683
case. 60684

Sec. 4745.021. Notwithstanding any provision of the Revised 60685
Code pertaining to the timing of a license renewal to the 60686
contrary, if a failure in any electronic license renewal system 60687
occurs, a licensing agency may extend the date by which licenses 60688
must be renewed. The licensing agency may extend a renewal period 60689
for a reasonable time period after the resolution of the system 60690
failure. However, a licensing agency must obtain approval from the 60691
director of administrative services for an extension in excess of 60692
fourteen days beyond the resolution of the system failure. 60693

Sec. 4747.04. The ~~state vision and hearing aid dealers and~~ 60694
~~fitters licensing board shall meet annually to elect a chairperson~~ 60695
~~and a vice chairperson, who shall act as chairperson in the~~ 60696
~~absence of the chairperson. A majority of the board constitutes a~~ 60697
~~quorum. The board shall meet when called by the chairperson. The~~ 60698
~~professionals board shall:~~ 60699

(A) ~~Adopt rules for the transaction of its business;~~ 60700

~~(B)~~ Design and prepare qualifying examinations for licensing 60701
of hearing aid dealers, fitters, and trainees; 60702

~~(C)~~(B) Determine whether persons holding similar valid 60703
licenses from other states or jurisdictions shall be required to 60704
take and successfully pass the appropriate qualifying examination 60705
as a condition for licensing in this state; 60706

~~(D)~~(C) Determine whether charges made against any licensee 60707
warrant a hearing before the board; 60708

~~(E)~~(D) Hold hearings to determine the truth and circumstances 60709
of all charges filed in writing with the board against any 60710
licensee and determine whether any license held by any person 60711
shall be revoked, suspended, or reissued; 60712

~~(F)~~(E) Determine and specify the length of time each license 60713
that is suspended or revoked shall remain suspended or revoked; 60714

~~(G)~~(F) Advise and assist the department of health in all 60715
matters relating to this chapter; 60716

~~(H)~~(G) Deposit all payments collected under this chapter into 60717
the ~~general operations~~ state treasury to the credit of the 60718
occupational licensing and regulatory fund created ~~under in~~ 60719
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 60720
~~administering and enforcing this chapter;~~ 60721

~~(I)~~(H) Establish a list of disqualifying offenses for 60722
licensure as a hearing aid dealer or fitter, or for a hearing aid 60723
dealer or fitter trainee permit, pursuant to sections 4747.05, 60724
4747.10, 4747.12, and 4776.10 of the Revised Code. 60725

Nothing in this section shall be interpreted as granting to 60726
the ~~hearing aid dealers and fitters licensing~~ board the right to 60727
restrict advertising which is not false or misleading, or to 60728
prohibit or in any way restrict a hearing aid dealer or fitter 60729
from renting or leasing space from any person, firm or corporation 60730
in a mercantile establishment for the purpose of using such space 60731
for the lawful sale of hearing aids or to prohibit a mercantile 60732
establishment from selling hearing aids if the sale would be 60733
otherwise lawful under this chapter. 60734

Sec. 4747.05. (A) The state vision and hearing aid ~~dealers~~ 60735
~~and fitters licensing~~ professionals board shall issue to each 60736
applicant, within sixty days of receipt of a properly completed 60737
application and payment of two hundred sixty-two dollars, a 60738

hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 60739
~~individual:~~ 60740

(1) ~~Is~~ In the case of an individual, the individual is at 60741
least eighteen years of age; 60742

~~(2) Has,~~ has not committed a disqualifying offense or a crime 60743
of moral turpitude, as those terms are defined in section 4776.10 60744
of the Revised Code; 60745

~~(3) Is,~~ is free of contagious or infectious disease; 60746

~~(4) Has,~~ and has successfully passed a qualifying examination 60747
specified and administered by the board. 60748

~~(B) If the applicant is~~ (2) In the case of a firm, 60749
partnership, association, or corporation, the application, in 60750
addition to such information as the board requires, ~~shall be~~ is 60751
accompanied by an application for a license for each person, 60752
whether owner or employee, of the firm, partnership, association, 60753
or corporation, who engages in dealing in or fitting of hearing 60754
aids, or ~~shall contain~~ contains a statement that such applications 60755
are submitted separately. No firm, partnership, association, or 60756
corporation licensed pursuant to this chapter shall permit any 60757
unlicensed person to sell or fit hearing aids. 60758

~~(C)(B)~~ (1) Subject to divisions ~~(C)(B)~~ (2), (3), and (4) of 60759
this section, the board shall not adopt, maintain, renew, or 60760
enforce any rule that precludes an individual from receiving or 60761
renewing a license issued under this chapter due to any past 60762
criminal activity or interpretation of moral character, unless the 60763
individual has committed a crime of moral turpitude or a 60764
disqualifying offense as those terms are defined in section 60765
4776.10 of the Revised Code. If the board denies an individual a 60766
license or license renewal, the reasons for such denial shall be 60767
put in writing. 60768

(2) Except as otherwise provided in this division, if an 60769

individual applying for a license has been convicted of or pleaded 60770
guilty to a misdemeanor that is not a crime of moral turpitude or 60771
a disqualifying offense less than one year prior to making the 60772
application, the board may use the board's discretion in granting 60773
or denying the individual a license. Except as otherwise provided 60774
in this division, if an individual applying for a license has been 60775
convicted of or pleaded guilty to a felony that is not a crime of 60776
moral turpitude or a disqualifying offense less than three years 60777
prior to making the application, the board may use the board's 60778
discretion in granting or denying the individual a license. The 60779
provisions in this paragraph do not apply with respect to any 60780
offense unless the board, prior to ~~the effective date of this~~ 60781
~~amendment~~ September 28, 2012, was required or authorized to deny 60782
the application based on that offense. 60783

In all other circumstances, the board shall follow the 60784
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 60785
this section. 60786

(3) In considering a renewal of an individual's license, the 60787
board shall not consider any conviction or plea of guilty prior to 60788
the initial licensing. However, the board may consider a 60789
conviction or plea of guilty if it occurred after the individual 60790
was initially licensed, or after the most recent license renewal. 60791

(4) The board may grant an individual a conditional license 60792
that lasts for one year. After the one-year period has expired, 60793
the license is no longer considered conditional, and the 60794
individual shall be considered fully licensed. 60795

~~(D)~~(C) Each license issued expires on the thirtieth day of 60796
January of the year following that in which it was issued. 60797

Sec. 4747.051. (A) As used in this section, "license" and 60798
"applicant for an initial license" have the same meanings as in 60799
section 4776.01 of the Revised Code, except that "license" as used 60800

in both of those terms refers to the types of authorizations 60801
otherwise issued or conferred under this chapter. 60802

(B) In addition to any other eligibility requirement set 60803
forth in this chapter, each applicant for an initial license shall 60804
comply with sections 4776.01 to 4776.04 of the Revised Code. The 60805
state vision and hearing professionals board shall not grant a 60806
license to an applicant for an initial license unless the 60807
applicant complies with sections 4776.01 to 4776.04 of the Revised 60808
Code and the board, in its discretion, decides that the results of 60809
the criminal records check do not make the applicant ineligible 60810
for a license issued pursuant to section 4747.05 or 4747.10 of the 60811
Revised Code. 60812

Sec. 4747.06. (A) Each person engaged in the practice of 60813
dealing in or fitting of hearing aids who holds a valid hearing 60814
aid dealer's or fitter's license shall apply annually to the state 60815
vision and hearing aid dealers and fitters licensing professionals 60816
board for renewal of such license under the standard renewal 60817
procedure specified in Chapter 4745. of the Revised Code. The 60818
board shall issue to each applicant, on proof of completion of the 60819
continuing education required by division (B) of this section and 60820
payment of one hundred fifty-seven dollars on or before the first 60821
day of February, one hundred eighty-three dollars on or before the 60822
first day of March, or two hundred ten dollars thereafter, a 60823
renewed hearing aid dealer's or fitter's license. No person who 60824
applies for renewal of a hearing aid dealer's or fitter's license 60825
that has expired shall be required to take any examination as a 60826
condition of renewal provided application for renewal is made 60827
within two years of the date such license expired. 60828

(B) Each person engaged in the practice of dealing in or 60829
fitting of hearing aids who holds a valid hearing aid dealer's or 60830
fitter's license shall complete each year not less than ten hours 60831

of continuing professional education approved by the board. On a 60832
form provided by the board, the person shall certify to the board, 60833
at the time of license renewal pursuant to division (A) of this 60834
section, that in the preceding year the person has completed 60835
continuing education in compliance with this division and shall 60836
submit any additional information required by rule of the board 60837
regarding the continuing education. The board shall adopt rules in 60838
accordance with Chapter 119. of the Revised Code establishing the 60839
standards continuing education programs must meet to obtain board 60840
approval and continuing education reporting requirements. 60841

Continuing education may be applied to meet the requirement 60842
of this division if it is provided or certified by any of the 60843
following: 60844

(1) The national institute of hearing instruments studies 60845
committee of the international hearing society; 60846

(2) The American speech-language hearing association; 60847

(3) The American academy of audiology. 60848

The board may excuse persons licensed under this chapter, as 60849
a group or as individuals, from all or any part of the 60850
requirements of this division because of an unusual circumstance, 60851
emergency, or special hardship. 60852

Sec. 4747.07. Each person who holds a hearing aid dealer's or 60853
fitter's license and engages in the practice of dealing in and 60854
fitting of hearing aids shall display such license in a 60855
conspicuous place in the person's office or place of business at 60856
all times. Each person who maintains more than one office or place 60857
of business shall post a duplicate copy of the license at each 60858
location. The state vision and hearing aid dealers and fitters 60859
licensing professionals board shall issue duplicate copies of a 60860
license upon receipt of a properly completed application and 60861

payment of sixteen dollars for each copy requested. 60862

Sec. 4747.08. After July 1, 1970, no person shall be issued a 60863
hearing aid dealer's or fitter's license unless such person has 60864
successfully taken and passed a qualifying examination. The 60865
qualifying examination shall be a thorough testing of knowledge 60866
required for the proper selecting, fitting, and sale of hearing 60867
aids, but shall not be such that a medical or surgical education 60868
is required for successful completion. It shall consist of written 60869
and practical portions which shall include, but not be limited to, 60870
the following areas: 60871

(A) Basic physics of sound; 60872

(B) The anatomy and physiology of the human ear; 60873

(C) The function and purpose of hearing aids; 60874

(D) Pure tone audiometry, including air conduction and bone 60875
conduction testing; 60876

(E) Live voice or recorded voice speech audiometry, including 60877
speech reception threshold testing and speech discrimination 60878
testing; 60879

(F) Masking techniques; 60880

(G) Recording and evaluation of audiograms and speech 60881
audiometry to determine proper selection and adaption of hearing 60882
aids; 60883

(H) Earmold impression techniques. 60884

The state vision and hearing aid dealers and fitters 60885
licensing professionals board shall design, prepare, and revise 60886
such qualifying examinations as are determined necessary by the 60887
board pursuant to this chapter. It shall administer all such 60888
qualifying examinations and shall designate the time, place, and 60889
date the examinations are held. The board shall also furnish all 60890

materials and equipment necessary for the conducting of all 60891
qualifying examinations. 60892

Sec. 4747.10. Each person currently engaged in training to 60893
become a licensed hearing aid dealer or fitter shall apply to the 60894
state vision and hearing aid dealers and fitters licensing 60895
professionals board for a hearing aid dealer's and fitter's 60896
trainee permit. The board shall issue to each applicant within 60897
thirty days of receipt of a properly completed application and 60898
payment of one hundred fifty dollars, a trainee permit if such 60899
applicant meets all of the following criteria: 60900

(A) Is at least eighteen years of age; 60901

(B) Is the holder of a diploma from an accredited high school 60902
or a certificate of high school equivalence issued by the 60903
department of education; 60904

(C) Has not committed a disqualifying offense or a crime of 60905
moral turpitude, as those terms are defined in section 4776.10 of 60906
the Revised Code; 60907

(D) Is free of contagious or infectious disease. 60908

Subject to the next paragraph, the board shall not deny a 60909
trainee permit issued under this section to any individual based 60910
on the individual's past criminal history or an interpretation of 60911
moral character unless the individual has committed a 60912
disqualifying offense or crime of moral turpitude as those terms 60913
are defined in section 4776.10 of the Revised Code. Except as 60914
otherwise provided in this paragraph, if an individual applying 60915
for a trainee permit has been convicted of or pleaded guilty to a 60916
misdemeanor that is not a crime of moral turpitude or a 60917
disqualifying offense less than one year prior to making the 60918
application, the board may use the board's discretion in granting 60919
or denying the individual a trainee permit. Except as otherwise 60920

provided in this paragraph, if an individual applying for a 60921
trainee permit has been convicted of or pleaded guilty to a felony 60922
that is not a crime of moral turpitude or a disqualifying offense 60923
less than three years prior to making the application, the board 60924
may use the board's discretion in granting or denying the 60925
individual a trainee permit. The provisions in this paragraph do 60926
not apply with respect to any offense unless the board, prior to 60927
September 28, 2012, was required or authorized to deny the 60928
application based on that offense. 60929

In all other circumstances not described in the preceding 60930
paragraph, the board shall follow the procedures it adopts by rule 60931
that conform to this section. 60932

In considering a renewal of an individual's trainee permit, 60933
the board shall not consider any conviction or plea of guilty 60934
prior to the issuance of the initial trainee permit. However, the 60935
board may consider a conviction or plea of guilty if it occurred 60936
after the individual was initially granted the trainee permit, or 60937
after the most recent trainee permit renewal. If the board denies 60938
an individual for a trainee permit or renewal, the reasons for 60939
such denial shall be put in writing. Additionally, the board may 60940
grant an individual a conditional trainee permit that lasts for 60941
one year. After the one-year period has expired, the permit is no 60942
longer considered conditional, and the individual shall be 60943
considered to be granted a full trainee permit. 60944

Each trainee permit issued by the board expires one year from 60945
the date it was first issued, and may be renewed once if the 60946
trainee has not successfully completed the qualifying requirements 60947
for licensing as a hearing aid dealer or fitter before the 60948
expiration date of such permit. The board shall issue a renewed 60949
permit to each applicant upon receipt of a properly completed 60950
application and payment of one hundred five dollars. No person 60951
holding a trainee permit shall engage in the practice of dealing 60952

in or fitting of hearing aids except while under supervision by a 60953
licensed hearing aid dealer or fitter. 60954

Sec. 4747.11. Each person who holds a hearing aid dealer's or 60955
fitter's license or trainee permit shall notify the state vision 60956
and hearing aid dealers and fitters licensing professionals board 60957
in writing of the place or places where ~~he~~ the person engages or 60958
intends to engage in the practice of dealing in and fitting of 60959
hearing aids, and shall immediately notify the board in writing of 60960
any change in such address or addresses. The board shall keep a 60961
record of the past and current place of business of each person 60962
who holds a license or permit. 60963

Any notice that is required to be given by the board to a 60964
person holding a license or permit pursuant to the provisions of 60965
this chapter shall be mailed to such person by certified mail to 60966
the address of ~~his~~ the person's current or most recent place of 60967
business as revealed in the records of the board. 60968

Sec. 4747.12. The state vision and hearing aid ~~dealers and~~ 60969
~~fitters licensing professionals~~ board may revoke or suspend a 60970
license or permit if the person who holds such license or permit: 60971

(A) Is convicted of a disqualifying offense or a crime of 60972
moral turpitude as those terms are defined in section 4776.10 of 60973
the Revised Code. The record of conviction, or a copy thereof 60974
certified by the clerk of the court or by the judge in whose court 60975
the conviction occurs, is conclusive evidence of such conviction; 60976

(B) Procured a license or permit by fraud or deceit practiced 60977
upon the board; 60978

(C) Obtained any fee or made any sale of a hearing aid by 60979
fraud or misrepresentation; 60980

(D) Knowingly employed any person without a license or a 60981
person whose license was suspended or revoked to engage in the 60982

fitting or sale of hearing aids;	60983
(E) Used or caused or promoted the use of any advertising	60984
matter, promotional literature, testimonial, guarantee, warranty,	60985
label, brand, insignia, or any other representation, however	60986
disseminated or published, which is misleading, deceptive, or	60987
untruthful;	60988
(F) Advertised a particular model or type of hearing aid for	60989
sale when purchasers or prospective purchasers responding to the	60990
advertisement cannot purchase the specified model or type of	60991
hearing aid;	60992
(G) Represented or advertised that the service or advice of a	60993
person licensed to practice medicine will be used or made	60994
available in the selection, fitting, adjustment, maintenance, or	60995
repair of hearing aids when such is not true, or using the words	60996
"doctor," "clinic," or similar words, abbreviations, or symbols	60997
which connote the medical profession when such use is not	60998
accurate;	60999
(H) Is found by the board to be a person of habitual	61000
intemperance or gross immorality;	61001
(I) Advertised a manufacturer's product or used a	61002
manufacturer's name or trademark in a manner which suggested the	61003
existence of a relationship with the manufacturer which did not or	61004
does not exist;	61005
(J) Fitted or sold, or attempted to fit or sell, a hearing	61006
aid to a person without first utilizing the appropriate procedures	61007
and instruments required for proper fitting of hearing aids;	61008
(K) Engaged in the fitting and sale of hearing aids under a	61009
false name or an alias;	61010
(L) Engaged in the practice of dealing in or fitting of	61011
hearing aids while suffering from a contagious or infectious	61012

disease; 61013

(M) Was found by the board to be guilty of gross incompetence 61014
or negligence in the fitting or sale of hearing aids; 61015

(N) Permitted another person to use the licensee's license; 61016

(O) Violate the code of ethical practice adopted under 61017
section 4744.50 of the Revised Code. 61018

Sec. 4747.13. (A) Any person who wishes to make a complaint 61019
against any person, firm, partnership, association, or corporation 61020
licensed pursuant to this chapter shall submit such complaint in 61021
writing to the state vision and hearing aid dealers and fitters 61022
licensing professionals board within one year from the date of the 61023
action or event upon which the complaint is based. The hearing aid 61024
dealers and fitters board shall determine whether the charges in 61025
the complaint are of a sufficiently serious nature to warrant a 61026
hearing before the board to determine whether the license or 61027
permit held by the person complained against shall be revoked or 61028
suspended. If the board determines that a hearing is warranted, 61029
then it shall fix the time and place of such hearing and deliver 61030
or cause to have delivered, either in person or by registered 61031
mail, at least twenty days before the date of such hearing, an 61032
order instructing the licensee complained against of the date, 61033
time, and place where the licensee shall appear before the board. 61034
Such order shall include a copy of the complaint against the 61035
licensee. 61036

The board, and the licensee after receipt of the order and a 61037
copy of the complaint made against the licensee, may take 61038
depositions in advance of the hearing, provided that each party 61039
taking depositions shall give at least five days notice to the 61040
other party of the time, date, and place where such depositions 61041
shall be taken. Each party shall have the right to attend with 61042
counsel the taking of such depositions and may cross-examine the 61043

deponent or deponents. Each licensee appearing before the board 61044
may be represented by counsel. No person shall have the person's 61045
license or permit revoked or suspended without an opportunity to 61046
present the person's case at a hearing before the board, and the 61047
board shall grant a continuance or adjournment of a hearing date 61048
for good cause. Each person whose license or permit is suspended 61049
or revoked by the board may appeal such action to the court of 61050
common pleas. 61051

(B) The board shall petition the court of common pleas of the 61052
county in which a person, firm, partnership, or corporation 61053
engages in the sale, practice of dealing in or fitting of hearing 61054
aids, advertises or assumes such practice, or engages in training 61055
to become a licensed hearing aid dealer or fitter without first 61056
being licensed, for an order enjoining any such acts or practices. 61057
The court may grant such injunctive relief upon a showing that the 61058
respondent named in the petition is engaging in such acts or 61059
practices without being licensed under this chapter. 61060

Sec. 4747.14. No person, firm, partnership, association, or 61061
corporation shall: 61062

(A) Sell or barter or offer to sell or barter a hearing aid 61063
dealers or fitters license or trainee permit issued by the state 61064
vision and hearing aid dealers and fitters licensing professionals 61065
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 61066
Revised Code; 61067

(B) Purchase or procure or attempt to purchase or procure a 61068
hearing aid dealers or fitters license or trainee permit with 61069
intent to use such license or permit as evidence of the holder's 61070
qualification to engage in the practice of dealing in or fitting 61071
of hearing aids; 61072

(C) Use or attempt to use as a valid license or permit a 61073
license or permit which has been purchased, fraudulently obtained, 61074

counterfeited, materially altered, or suspended or revoked; 61075

(D) Alter a license or permit in any way, shape, or form, 61076
except as may be specified by the board; 61077

(E) Willfully and knowingly make a false statement in an 61078
application for issuance or renewal of a license or permit. 61079

Sec. 4747.16. On receipt of a notice pursuant to section 61080
3123.43 of the Revised Code, the state vision and hearing aid 61081
~~dealers and fitters licensing~~ professionals board shall comply 61082
with sections 3123.41 to 3123.50 of the Revised Code and any 61083
applicable rules adopted under section 3123.63 of the Revised Code 61084
with respect to a license issued pursuant to this chapter. 61085

Sec. 4747.17. The state vision and hearing aid ~~dealers and~~ 61086
~~fitters licensing~~ professionals board shall comply with section 61087
4776.20 of the Revised Code. 61088

Sec. 4749.031. (A) The department of public safety shall be a 61089
participating public office for purposes of the retained applicant 61090
fingerprint database established under section 109.5721 of the 61091
Revised Code. The department shall elect to participate in the 61092
continuous record monitoring service for all persons licensed or 61093
registered under this chapter. When the superintendent of the 61094
bureau of criminal identification and investigation, under section 61095
109.57 of the Revised Code, indicates that an individual in the 61096
retained applicant fingerprint database has been arrested for, 61097
convicted of, or pleaded guilty to any offense, the superintendent 61098
promptly shall notify the department either electronically or by 61099
mail that additional arrest or conviction information is 61100
available. 61101

(B) In addition to any other fees charged by the department 61102
under this chapter, an applicant for a license under section 61103

4749.03 of the Revised Code, at the time of making an initial or 61104
renewal application, shall pay any initial or annual fee charged 61105
by the superintendent pursuant to rules adopted under division 61106
(~~F~~)(H) of section 109.5721 of the Revised Code. 61107

Sec. 4751.03. (A) There is hereby established in the 61108
department of aging a board of executives of long-term services 61109
and supports, which board shall be composed of the following 61110
eleven members: 61111

(1) Four members who are nursing home administrators, owners 61112
of nursing homes, or officers of corporations owning nursing 61113
homes, and who shall have an understanding of person-centered 61114
care, and experience with a range of long-term services and 61115
supports settings; 61116

(2)(a) Three members who work in long-term services and 61117
supports settings that are not nursing homes, and who shall have 61118
an understanding of person-centered care, and experience with a 61119
range of long-term services and supports settings; 61120

(b) At least one of the members described in division 61121
(A)(2)(a) of this section shall be a home health administrator, an 61122
owner of a home health agency, or an officer of a home health 61123
agency. 61124

(3) One member who is a member of the academic community; 61125

(4) One member who is a consumer of services offered in a 61126
long-term services and supports setting; 61127

(5) One nonvoting member who is a representative of the 61128
department of health, designated by the director of health, who is 61129
involved in the nursing home survey and certification process, who 61130
shall serve in an advisory capacity only; 61131

(6) One nonvoting member who is a representative of the 61132
office of the state long-term care ombudsman, designated by the 61133

state long-term care ombudsman, who shall serve in an advisory capacity only. 61134
61135

All members of the board shall be citizens of the United 61136
States and residents of this state. No member of the board who is 61137
appointed under divisions (A)(3) to (6) of this section may have 61138
or acquire any direct financial interest in a nursing home or 61139
long-term services and supports settings. 61140

(B) The term of office for each appointed member of the board 61141
shall be for three years, commencing on the twenty-eighth day of 61142
May and ending on the twenty-seventh day of May. Each member shall 61143
serve from the date of appointment until the end of the term for 61144
which appointed. No member shall serve more than two consecutive 61145
full terms. 61146

(C) Appointments to the board shall be made by the governor. 61147
Any member appointed to fill a vacancy occurring prior to the 61148
expiration of the term for which the member's predecessor was 61149
appointed shall hold office for the remainder of such term. Any 61150
appointed member shall continue in office subsequent to the 61151
expiration date of the member's term until the member's successor 61152
takes office, or until a period of sixty days has elapsed, 61153
whichever occurs first. 61154

(D) The governor may remove any member of the board for 61155
misconduct, incapacity, incompetence, or neglect of duty after the 61156
member so charged has been served with a written statement of 61157
charges and has been given an opportunity to be heard. 61158

(E) Each member of the board, except the member designated by 61159
the director of health and the member designated by the ombudsman, 61160
shall be paid in accordance with section 124.15 of the Revised 61161
Code and each member shall be reimbursed for the member's actual 61162
and necessary expenses incurred in the discharge of such duties. 61163

(F) The board shall elect annually from its membership a 61164

chairperson and a vice-chairperson. 61165

(G) The board shall hold and conduct meetings quarterly and 61166
at such other times as its business requires. A majority of the 61167
voting members of the board shall constitute a quorum. The 61168
affirmative vote of a majority of the voting members of the board 61169
is necessary for the board to act. 61170

(H) The board shall appoint a secretary who has no financial 61171
interest in a long-term services and supports setting, and may 61172
employ and prescribe the powers and duties of such employees and 61173
consultants as are necessary to carry out this chapter and the 61174
rules adopted under it. 61175

Sec. 4751.04. (A) The board of executives of long-term 61176
services and supports shall: 61177

(1) Develop, adopt, impose, and enforce regulations 61178
prescribing standards which must be met by individuals in order to 61179
receive a license as a nursing home administrator, which standards 61180
shall be designed to ensure that nursing home administrators are 61181
of good character and are otherwise suitable, and who, by training 61182
and experience, are qualified to serve as nursing home 61183
administrators; 61184

(2) Develop and apply appropriate techniques, including 61185
examinations and investigations, for determining whether an 61186
individual meets such standards; 61187

(3) Issue licenses and registrations to individuals 61188
determined, after application of such techniques, to meet such 61189
standards, ~~and revoke;~~ 61190

(4) Revoke or suspend licenses or registrations previously 61191
issued by the board or impose a civil penalty, fine, or any other 61192
sanction authorized by the board on an individual holding a 61193
license or registration, in any case where the individual ~~holding~~ 61194

such ~~license or registration~~ is determined to have failed 61195
substantially to conform to the requirements of such standards; 61196

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 61197
procedures designed to ensure that individuals holding a temporary 61198
license, or licensed as nursing home administrators will, during 61199
any period that they serve as such, comply with Chapter 4751. of 61200
the Revised Code and the regulations adopted thereunder; 61201

~~(5)~~(6) Receive, investigate, and take appropriate action with 61202
respect to any charge or complaint filed with the board to the 61203
effect that any individual licensed as a nursing home 61204
administrator has failed to comply with Chapter 4751. of the 61205
Revised Code and the regulations adopted thereunder; 61206

~~(6)~~(7) Take such other actions as may be necessary to enable 61207
the state to meet the requirements set forth in the "Social 61208
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 61209
g; 61210

~~(7)~~(8) Pay all license and registration fees, civil 61211
penalties, and fines collected under Chapter 4751. of the Revised 61212
Code into the board of executives of long-term services and 61213
supports fund created by section 4751.14 of the Revised Code to be 61214
used in administering and enforcing this chapter and the rules 61215
adopted under it; 61216

~~(8)~~(9) Administer, or contract with a government or private 61217
entity to administer, examinations for licensure as a nursing home 61218
administrator. If the board contracts with a government or private 61219
entity to administer the examinations, the contract may authorize 61220
the entity to collect and keep, as all or part of the entity's 61221
compensation under the contract, any fee an applicant for 61222
licensure pays to take an examination. The entity is not required 61223
to deposit the fee into the state treasury; 61224

~~(9)~~(10) Enter into a contract with the department of aging as 61225

required under section 4751.042 of the Revised Code; 61226

~~(10)~~(11) Create opportunities for the education, training, 61227
and credentialing of nursing home administrators ~~and others,~~ 61228
persons in leadership positions who practice in long-term services 61229
and supports settings or who direct the practices of others in 61230
those settings, and persons interested in serving in those roles. 61231
In carrying out this function, the board shall do the following: 61232

(a) Identify core competencies and areas of knowledge that 61233
are appropriate for nursing home administrators, credentialed 61234
individuals, and others working within the long-term services and 61235
supports settings system, with an emphasis on all of the 61236
following: 61237

(i) Leadership; 61238

(ii) Person-centered care; 61239

(iii) Principles of management within both the business and 61240
regulatory environments; 61241

(iv) An understanding of all post-acute settings, including 61242
transitions from acute settings and between post-acute settings. 61243

(b) Assist in the development of a strong, competitive market 61244
in Ohio for training, continuing education, and degree programs in 61245
long-term services and supports settings administration. 61246

(B) In the administration and enforcement of Chapter 4751. of 61247
the Revised Code, and the regulations adopted thereunder, the 61248
board is subject to Chapter 119. of the Revised Code and sections 61249
4743.01 and 4743.02 of the Revised Code except that a notice of 61250
appeal of an order of the board adopting, amending, or rescinding 61251
a rule or regulation does not operate as a stay of the effective 61252
date of such order as provided in section 119.11 of the Revised 61253
Code. The court, at its discretion, may grant a stay of any 61254
regulation in its application against the person filing the notice 61255

of appeal. 61256

Sec. 4751.043. (A) Training and education programs developed 61257
by the board of executives of long-term services and supports 61258
pursuant to division (A)(10) of section 4751.04 of the Revised 61259
Code may be conducted in person or through electronic media. The 61260
board may establish and charge a fee for the education and 61261
training programs. 61262

(B) The board may enter into a contract with a government or 61263
private entity to perform the board's duties under division 61264
(A)(10) of section 4751.04 of the Revised Code to develop and 61265
conduct education and training programs. If the board enters into 61266
such a contract, the contract may authorize the entity to pay any 61267
or all costs associated with the education or training programs 61268
and to collect and keep, as all or part of the entity's 61269
compensation under the contract, any fee an applicant for 61270
education or training pays to enroll in the education or training 61271
program. 61272

Sec. 4751.044. The board of executives of long-term services 61273
and supports shall approve continuing education courses for 61274
nursing home administrators. The board may establish a fee for 61275
approval of such courses that is adequate to cover any expense the 61276
board incurs in the approval process. 61277

Sec. 4751.10. The license or registration, or both, or the 61278
temporary license of any person practicing or offering to practice 61279
nursing home administration, shall be revoked or suspended by the 61280
board of executives of long-term services and supports if such 61281
licensee or temporary licensee: 61282

(A) Is unfit or incompetent by reason of negligence, habits, 61283
or other causes; 61284

(B) Has willfully or repeatedly violated any of the 61285
provisions of Chapter 4751. of the Revised Code or the regulations 61286
adopted thereunder; or willfully or repeatedly acted in a manner 61287
inconsistent with the health and safety of the patients of the 61288
nursing home in which the licensee or temporary licensee is the 61289
administrator; 61290

(C) Is guilty of fraud or deceit in the practice of nursing 61291
home administration or in the licensee's or temporary licensee's 61292
admission to such practice; 61293

(D) Has been convicted in a court of competent jurisdiction, 61294
either within or without this state, of a felony. 61295

~~Proceedings under this section shall be instituted by the 61296
board or shall be begun by filing with the board charges in 61297
writing and under oath. 61298~~

Sec. 4751.14. There is hereby created in the state treasury 61299
the board of executives of long-term services and supports fund. 61300
The fund shall consist of the amounts the board collects under 61301
this chapter as license and registration fees ~~collected under this~~ 61302
~~chapter, other fees, civil penalties, and fines.~~ Money in the fund 61303
shall be used by the board of executives of long-term services and 61304
supports to administer and enforce this chapter and the rules 61305
adopted under it. Investment earnings of the fund shall be 61306
credited to the fund. 61307

Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 of 61308
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 61309
than five hundred dollars for the first offense; for each 61310
subsequent offense such person ~~shall~~ may be fined not ~~less than~~ 61311
~~one hundred nor~~ more than five hundred dollars or imprisoned for 61312
not more than ninety days, or both. 61313

The imposition of fines pursuant to this section does not 61314

preclude the imposition of any civil penalties or fines authorized 61315
under section 4751.04 or any other section of the Revised Code. 61316

Sec. 4752.01. As used in this chapter: 61317

(A) "Authorized health care professional" means a person 61318
authorized under Chapter 4731. of the Revised Code to practice 61319
medicine and surgery or osteopathic medicine and surgery or 61320
otherwise authorized under Ohio law to prescribe the use of home 61321
medical equipment by a patient. 61322

(B) "Home medical equipment" means equipment that can stand 61323
repeated use, is primarily and customarily used to serve a medical 61324
purpose, is not useful to a person in the absence of illness or 61325
injury, is appropriate for use in the home, and is one or more of 61326
the following: 61327

(1) Life-sustaining equipment prescribed by an authorized 61328
health care professional that mechanically sustains, restores, or 61329
supplants a vital bodily function, such as breathing; 61330

(2) Technologically sophisticated medical equipment 61331
prescribed by an authorized health care professional that requires 61332
individualized adjustment or regular maintenance by a home medical 61333
equipment services provider to maintain a patient's health care 61334
condition or the effectiveness of the equipment; 61335

(3) An item specified by the ~~Ohio respiratory care board~~ 61336
state board of pharmacy in rules adopted under division (B) of 61337
section 4752.17 of the Revised Code. 61338

(C) "Home medical equipment services" means the sale, 61339
delivery, installation, maintenance, replacement, or demonstration 61340
of home medical equipment. 61341

(D) "Home medical equipment services provider" means a person 61342
engaged in offering home medical equipment services to the public. 61343

(E) "Hospital" has the same meaning as in section 3727.01 of 61344

the Revised Code. 61345

(F) "Sell or rent" means to transfer ownership or the right 61346
to use property, whether in person or through an agent, employee, 61347
or other person, in return for compensation. 61348

Sec. 4752.03. (A) A person seeking to comply with division 61349
(A) of section 4752.02 of the Revised Code shall do either of the 61350
following: 61351

(1) Apply for a license issued under this chapter; 61352

(2) Apply for a certificate of registration issued under this 61353
chapter on the basis of being accredited by the joint commission 61354
on accreditation of healthcare organizations or another national 61355
accrediting body recognized by the ~~Ohio respiratory care board~~ 61356
state board of pharmacy, as specified in rules adopted under 61357
section 4752.17 of the Revised Code. 61358

(B) A person intending to provide home medical equipment 61359
services from more than one facility shall apply for a separate 61360
license or certificate of registration for each facility. 61361

Sec. 4752.04. A person seeking a license to provide home 61362
medical equipment services shall apply to the ~~Ohio respiratory~~ 61363
~~care board~~ state board of pharmacy on a form the board shall 61364
prescribe and provide. The application must be accompanied by the 61365
license application fee established in rules adopted under section 61366
4752.17 of the Revised Code, except that the board may waive all 61367
or part of the fee if the board determines that an applicant's 61368
license will be issued in the last six months of the biennial 61369
licensing period established under section 4752.05 of the Revised 61370
Code. 61371

In the application, the applicant shall specify the name and 61372
location of the facility from which services will be provided. 61373

Sec. 4752.05. (A) The ~~Ohio respiratory care board~~ state board
of pharmacy shall issue a license to provide home medical
equipment services to each applicant under section 4752.04 of the
Revised Code that meets either of the following requirements:

(1) Meets the standards established by the board in rules
adopted under section 4752.17 of the Revised Code;

(2) Is a pharmacy licensed under Chapter 4729. of the Revised
Code that receives total payments of ten thousand dollars or more
per year from selling or renting home medical equipment.

(B) During the period ending one year after September 16,
2004, an applicant that does not meet either of the requirements
of division (A) of this section shall be granted a provisional
license if for at least twelve months prior to September 16, 2004,
the applicant was engaged in the business of providing home
medical equipment services. The provisional license expires one
year following the date on which it is issued and is not subject
to renewal under section 4752.06 of the Revised Code.

(C) The board may conduct a personal interview of an
applicant, or an applicant's representative, to determine the
applicant's qualifications for licensure.

(D) A license issued under division (A) of this section
expires at the end of the licensing period for which it is issued
and may be renewed in accordance with section 4752.06 of the
Revised Code. For purposes of issuing and renewing licenses, the
board shall use a biennial licensing period that begins on the
first day of July of each even-numbered year and ends on the
thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for
the facility named in the application.

Sec. 4752.06. Except for a provisional license issued under

section 4752.05 of the Revised Code, a license issued under this 61404
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 61405
board of pharmacy if the license holder is in compliance with the 61406
applicable requirements of this chapter. 61407

An application for license renewal shall be accompanied by 61408
the renewal fee established in rules adopted under section 4752.17 61409
of the Revised Code and, except as provided in division (B) of 61410
section 4752.07 of the Revised Code, by documentation satisfactory 61411
to the board that the continuing education requirements of section 61412
4752.07 of the Revised Code have been met. Renewals shall be made 61413
in accordance with the standard renewal procedure established 61414
under Chapter 4745. of the Revised Code and the renewal procedures 61415
established in rules adopted under section 4752.17 of the Revised 61416
Code. 61417

Sec. 4752.08. (A) The ~~Ohio respiratory care board~~ state board 61418
of pharmacy may inspect the operations and facility, subpoena the 61419
records, and compel testimony of employees of any home medical 61420
equipment services provider licensed under this chapter. 61421
Inspections shall be conducted as provided in rules adopted by the 61422
board under section 4752.17 of the Revised Code. 61423

(B) The board shall employ investigators who shall, under the 61424
direction of the executive director of the board, investigate 61425
complaints and conduct inspections. Pursuant to an investigation 61426
or inspection, investigators may review and audit records during 61427
normal business hours at the place of business of the person being 61428
investigated. The board and its employees shall not disclose 61429
confidential information obtained during an investigation, except 61430
pursuant to a court order. 61431

(C) The board shall send the provider a report of the results 61432
of an inspection. If the board determines that the provider is not 61433

in compliance with any requirement of this chapter applicable to 61434
providers licensed under this chapter, the board may direct the 61435
provider to attain compliance. Failure of the provider to comply 61436
with the directive is grounds for action by the board under 61437
division (A)(1) of section 4752.09 of the Revised Code. 61438

(D) A provider that disputes the results of an inspection may 61439
file an appeal with the board not later than ninety days after 61440
receiving the inspection report. The board shall review the 61441
inspection report and, at the request of the provider, conduct a 61442
new inspection. 61443

Sec. 4752.09. (A) The ~~Ohio respiratory care board~~ state board 61444
of pharmacy may, in accordance with Chapter 119. of the Revised 61445
Code, suspend or revoke a license issued under this chapter or 61446
discipline a license holder by imposing a fine of not more than 61447
five thousand dollars or taking other disciplinary action on any 61448
of the following grounds: 61449

(1) Violation of any provision of this chapter or an order or 61450
rule of the board, as those provisions, orders, or rules are 61451
applicable to persons licensed under this chapter; 61452

(2) A plea of guilty to or a judicial finding of guilt of a 61453
felony or a misdemeanor that involves dishonesty or is directly 61454
related to the provision of home medical equipment services; 61455

(3) Making a material misstatement in furnishing information 61456
to the board; 61457

(4) Professional incompetence; 61458

(5) Being guilty of negligence or gross misconduct in 61459
providing home medical equipment services; 61460

(6) Aiding, assisting, or willfully permitting another person 61461
to violate any provision of this chapter or an order or rule of 61462
the board, as those provisions, orders, or rules are applicable to 61463

persons licensed under this chapter; 61464

(7) Failing, within sixty days, to provide information in 61465
response to a written request by the board; 61466

(8) Engaging in conduct likely to deceive, defraud, or harm 61467
the public; 61468

(9) Denial, revocation, suspension, or restriction of a 61469
license to provide home medical equipment services, for any reason 61470
other than failure to renew, in another state or jurisdiction; 61471

(10) Directly or indirectly giving to or receiving from any 61472
person a fee, commission, rebate, or other form of compensation 61473
for services not rendered; 61474

(11) Knowingly making or filing false records, reports, or 61475
billings in the course of providing home medical equipment 61476
services, including false records, reports, or billings prepared 61477
for or submitted to state and federal agencies or departments; 61478

(12) Failing to comply with federal rules issued pursuant to 61479
the medicare program established under Title XVIII of the "Social 61480
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 61481
relating to operations, financial transactions, and general 61482
business practices of home medical services providers. 61483

(B) The ~~respiratory care board~~ state board of pharmacy 61484
immediately may suspend a license without a hearing if it 61485
determines that there is evidence that the license holder is 61486
subject to actions under this section and that there is clear and 61487
convincing evidence that continued operation by the license holder 61488
presents an immediate and serious harm to the public. The 61489
president and executive director of the board shall make a 61490
preliminary determination and describe, by telephone conference or 61491
any other method of communication, the evidence on which they made 61492
their determination to the other members of the board. The board 61493
may by resolution designate another board member to act in place 61494

of the president of the board or another employee to act in the 61495
place of the executive director, in the event that the board 61496
president or executive director is unavailable or unable to act. 61497
On review of the evidence, the board may by a vote of not less 61498
than seven of its members, suspend a license without a prior 61499
hearing. The board may vote on the suspension by way of a 61500
telephone conference call. 61501

Immediately following the decision to suspend a license under 61502
this division, the board shall issue a written order of suspension 61503
and cause it to be delivered in accordance with section 119.07 of 61504
the Revised Code. The order shall not be subject to suspension by 61505
the court during the pendency of any appeal filed under section 61506
119.12 of the Revised Code. If the license holder requests an 61507
adjudication hearing, the date set for the hearing shall be within 61508
fifteen days but not earlier than seven days after the license 61509
holder requests the hearing, unless another date is agreed to by 61510
the license holder and the board. The suspension shall remain in 61511
effect, unless reversed by the board, until a final adjudication 61512
order issued by the board pursuant to this section and Chapter 61513
119. of the Revised Code becomes effective. The board shall issue 61514
its final adjudication order not later than ninety days after 61515
completion of the hearing. The board's failure to issue the order 61516
by that day shall cause the summary suspension to end, but shall 61517
not affect the validity of any subsequent final adjudication 61518
order. 61519

Sec. 4752.11. (A) A person seeking a certificate of 61520
registration to provide home medical equipment services shall 61521
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 61522
on a form the board shall prescribe and provide. The application 61523
must be accompanied by the registration fee established in rules 61524
adopted under section 4752.17 of the Revised Code, except that the 61525
board may waive all or part of the fee if the board determines 61526

that an applicant's certificate of registration will be issued in 61527
the last six months of the biennial registration period 61528
established under section 4752.12 of the Revised Code. 61529

(B) The applicant shall specify in the application all of the 61530
following: 61531

(1) The name of the facility from which services will be 61532
provided; 61533

(2) The facility's address; 61534

(3) The facility's telephone number; 61535

(4) A person who may be contacted with regard to the 61536
facility; 61537

(5) The name of the national accrediting body that issued the 61538
accreditation on which the application is based; 61539

(6) The applicant's accreditation number and the expiration 61540
date of the accreditation; 61541

(7) A telephone number that may be used twenty-four hours a 61542
day, seven days a week, to obtain information related to the 61543
facility's provision of home medical equipment services. 61544

Sec. 4752.12. (A) The ~~Ohio respiratory care board~~ state board 61545
of pharmacy shall issue a certificate of registration to provide 61546
home medical equipment services to each applicant who submits a 61547
complete application under section 4752.11 of the Revised Code. 61548
For purposes of this division, an application is complete only if 61549
the board finds that the applicant holds accreditation from the 61550
joint commission on accreditation of healthcare organizations or 61551
another national accrediting body recognized by the board, as 61552
specified in rules adopted under section 4752.17 of the Revised 61553
Code. 61554

(B) A certificate of registration issued under this section 61555

expires at the end of the registration period for which it is 61556
issued and may be renewed in accordance with section 4752.13 of 61557
the Revised Code. For purposes of renewing certificates of 61558
registration, the board shall use a biennial registration period 61559
that begins on the first day of July of each even-numbered year 61560
and ends on the thirtieth day of June of the next succeeding 61561
even-numbered year. 61562

(C) A certificate of registration issued under this section 61563
is valid only for the facility named in the application. 61564

Sec. 4752.13. A certificate of registration issued under this 61565
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 61566
board of pharmacy if the certificate holder is accredited by the 61567
joint commission on accreditation of healthcare organizations or 61568
another national accrediting body recognized by the board, as 61569
specified in rules adopted under section 4752.17 of the Revised 61570
Code. 61571

An application for renewal of a certificate of registration 61572
shall be accompanied by the renewal fee established in rules 61573
adopted under section 4752.17 of the Revised Code. Renewals shall 61574
be made in accordance with the standard renewal procedure 61575
established under Chapter 4745. of the Revised Code and the 61576
renewal procedures established in rules adopted under section 61577
4752.17 of the Revised Code. 61578

Sec. 4752.14. The ~~Ohio respiratory care board~~ state board of 61579
pharmacy shall enter into a cooperative agreement with each of the 61580
national accrediting bodies it recognizes in rules adopted under 61581
section 4752.17 of the Revised Code for purposes of issuing 61582
certificates of registration under this chapter. The board shall 61583
ensure that each cooperative agreement establishes or specifies 61584
standards or procedures regarding a complaint process, patient 61585

safety and care, and any other matter the board considers 61586
appropriate for home medical equipment services providers that 61587
receive certificates of registration under this chapter. 61588

Sec. 4752.15. (A) The ~~Ohio respiratory care board~~ state board 61589
of pharmacy shall, in accordance with Chapter 119. of the Revised 61590
Code, suspend or revoke a certificate of registration issued under 61591
this chapter if it learns from any source that the accreditation 61592
on which the certificate of registration was issued has been 61593
revoked or suspended or is otherwise no longer valid. 61594

(B) If the status of the accreditation on which a certificate 61595
of registration is issued under this chapter changes for any 61596
reason, the holder of the certificate shall notify the board. On 61597
receipt of the notice, the board shall take action under division 61598
(A) of this section, if appropriate. 61599

Sec. 4752.17. (A) The ~~Ohio respiratory care board~~ state board 61600
of pharmacy shall adopt rules to implement and administer this 61601
chapter. The rules shall do all of the following: 61602

(1) Specify items considered to be home medical equipment for 61603
purposes of divisions (B)(1) and (2) of section 4752.01 of the 61604
Revised Code; 61605

(2) Establish procedures for issuance and renewal of licenses 61606
and certificates of registration under this chapter, including the 61607
duties that may be fulfilled by the board's executive director and 61608
other board employees; 61609

(3) Specify the national accrediting bodies the board 61610
recognizes for purposes of issuing certificates of registration 61611
under this chapter; 61612

(4) Establish standards an applicant must meet to be eligible 61613
to be granted a license under section 4752.05 of the Revised Code; 61614

(5) Establish standards for personnel policies, equipment	61615
storage, equipment maintenance, and record keeping to be followed	61616
by home medical equipment services providers licensed under this	61617
chapter;	61618
(6) Establish standards for continuing education programs in	61619
home medical equipment services for individuals who provide home	61620
medical equipment services while employed by or under the control	61621
of a home medical equipment services provider licensed under this	61622
chapter;	61623
(7) Establish standards and procedures for inspection of home	61624
medical equipment providers licensed under this chapter and the	61625
facilities from which their home medical equipment services are	61626
provided and for appeal of inspection results;	61627
(8) Establish fees for issuing and renewing licenses under	61628
this chapter, in an amount sufficient to meet the expenses the	61629
board incurs in administering the licensing program;	61630
(9) Establish fees for conducting inspections of home medical	61631
equipment services providers licensed under this chapter, in an	61632
amount sufficient to meet the expenses the board incurs in	61633
administering the inspection program;	61634
(10) Establish fees for issuing and renewing certificates of	61635
registration under this chapter, in an amount sufficient to meet	61636
the expenses the board incurs in administering the registration	61637
program;	61638
(11) Establish any other standards, requirements, or	61639
procedures the board considers necessary for the implementation or	61640
administration of this chapter.	61641
(B) The board may adopt rules specifying items that are	61642
considered home medical equipment for purposes of division (B)(3)	61643
of section 4752.01 of the Revised Code.	61644

(C) Rules shall be adopted under this chapter in accordance 61645
with Chapter 119. of the Revised Code. Prior to adopting any rule, 61646
the board shall consult with representatives of any association of 61647
home medical equipment services providers that do business in this 61648
state. 61649

Sec. 4752.18. All moneys the ~~Ohio respiratory care board~~ 61650
state board of pharmacy receives under this chapter, from any 61651
source, shall be deposited into the state treasury to the credit 61652
of the occupational licensing and regulatory fund created under 61653
section 4743.05 of the Revised Code. 61654

Sec. 4752.19. (A) At the request of the ~~Ohio respiratory care~~ 61655
~~board~~ state board of pharmacy, the attorney general may bring a 61656
civil action for appropriate relief, including a temporary 61657
restraining order, preliminary or permanent injunction, and civil 61658
penalties, in the court of common pleas of the county in which a 61659
violation has occurred, is occurring, or is threatening to occur 61660
against any person who has violated, is violating, or threatens to 61661
violate section 4752.02 of the Revised Code. In accordance with 61662
the Rules of Civil Procedure, the court of common pleas in which 61663
an action for injunction is filed has jurisdiction to grant, and 61664
shall grant, a temporary restraining order and preliminary and 61665
permanent injunctive relief upon a showing that the person against 61666
whom the action is brought has violated, is violating, or 61667
threatens to violate section 4752.02 of the Revised Code. In an 61668
action for a civil penalty, the court may impose upon a person 61669
found to have violated section 4752.02 of the Revised Code a civil 61670
penalty of not less than five hundred and not more than two 61671
thousand five hundred dollars for each day of violation. Moneys 61672
resulting from civil penalties imposed under this section shall be 61673
deposited into the state treasury to the credit of the 61674
occupational licensing and regulatory fund created under section 61675

4743.05 of the Revised Code. 61676

(B) The remedies provided in this section are in addition to 61677
remedies otherwise available under any federal or state law or 61678
ordinance of a municipal corporation. 61679

Sec. 4752.20. The Ohio respiratory care board state pharmacy 61680
board shall comply with section 4776.20 of the Revised Code. 61681

Sec. 4752.22. Whenever the term "Ohio respiratory care board" 61682
is used in any statute, rule, contract, or other document, the use 61683
shall be construed to mean the "state board of pharmacy," with 61684
respect to implementing Chapter 4752. of the Revised Code. 61685

Whenever the executive director of the Ohio respiratory care 61686
board is used in any statute, rule, contract, or other document, 61687
the use shall be construed to mean the executive director of the 61688
state board of pharmacy, with respect to implementing Chapter 61689
4752. of the Revised Code. 61690

Sec. 4752.24. The state board of pharmacy shall appoint a 61691
home medical equipment services advisory council for the purpose 61692
of advising the board on issues relating to providing home medical 61693
equipment services. The advisory council shall consist of not more 61694
than seven individuals knowledgeable in the provision of home 61695
medical equipment services. 61696

Not later than ninety days after the effective date of this 61697
section, the board shall make initial appointments to the council. 61698
Members shall serve three-year staggered terms of office in 61699
accordance with rules adopted by the board. 61700

With approval from the director of administrative services, 61701
members may receive an amount fixed under division (J) of section 61702
124.15 of the Revised Code for each day the member is performing 61703
the member's official duties and be reimbursed for actual and 61704

necessary expenses incurred in performing those duties. 61705

Sec. 4753.05. (A) The state vision and hearing professionals 61706
board of speech-language pathology and audiology may make 61707
reasonable rules necessary for the administration of this chapter. 61708
The board shall adopt rules to ensure ethical standards of 61709
practice by speech-language pathologists and audiologists licensed 61710
or permitted pursuant to this chapter. All rules adopted under 61711
this chapter shall be adopted in accordance with Chapter 119. of 61712
the Revised Code. 61713

(B) The board shall determine the nature and scope of 61714
examinations to be administered to applicants for licensure 61715
pursuant to this chapter in the practices of speech-language 61716
pathology and audiology, and shall evaluate the qualifications of 61717
all applicants. Written examinations may be supplemented by such 61718
practical and oral examinations as the board shall determine by 61719
rule. The board shall determine by rule the minimum examination 61720
score for licensure. Licensure shall be granted independently in 61721
speech-language pathology and audiology. The board shall maintain 61722
a current public record of all persons licensed, to be made 61723
available upon request. 61724

(C) The board shall publish and make available, upon request, 61725
the licensure and permit standards prescribed by this chapter and 61726
rules adopted pursuant thereto. 61727

(D) The board shall submit to the governor each year a report 61728
of all its official actions during the preceding year together 61729
with any recommendations and findings with regard to the 61730
improvement of the professions of audiology and speech-language 61731
pathology. 61732

~~(E)~~ The board shall investigate all alleged irregularities in 61733
the practices of speech-language pathology and audiology by 61734
persons licensed or permitted pursuant to this chapter and any 61735

violations of this chapter or rules adopted by the board. The 61736
board shall not investigate the practice of any person 61737
specifically exempted from licensure under this chapter by section 61738
4753.12 of the Revised Code, as long as the person is practicing 61739
within the scope of the person's license or is carrying out 61740
responsibilities as described in division (G) or (H) of section 61741
4753.12 of the Revised Code and does not claim to be a 61742
speech-language pathologist or audiologist. 61743

In conducting investigations under this division, the board 61744
may administer oaths, order the taking of depositions, issue 61745
subpoenas, and compel the attendance of witnesses and the 61746
production of books, accounts, papers, records, documents, and 61747
testimony. In any case of disobedience or neglect of any subpoena 61748
served on any person or the refusal of any witness to testify to 61749
any matter regarding which the witness may lawfully be 61750
interrogated, the court of common pleas of any county where such 61751
disobedience, neglect, or refusal occurs or any judge thereof, on 61752
application by the board, shall compel obedience by attachment 61753
proceedings for contempt, as in the case of disobedience of the 61754
requirements of a subpoena issued from such court, or a refusal to 61755
testify therein. 61756

~~(F)(E) The board shall conduct such hearings and keep such 61757~~
~~records and minutes as are necessary to carry out this chapter. 61758~~

~~(G) The board shall adopt a seal by which it shall 61759~~
~~authenticate its proceedings. Copies of the proceedings, records, 61760~~
~~and acts signed by the chairperson or executive director and 61761~~
~~authenticated by such seal shall be prima facie evidence thereof 61762~~
~~in all courts of this state. 61763~~

Sec. 4753.06. No person is eligible for licensure as a 61764
speech-language pathologist or audiologist unless: 61765

(A) The person has obtained a broad general education to 61766

serve as a background for the person's specialized academic 61767
training and preparatory professional experience. Such background 61768
may include study from among the areas of human psychology, 61769
sociology, psychological and physical development, the physical 61770
sciences, especially those that pertain to acoustic and biological 61771
phenomena, and human anatomy and physiology, including 61772
neuroanatomy and neurophysiology. 61773

(B) If the person seeks licensure as a speech-language 61774
pathologist, the person submits to the state vision and hearing 61775
professionals board of speech-language pathology and audiology an 61776
official transcript demonstrating that the person has at least a 61777
master's degree in speech-language pathology or the equivalent as 61778
determined by the board. The person's academic credit must include 61779
course work accumulated in the completion of a well-integrated 61780
course of study approved by the board and delineated by rule 61781
dealing with the normal aspects of human communication, 61782
development and disorders thereof, and clinical techniques for the 61783
evaluation and the improvement or eradication of such disorders. 61784
The course work must have been completed at colleges or 61785
universities accredited by regional or national accrediting 61786
organizations recognized by the board. 61787

(C) Except as provided in division (F)(1)(b) of this section, 61788
if the person seeks licensure as an audiologist, the person 61789
submits to the board an official transcript demonstrating that the 61790
person has at least a doctor of audiology degree or the equivalent 61791
as determined by the board. The person's academic credit must 61792
include course work accumulated in the completion of a 61793
well-integrated course of study approved by the board and 61794
delineated by rules dealing with the normal aspects of human 61795
hearing, balance, and related development and clinical evaluation, 61796
audiologic diagnosis, and treatment of disorders of human hearing, 61797
balance, and related development. The course work must have been 61798

completed in an audiology program that is accredited by an 61799
organization recognized by the United States department of 61800
education and operated by a college or university accredited by a 61801
regional or national accrediting organization recognized by the 61802
board. 61803

(D) The person submits to the board evidence of the 61804
completion of appropriate, supervised clinical experience in the 61805
professional area, speech-language pathology or audiology, for 61806
which licensure is requested, dealing with a variety of 61807
communication disorders. The appropriateness of the experience 61808
shall be determined under rules of the board. This experience 61809
shall have been obtained in an accredited college or university, 61810
in a cooperating program of an accredited college or university, 61811
or in another program approved by the board. 61812

(E) The person submits to the board evidence that the person 61813
has passed the examination for licensure to practice 61814
speech-language pathology or audiology pursuant to division (B) of 61815
section 4753.05 of the Revised Code. 61816

(F)(1) In the case of either of the following, the person 61817
presents to the board written evidence that the person has 61818
obtained professional experience: 61819

(a) The person seeks licensure as a speech-language 61820
pathologist; 61821

(b) The person seeks licensure as an audiologist and does not 61822
meet the requirements of division (C) of this section regarding a 61823
doctor of audiology degree, but before January 1, 2006, the person 61824
met the requirements of division (B) of this section regarding a 61825
master's degree in audiology as that division existed on December 61826
31, 2005. 61827

(2) The professional experience shall be appropriately 61828
supervised as determined by board rule. The amount of professional 61829

experience shall be determined by board rule and shall be bona 61830
fide clinical work that has been accomplished in the major 61831
professional area, speech-language pathology or audiology, in 61832
which licensure is being sought. If the person seeks licensure as 61833
a speech-language pathologist, this experience shall not begin 61834
until the requirements of divisions (B), (D), and (E) of this 61835
section have been completed unless approved by the board. If the 61836
person seeks licensure as an audiologist, this experience shall 61837
not begin until the requirements of division (B) of this section, 61838
as that division existed on December 31, 2005, and divisions (D) 61839
and (E) of this section have been completed unless approved by the 61840
board. Before beginning the supervised professional experience 61841
pursuant to this section, the applicant for licensure to practice 61842
speech-language pathology or audiology shall obtain a conditional 61843
license pursuant to section 4753.071 of the Revised Code. 61844

Sec. 4753.061. (A) As used in this section, "license" and 61845
"applicant for an initial license" have the same meanings as in 61846
section 4776.01 of the Revised Code, except that "license" as used 61847
in both of those terms refers to the types of authorizations 61848
otherwise issued or conferred under this chapter. 61849

(B) In addition to any other eligibility requirement set 61850
forth in this chapter, each applicant for an initial license shall 61851
comply with sections 4776.01 to 4776.04 of the Revised Code. The 61852
state vision and hearing professionals board shall not grant a 61853
license to an applicant for an initial license unless the 61854
applicant complies with sections 4776.01 to 4776.04 of the Revised 61855
Code and the board, in its discretion, decides that the results of 61856
the criminal records check do not make the applicant ineligible 61857
for a license issued pursuant to section 4753.06 or 4753.07 of the 61858
Revised Code. 61859

Sec. 4753.07. The state vision and hearing professionals 61860

board of ~~speech-language pathology and audiology~~ shall issue under 61861
its seal a license or conditional license to every applicant who 61862
has passed the appropriate examinations designated by the board 61863
and who otherwise complies with the licensure requirements of this 61864
chapter. The license or conditional license entitles the holder to 61865
practice speech-language pathology or audiology. Each licensee 61866
shall display the license or conditional license or an official 61867
duplicate in a conspicuous place where the licensee practices 61868
speech-language pathology or audiology or both. 61869

Sec. 4753.071. A person who is required to meet the 61870
supervised professional experience requirement of division (F) of 61871
section 4753.06 of the Revised Code shall submit to the state 61872
vision and hearing professionals board of ~~speech-language~~ 61873
~~pathology and audiology~~ an application for a conditional license. 61874
The application shall include a plan for the content of the 61875
supervised professional experience on a form the board shall 61876
prescribe. The board shall issue the conditional license to the 61877
applicant if the applicant meets the requirements of section 61878
4753.06 of the Revised Code, other than the requirement to have 61879
obtained the supervised professional experience, and pays to the 61880
board the appropriate fee for a conditional license. An applicant 61881
may not begin employment until the conditional license has been 61882
issued. 61883

A conditional license authorizes an individual to practice 61884
speech-language pathology or audiology while completing the 61885
supervised professional experience as required by division (F) of 61886
section 4753.06 of the Revised Code. A person holding a 61887
conditional license may practice speech-language pathology or 61888
audiology while working under the supervision of a person fully 61889
licensed in accordance with this chapter. A conditional license is 61890
valid for eighteen months unless suspended or revoked pursuant to 61891
section 3123.47 or 4753.10 of the Revised Code. 61892

A person holding a conditional license may perform services 61893
for which payment will be sought under the medicare program or the 61894
medicaid program but all requests for payment for such services 61895
shall be made by the person who supervises the person performing 61896
the services. 61897

Sec. 4753.072. The state vision and hearing professionals 61898
~~board of speech-language pathology and audiology~~ shall establish 61899
by rule pursuant to Chapter 119. of the Revised Code the 61900
qualifications for persons seeking licensure as a speech-language 61901
pathology aide or an audiology aide. The qualifications shall be 61902
less than the standards for licensure as a speech-language 61903
pathologist or audiologist. An aide shall not act independently 61904
and shall work under the direction and supervision of a 61905
speech-language pathologist or audiologist licensed by the board. 61906
An aide shall not dispense hearing aids. An applicant shall not 61907
begin employment until the license has been approved. 61908

Sec. 4753.073. (A)~~(1)~~ The state vision and hearing 61909
professionals ~~board of speech-language pathology and audiology~~ 61910
shall issue under its seal a speech-language pathology student 61911
permit to any applicant who submits a plan that has been approved 61912
by the applicant's university graduate program in speech-language 61913
pathology and that conforms to requirements determined by the 61914
board by rule and who meets all of the following requirements: 61915

~~(a)(1)~~ Is enrolled in a graduate program at an educational 61916
institution located in this state that is accredited by the 61917
council on academic accreditation in audiology and speech-language 61918
pathology of the American speech-language-hearing association; 61919

~~(b)(2)~~ Has completed at least one year of postgraduate 61920
training in speech-language pathology, or equivalent coursework as 61921
determined by the board, and any student clinical experience the 61922

board may require by rule; 61923

~~(2)~~(B) The speech-language pathology student permit 61924
authorizes the holder to practice speech-language pathology within 61925
limits determined by the board by rule, which shall include the 61926
following: 61927

~~(a)~~(1) The permit holder's caseload shall be limited in a 61928
manner to be determined by the board by rule. 61929

~~(b)~~(2) The permit holder's authorized scope of practice shall 61930
be limited in a manner to be determined by the board by rule. The 61931
rule shall consider the coursework and clinical experience that 61932
has been completed by the permit holder and the recommendation of 61933
the applicant's university graduate program in speech-language 61934
pathology. 61935

~~(c)~~(3) The permit holder shall practice only when under the 61936
supervision of a speech-language pathologist who is licensed by 61937
the board and acting under the approval and direction of the 61938
applicant's university graduate program in speech-language 61939
pathology. The board shall determine by rule the manner of 61940
supervision. 61941

~~(3)~~(C) A permit issued under this section shall expire two 61942
years after the date of issuance. Student permits may be renewed 61943
in a manner to be determined by the board by rule. 61944

~~(4)~~(D) Each permit holder shall display the permit or an 61945
official duplicate in a conspicuous place where the permit holder 61946
practices speech-language pathology. 61947

Sec. 4753.08. The state vision and hearing professionals 61948
~~board of speech-language pathology and audiology~~ shall waive the 61949
examination, educational, and professional experience requirements 61950
for any applicant who meets any of the following requirements: 61951

(A) On September 26, 1975, ~~has~~ had at least a bachelor's 61952

degree with a major in speech-language pathology or audiology from 61953
an accredited college or university, or ~~who has been~~ was employed 61954
as a speech-language pathologist or audiologist for at least nine 61955
months at any time within the three years prior to September 26, 61956
1975, if an application providing bona fide proof of such degree 61957
or employment ~~is~~ was filed with the former board of 61958
speech-language pathology and audiology within one year after 61959
~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the 61960
application fee as prescribed in division (A) of section 4753.11 61961
of the Revised Code; 61962

(B) Presents proof to the state vision and hearing 61963
professionals board of current certification or licensure in good 61964
standing in the area in which licensure is sought in a state that 61965
has standards at least equal to the standards for licensure that 61966
are in effect in this state at the time the applicant applies for 61967
the license; 61968

(C) Presents proof to the state vision and hearing 61969
professionals board of both of the following: 61970

(1) Having current certification or licensure in good 61971
standing in audiology in a state that has standards at least equal 61972
to the standards for licensure as an audiologist that were in 61973
effect in this state on December 31, 2005; 61974

(2) Having first obtained that certification or licensure not 61975
later than December 31, 2007. 61976

(D) Presents proof to the state vision and hearing 61977
professionals board of a current certificate of clinical 61978
competence in speech-language pathology or audiology that is in 61979
good standing and received from the American 61980
speech-language-hearing association in the area in which licensure 61981
is sought. 61982

Sec. 4753.09. Except as provided in this section and in 61983
section 4753.10 of the Revised Code, a license issued by the state 61984
vision and hearing professionals board of speech-language 61985
pathology and audiology shall be renewed biennially in accordance 61986
with the standard renewal procedure contained in Chapter 4745. of 61987
the Revised Code. If the application for renewal is made one year 61988
or longer after the renewal application is due, the person shall 61989
apply for licensure as provided in section 4753.06 or division 61990
(B), (C), or (D) of section 4753.08 of the Revised Code. The board 61991
shall not renew a conditional license; however, the board may 61992
grant an applicant a second conditional license. 61993

The board shall establish by rule adopted pursuant to Chapter 61994
119. of the Revised Code the qualifications for license renewal. 61995
Applicants shall demonstrate continued competence, which may 61996
include continuing education, examination, self-evaluation, peer 61997
review, performance appraisal, or practical simulation. The board 61998
may establish other requirements as a condition for license 61999
renewal as considered appropriate by the board. 62000

The board may renew a license which expires while the license 62001
is suspended, but the renewal shall not affect the suspension. The 62002
board shall not renew a license which has been revoked. If a 62003
revoked license is reinstated under section 4753.10 of the Revised 62004
Code after it has expired, the licensee, as a condition of 62005
reinstatement, shall pay a reinstatement fee in the amount equal 62006
to the renewal fee in effect on the last preceding regular renewal 62007
date on which it is reinstated, plus any delinquent fees accrued 62008
from the time of the revocation, if such a fee is prescribed by 62009
the board by rule. 62010

Sec. 4753.091. (A) A person licensed under this chapter may 62011
apply to the state vision and hearing professionals board of 62012
speech-language pathology and audiology to have the person's 62013

license classified as inactive. If a fee is charged under division 62014
(B) of this section, the person shall include the fee with the 62015
application. 62016

If the person's license is in good standing, the person is 62017
not the subject of any complaint, the person is not the subject of 62018
an investigation or disciplinary action by the board, and the 62019
person meets any other requirements established by the board in 62020
rules adopted under this section, the board shall classify the 62021
license as inactive. The inactive classification shall become 62022
effective on the date immediately following the date that the 62023
person's license is scheduled to expire. 62024

(B) The board may charge a fee for classifying a license as 62025
inactive. 62026

(C) During the period that a license is classified as 62027
inactive, the person may not engage in the practice of 62028
speech-language pathology or the practice of audiology, as 62029
applicable, in this state or make any representation to the public 62030
indicating that the person is actively licensed under this 62031
chapter. 62032

(D) A person whose license has been classified as inactive 62033
may apply to the board to have the license reactivated. The board 62034
shall reactivate the license if the person meets the requirements 62035
established by the board in rules adopted under this section. 62036

(E) The board's jurisdiction to take disciplinary action 62037
under this chapter is not removed or limited when a person's 62038
license is classified as inactive under this section. 62039

(F) The board shall adopt rules as necessary for classifying 62040
a license as inactive and reactivating an inactive license. The 62041
rules shall be adopted in accordance with Chapter 119. of the 62042
Revised Code. 62043

Sec. 4753.10. In accordance with Chapter 119. of the Revised 62044
Code, the state vision and hearing professionals board of 62045
~~speech-language pathology and audiology~~ may reprimand or place on 62046
probation a speech-language pathologist or audiologist or suspend, 62047
revoke, or refuse to issue or renew the license of a 62048
speech-language pathologist or audiologist. Disciplinary actions 62049
may be taken by the board for conduct that may result from but not 62050
necessarily be limited to: 62051

(A) Fraud, deception, or misrepresentation in obtaining or 62052
attempting to obtain a license; 62053

(B) Fraud, deception, or misrepresentation in using a 62054
license; 62055

(C) Altering a license; 62056

(D) Aiding or abetting unlicensed practice; 62057

(E) Committing fraud, deception, or misrepresentation in the 62058
practice of speech-language pathology or audiology including: 62059

(1) Making or filing a false report or record in the practice 62060
of speech-language pathology or audiology; 62061

(2) Submitting a false statement to collect a fee; 62062

(3) Obtaining a fee through fraud, deception, or 62063
misrepresentation, or accepting commissions or rebates or other 62064
forms of remuneration for referring persons to others. 62065

(F) Using or promoting or causing the use of any misleading, 62066
deceiving, improbable, or untruthful advertising matter, 62067
promotional literature, testimonial, guarantee, warranty, label, 62068
brand, insignia, or any other representation; 62069

(G) Falsely representing the use or availability of services 62070
or advice of a physician; 62071

(H) Misrepresenting the applicant, licensee, or holder by 62072

using the word "doctor" or any similar word, abbreviation, or	62073
symbol if the use is not accurate or if the degree was not	62074
obtained from an accredited institution;	62075
(I) Committing any act of dishonorable, immoral, or	62076
unprofessional conduct while engaging in the practice of	62077
speech-language pathology or audiology;	62078
(J) Engaging in illegal, incompetent, or habitually negligent	62079
practice;	62080
(K) Providing professional services while:	62081
(1) Mentally incompetent;	62082
(2) Under the influence of alcohol;	62083
(3) Using any narcotic or controlled substance or other drug	62084
that is in excess of therapeutic amounts or without valid medical	62085
indication.	62086
(L) Providing services or promoting the sale of devices,	62087
appliances, or products to a person who cannot reasonably be	62088
expected to benefit from such services, devices, appliances, or	62089
products in accordance with results obtained utilizing appropriate	62090
assessment procedures and instruments;	62091
(M) Violating this chapter or any lawful order given or rule	62092
adopted by the board;	62093
(N) Being convicted of or pleading guilty or nolo contendere	62094
to a felony or to a crime involving moral turpitude, whether or	62095
not any appeal or other proceeding is pending to have the	62096
conviction or plea set aside;	62097
(O) Being disciplined by a licensing or disciplinary	62098
authority of this or any other state or country or convicted or	62099
disciplined by a court of this or any other state or country for	62100
an act that would be grounds for disciplinary action under this	62101
section.	62102

After revocation of a license under this section, application 62103
may be made to the board for reinstatement. The board, in 62104
accordance with an order of revocation as issued under Chapter 62105
119. of the Revised Code, may require an examination for ~~such~~ 62106
reinstatement. 62107

If any person has engaged in any practice which constitutes 62108
an offense under the provisions of this chapter or rules 62109
promulgated thereunder by the board, the board may apply to the 62110
court of common pleas of the county for an injunction or other 62111
appropriate order restraining such conduct, and the court may 62112
issue such order. 62113

Any person who wishes to make a complaint against any person 62114
licensed pursuant to this chapter shall submit the complaint in 62115
writing to the board within one year from the date of the action 62116
or event upon which the complaint is based. The board shall 62117
determine whether the allegations in the complaint are of a 62118
sufficiently serious nature to warrant formal disciplinary charges 62119
against the licensee pursuant to this section. If the board 62120
determines that formal disciplinary charges are warranted, it 62121
shall proceed in accordance with the procedures established in 62122
Chapter 119. of the Revised Code. 62123

Sec. 4753.101. The state vision and hearing professionals 62124
~~board of speech language pathology and audiology~~, in accordance 62125
with Chapter 119. of the Revised Code, may establish rules to 62126
govern any disciplinary action to be taken against a student 62127
issued a permit under section 4753.073 of the Revised Code. The 62128
rules established by the board are not subject to the adjudication 62129
procedure requirements of sections 119.06 to 119.13 of the Revised 62130
Code. 62131

Sec. 4753.11. (A) For all types of licenses and permits, the 62132

state vision and hearing professionals board ~~of speech-language~~ 62133
~~pathology and audiology~~ shall charge a nonrefundable licensure or 62134
permit fee, to be determined by board rule, which shall be paid at 62135
the time the application is filed with the board. 62136

(B) On or before the thirty-first day of January of every 62137
other year, the board shall charge a biennial licensure renewal 62138
fee which shall be determined by board rule and used to defray 62139
costs of the board. 62140

(C) The board may, by rule, provide for the waiver of all or 62141
part of such fees when the license is issued less than one hundred 62142
days before the date on which it will expire. 62143

(D) After the last day of the month designated by the board 62144
for renewal, the board shall charge a late fee to be determined by 62145
board rule in addition to the biennial licensure renewal fee. 62146

(E) No municipal corporation shall levy an occupational or 62147
similar excise tax on any person licensed under this chapter. 62148

(F) All fees collected under this section and section 4753.09 62149
of the Revised Code shall be paid into the state treasury to the 62150
credit of the occupational licensing and regulatory fund created 62151
in section 4743.05 of the Revised Code. 62152

Sec. 4753.12. Nothing in this chapter shall be construed to: 62153

(A) Prohibit a person other than an individual from engaging 62154
in the business of speech-language pathology or audiology without 62155
licensure if it employs a licensed individual in the direct 62156
practice of speech-language pathology and audiology. Such entity 62157
shall file a statement with the state vision and hearing 62158
professionals board, on a form approved by the board for this 62159
purpose, swearing that it submits itself to the rules of the board 62160
and the provisions of this chapter which the board determines 62161
applicable. 62162

(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as "speech-language pathology intern," "audiology intern," "trainee," or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by

the American speech-language-hearing association and files a 62195
statement as prescribed by the board in advance of providing these 62196
services. Such person shall be subject to the rules of the board 62197
and the provisions of this chapter. 62198

(G) Restrict a person licensed under Chapter 4747. of the 62199
Revised Code from engaging in the duties as defined in that 62200
chapter related to measuring, testing, and counseling for the 62201
purpose of identifying or modifying hearing conditions in 62202
connection with the fitting, dispensing, or servicing of a hearing 62203
aid, or affect the authority of hearing aid dealers to deal in 62204
hearing aids or advertise the practice of dealing in hearing aids 62205
in accordance with Chapter 4747. of the Revised Code. 62206

(H) Restrict a physician from engaging in the practice of 62207
medicine and surgery or osteopathic medicine and surgery or 62208
prevent any individual from carrying out any properly delegated 62209
responsibilities within the normal practice of medicine and 62210
surgery or osteopathic medicine and surgery. 62211

(I) Restrict a person registered or licensed under Chapter 62212
4723. of the Revised Code from performing those acts and utilizing 62213
those procedures that are within the scope of the practice of 62214
professional or practical nursing as defined in Chapter 4723. of 62215
the Revised Code and the ethics of the nursing profession, 62216
provided such a person does not claim to the public to be a 62217
speech-language pathologist or audiologist. 62218

(J) Restrict an individual licensed as an audiologist under 62219
this chapter from fitting, selling, or dispensing hearing aids. 62220

(K) Authorize the practice of medicine and surgery or entitle 62221
a person licensed pursuant to this chapter to engage in the 62222
practice of medicine or surgery or any of its branches. 62223

(L) Restrict a person licensed pursuant to Chapter 4755. of 62224
the Revised Code from performing those acts and utilizing those 62225

procedures that are within the scope of the practice of 62226
occupational therapy or occupational therapy assistant as defined 62227
in Chapter 4755. of the Revised Code, provided the person does not 62228
claim to the public to be a speech-language pathologist or 62229
audiologist. 62230

Sec. 4753.15. On receipt of a notice pursuant to section 62231
3123.43 of the Revised Code, the state vision and hearing 62232
professionals board of ~~speech-language pathology and audiology~~ 62233
shall comply with sections 3123.41 to 3123.50 of the Revised Code 62234
and any applicable rules adopted under section 3123.63 of the 62235
Revised Code with respect to a license issued pursuant to this 62236
chapter. 62237

Sec. 4753.16. The state vision and hearing professionals 62238
board of ~~speech-language pathology and audiology~~ shall comply with 62239
section 4776.20 of the Revised Code. 62240

Sec. 4755.02. (A) The ~~appropriate section of the Ohio~~ 62241
~~occupational therapy, physical therapy, and athletic trainers~~ 62242
state physical health services board shall investigate compliance 62243
with this chapter or any rule or order issued under this chapter 62244
and shall investigate alleged grounds for the suspension, 62245
revocation, or refusal to issue or renew licenses or limited 62246
permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the 62247
Revised Code. The ~~appropriate section~~ board may subpoena witnesses 62248
and documents in connection with its investigations. 62249

(B) Through the attorney general or an appropriate 62250
prosecuting attorney, the ~~appropriate section~~ board may apply to 62251
an appropriate court for an order enjoining the violation of this 62252
chapter. On the filing of a verified petition, the court shall 62253
conduct a hearing on the petition and give the same preference to 62254
the proceeding as is given to all proceedings under Chapter 119. 62255

of the Revised Code, irrespective of the position of the 62256
proceeding on the court's calendar. On a showing that a person has 62257
violated or is about to violate this chapter, the court shall 62258
grant an injunction, restraining order, or other order as 62259
appropriate. The injunction proceedings provided by this division 62260
are in addition to all penalties and other remedies provided in 62261
this chapter. 62262

(C) When requested by the ~~appropriate section~~ board, the 62263
prosecuting attorney of a county, or the village solicitor or city 62264
director of law of a municipal corporation, where a violation of 62265
this chapter allegedly occurs, shall take charge of and conduct 62266
the prosecution. 62267

(D) ~~The appropriate section may employ investigators who~~ 62268
Investigators employed by the board pursuant to section 4744.14 of 62269
the Revised Code shall investigate complaints, conduct 62270
inspections, and make inquiries as in the judgment of the ~~section~~ 62271
board are appropriate to enforce sections 3123.41 to 3123.50 of 62272
the Revised Code or this chapter. These investigators have the 62273
right to review, obtain copies, and audit the patient records and 62274
personnel files of licensees and limited permit holders at the 62275
place of business of the licensees or limited permit holders or 62276
any other place where such documents may be and shall be given 62277
access to such documents during normal business hours. 62278

(E)(1) Subject to division (E)(2) of this section, 62279
information and records received or generated by the board 62280
pursuant to an investigation are confidential, are not public 62281
records as defined in section 149.43 of the Revised Code, and are 62282
not subject to discovery in any civil or administrative action. 62283

(2) For good cause, the board may disclose information 62284
gathered pursuant to an investigation to any federal, state, or 62285
local law enforcement, prosecutorial, or regulatory agency or its 62286
officers or agents engaging in an investigation the board believes 62287

is within the agency's jurisdiction. An agency that receives 62288
confidential information shall comply with the same requirements 62289
regarding confidentiality as those with which the board must 62290
comply, notwithstanding any conflicting provision of the Revised 62291
Code or procedure of the agency that applies when the agency is 62292
dealing with other information in its possession. The information 62293
may be admitted into evidence in a criminal trial in accordance 62294
with the Rules of Evidence, or in an administrative hearing 62295
conducted by an agency, but the court or agency shall require that 62296
appropriate measures be taken to ensure that confidentiality is 62297
maintained with respect to any part of the information that 62298
contains names or other identifying information about patients, 62299
complainants, or others whose confidentiality was protected by the 62300
board when the information was in the board's possession. Measures 62301
to ensure confidentiality that may be taken by the court or agency 62302
include sealing its records or redacting specific information from 62303
its records. 62304

(F) ~~The appropriate section~~ board shall conduct hearings, 62305
keep records and minutes, and enforce the relevant sections of 62306
this chapter. 62307

(G) ~~Each section of the~~ The board shall publish and make 62308
available, upon request and for a fee not to exceed the actual 62309
cost of printing and mailing, the licensure standards prescribed 62310
by the relevant sections of this chapter and the Administrative 62311
Code. 62312

~~(H) The board shall submit to the governor and to the general~~ 62313
~~assembly each year a report of all its official actions during the~~ 62314
~~preceding year, together with any recommendations and findings~~ 62315
~~with regard to the status of the professions of physical therapy,~~ 62316
~~occupational therapy, and athletic training.~~ 62317

Sec. 4755.03. Except as provided in section 4755.99 of the 62318

Revised Code, all fees and fines collected and assessed under this 62319
chapter by the ~~appropriate section of the Ohio occupational~~ 62320
~~therapy, physical therapy, and athletic trainers~~ state physical 62321
health services board, shall be deposited into the state treasury 62322
to the credit of the occupational licensing and regulatory fund 62323
created in section 4743.05 of the Revised Code. 62324

Sec. 4755.031. A person sanctioned under section 4755.11, 62325
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee 62326
in the amount of the actual cost of the administrative hearing, 62327
including the cost of the court reporter, the hearing officer, 62328
transcripts, and any witness fees for lodging and travel, as 62329
determined by the ~~appropriate section of the~~ state physical health 62330
services board. The fee shall be collected by the ~~appropriate~~ 62331
~~section~~ board. 62332

Sec. 4755.06. The ~~occupational therapy section of the Ohio~~ 62333
~~occupational therapy, physical therapy, and athletic trainers~~ 62334
state physical health services board may make reasonable rules in 62335
accordance with Chapter 119. of the Revised Code relating to, but 62336
not limited to, the following: 62337

(A) The form and manner for filing applications for licensure 62338
under sections 4755.04 to 4755.13 of the Revised Code; 62339

(B) The issuance, suspension, and revocation of the licenses 62340
and the conducting of investigations and hearings; 62341

(C) Standards for approval of courses of study relative to 62342
the practice of occupational therapy; 62343

(D) The time and form of examination for the licensure; 62344

(E) ~~Standards of ethical conduct in the practice of~~ 62345
~~occupational therapy;~~ 62346

~~(F)~~ The form and manner for filing applications for renewal 62347

and a schedule of deadlines for renewal; 62348

~~(G)~~(F) The conditions under which a license of a licensee who 62349
files a late application for renewal will be reinstated; 62350

~~(H)~~(G) Placing an existing license in escrow; 62351

~~(I)~~(H) The amount, scope, and nature of continuing education 62352
activities required for license renewal, including waivers of the 62353
continuing education requirements; 62354

~~(J)~~(I) Guidelines for limited permits; 62355

~~(K)~~(J) Requirements for criminal records checks of applicants 62356
under section 4776.03 of the Revised Code; 62357

~~(L)~~(K) Subject to section 4755.061 of the Revised Code, the 62358
amount for each fee specified in section 4755.12 of the Revised 62359
Code ~~that the section charges~~; 62360

~~(M)~~(L) The amount and content of corrective action courses 62361
required by the board under section 4755.11 of the Revised Code. 62362

The ~~section board~~ may hear testimony in matters relating to 62363
the duties imposed upon it, and the ~~chairperson~~ president and 62364
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 62365
board may require proof, beyond the evidence found in the 62366
application, of the honesty, truthfulness, and good reputation of 62367
any person named in an application for licensure, before admitting 62368
the applicant to an examination or issuing a license. 62369

Sec. 4755.061. If the ~~occupational therapy section of the~~ 62370
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 62371
state physical health services board adopts rules pursuant to 62372
section 4755.06 of the Revised Code relating to the amounts of the 62373
fees that the ~~section board~~ may charge for the late renewal of 62374
licenses and the review of continuing education activities, as 62375
provided in divisions (A)(5) and ~~(A)~~(6) of section 4755.12 of the 62376
Revised Code, the ~~section board~~ shall not establish fee amounts 62377

for those services that exceed the actual costs the ~~section~~ board 62378
incurs in providing the services to a licensee. 62379

Sec. 4755.07. No person shall qualify for licensure as an 62380
occupational therapist or as an occupational therapy assistant 62381
unless the person has shown to the satisfaction of the 62382
~~occupational therapy section of the Ohio occupational therapy,~~ 62383
~~physical therapy, and athletic trainers~~ state physical health 62384
services board that the person: 62385

(A) Is of good moral character; 62386

(B) Has successfully completed the academic requirements of 62387
an educational program recognized by the ~~section~~ board, including 62388
a concentration of instruction in basic human sciences, the human 62389
development process, occupational tasks and activities, the 62390
health-illness-health continuum, and occupational therapy theory 62391
and practice; 62392

(C) Has successfully completed a period of supervised field 62393
work experience at a recognized educational institution or a 62394
training program approved by the educational institution where the 62395
person met the academic requirements. For an occupational 62396
therapist, a minimum of six months of supervised field work 62397
experience is required. For an occupational therapy assistant, a 62398
minimum of two months of supervised field work experience is 62399
required. 62400

(D) Has successfully passed a written examination testing the 62401
person's knowledge of the basic and clinical sciences relating to 62402
occupational therapy, and occupational therapy theory and 62403
practice, including the applicant's professional skills and 62404
judgment in the utilization of occupational therapy techniques and 62405
methods, and such other subjects as the ~~section~~ board may consider 62406
useful to determine the applicant's fitness to practice. The 62407

~~section board~~ may require separate examinations of applicants for 62408
licensure as occupational therapy assistants and applicants for 62409
licensure as occupational therapists. 62410

Applicants for licensure shall be examined at a time and 62411
place and under such supervision as the ~~section board~~ determines. 62412

Sec. 4755.08. ~~The occupational therapy section of the Ohio~~ 62413
~~occupational therapy, physical therapy, and athletic trainers~~ 62414
state physical health services board shall issue a license to 62415
every applicant who has passed the appropriate examination 62416
designated by the ~~section board~~ and who otherwise complies with 62417
the licensure requirements of sections 4755.04 to 4755.13 of the 62418
Revised Code. The license entitles the holder to practice 62419
occupational therapy or to assist in the practice of occupational 62420
therapy. The licensee shall display the license in a conspicuous 62421
place at the licensee's principal place of business. 62422

The ~~section board~~ may issue a limited permit to persons who 62423
have satisfied the requirements of divisions (A) to (C) of section 62424
4755.07 of the Revised Code. This permit allows the person to 62425
practice as an occupational therapist or occupational therapy 62426
assistant under the supervision of a licensed occupational 62427
therapist and is valid until the date on which the results of the 62428
examination are made public. This limited permit shall not be 62429
renewed if the applicant has failed the examination. 62430

Sec. 4755.09. ~~The occupational therapy section of the Ohio~~ 62431
~~occupational therapy, physical therapy, and athletic trainers~~ 62432
state physical health services board may waive the examination 62433
requirement under section 4755.07 of the Revised Code for any 62434
applicant for licensure as an occupational therapist or 62435
occupational therapy assistant who either has met educational, 62436
training, and job experience requirements established by the 62437

~~section board~~, or presents proof of current certification or 62438
licensure in another state that requires standards for licensure 62439
at least equal to those for licensure in this state. 62440

The ~~section board~~ may waive the educational requirements 62441
under section 4755.07 of the Revised Code for any applicant who 62442
has met job experience requirements established by the ~~section~~ 62443
board. 62444

Sec. 4755.10. Each license issued under section 4755.08 of 62445
the Revised Code is valid without further recommendation or 62446
examination until revoked or suspended or until the license 62447
expires for failure to file an application for renewal as provided 62448
for in this section. 62449

Licenses shall be renewed biennially in accordance with the 62450
schedule established in rules adopted by the ~~occupational therapy~~ 62451
~~section of the Ohio occupational therapy, physical therapy, and~~ 62452
~~athletic trainers~~ state physical health services board under 62453
section 4755.06 of the Revised Code. Applicants for renewal shall 62454
file the fee for renewal as provided in section 4755.12 of the 62455
Revised Code, an application for renewal on a form prescribed by 62456
the ~~occupational therapy section board~~, and proof of completion of 62457
continuing education requirements as provided in rules adopted by 62458
the ~~section board~~ under section 4755.06 of the Revised Code. An 62459
application for renewal shall be mailed by the ~~section board~~ to 62460
the licensee in accordance with the schedule established in rules 62461
adopted by the ~~section board~~ under section 4755.06 of the Revised 62462
Code. In all other respects the renewal process is as provided in 62463
section 4745.02 of the Revised Code. 62464

The license of any licensee who fails to file an application 62465
for renewal on or before the deadline established in rules adopted 62466
by the ~~section board~~ under section 4755.06 of the Revised Code 62467
shall expire automatically, unless the ~~section board~~, for good 62468

cause shown, determines that the application for renewal could not
have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the
Revised Code and any applicable rules adopted under section
3123.63 of the Revised Code, the ~~section~~ board may renew a license
while the license is suspended, but the renewal shall not affect
the suspension. The ~~section~~ board shall not renew a license that
has been revoked. If a revoked license is reinstated under section
4755.11 of the Revised Code after it has expired, the licensee, as
a condition of reinstatement, shall pay a reinstatement fee equal
to the renewal fee in effect on the last preceding regular renewal
date before the reinstatement date, plus any delinquent fees
accrued from the time of the revocation, if such fees are
prescribed by the ~~section~~ board by rule.

Sec. 4755.11. (A) In accordance with Chapter 119. of the
Revised Code, the ~~occupational therapy section of the Ohio~~
~~occupational therapy, physical therapy, and athletic trainers~~
state physical health services board may suspend, revoke, or
refuse to issue or renew an occupational therapist license,
occupational therapy assistant license, occupational therapist
limited permit, occupational therapy assistant limited permit, or
reprimand, fine, place a license or limited permit holder on
probation, or require the license or limited permit holder to take
corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a
felony, regardless of the state or country in which the conviction
occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13
of the Revised Code;

(3) Violation of any lawful order or rule of the ~~occupational~~
~~therapy section~~ board;

(4) Obtaining or attempting to obtain a license or limited	62500
permit issued by the ~~occupational therapy section~~ <u>board</u> by fraud	62501
or deception, including the making of a false, fraudulent,	62502
deceptive, or misleading ~~statements~~ <u>statement</u> in relation to these	62503
activities;	62504
(5) Negligence, unprofessional conduct, or gross misconduct	62505
in the practice of the profession of occupational therapy;	62506
(6) Accepting commissions or rebates or other forms of	62507
remuneration for referring persons to other professionals;	62508
(7) Communicating, without authorization, information	62509
received in professional confidence;	62510
(8) Using controlled substances, habit forming drugs, or	62511
alcohol to an extent that it impairs the ability to perform the	62512
work of an occupational therapist, occupational therapy assistant,	62513
occupational therapist limited permit holder, or occupational	62514
therapy assistant limited permit holder;	62515
(9) Practicing in an area of occupational therapy for which	62516
the individual is untrained or incompetent;	62517
(10) Failing the licensing or Ohio jurisprudence examination;	62518
(11) Aiding, abetting, directing, or supervising the	62519
unlicensed practice of occupational therapy;	62520
(12) Denial, revocation, suspension, or restriction of	62521
authority to practice a health care occupation, including	62522
occupational therapy, for any reason other than a failure to	62523
renew, in Ohio or another state or jurisdiction;	62524
(13) Except as provided in division (B) of this section:	62525
(a) Waiving the payment of all or any part of a deductible or	62526
copayment that a patient, pursuant to a health insurance or health	62527
care policy, contract, or plan that covers occupational therapy,	62528
would otherwise be required to pay if the waiver is used as an	62529

enticement to a patient or group of patients to receive health 62530
care services from that provider; 62531

(b) Advertising that the individual will waive the payment of 62532
all or any part of a deductible or copayment that a patient, 62533
pursuant to a health insurance or health care policy, contract, or 62534
plan that covers occupational therapy, would otherwise be required 62535
to pay. 62536

(14) Working or representing oneself as an occupational 62537
therapist, occupational therapy assistant, occupational therapist 62538
limited permit holder, or occupational therapy assistant limited 62539
permit holder without a current and valid license or limited 62540
permit issued by the ~~occupational therapy section~~ board; 62541

(15) Engaging in a deceptive trade practice, as defined in 62542
section 4165.02 of the Revised Code; 62543

(16) Violation of the standards of ethical conduct in the 62544
practice of occupational therapy as identified ~~by the occupational~~ 62545
~~therapy section~~ pursuant to section 4744.50 of the Revised Code; 62546

(17) A departure from, or the failure to conform to, minimal 62547
standards of care required of licensees or limited permit holders, 62548
whether or not actual injury to a patient is established; 62549

(18) An adjudication by a court that the applicant, licensee, 62550
or limited permit holder is incompetent for the purpose of holding 62551
a license or limited permit and has not thereafter been restored 62552
to legal capacity for that purpose; 62553

(19)(a) Except as provided in division (A)(19)(b) of this 62554
section, failure to cooperate with an investigation conducted by 62555
the ~~occupational therapy section~~ board, including failure to 62556
comply with a subpoena or orders issued by the ~~section~~ board or 62557
failure to answer truthfully a question presented by the ~~section~~ 62558
board at a deposition or in written interrogatories. 62559

(b) Failure to cooperate with an investigation does not 62560
constitute grounds for discipline under this section if a court of 62561
competent jurisdiction issues an order that either quashes a 62562
subpoena or permits the individual to withhold the testimony or 62563
evidence at issue. 62564

(20) Conviction of a misdemeanor reasonably related to the 62565
practice of occupational therapy, regardless of the state or 62566
country in which the conviction occurred; 62567

(21) Inability to practice according to acceptable and 62568
prevailing standards of care because of mental or physical 62569
illness, including physical deterioration that adversely affects 62570
cognitive, motor, or perception skills; 62571

(22) Violation of conditions, limitations, or agreements 62572
placed by the ~~occupational therapy section~~ board on a license or 62573
limited permit to practice; 62574

(23) Making a false, fraudulent, deceptive, or misleading 62575
statement in the solicitation of or advertising for patients in 62576
relation to the practice of occupational therapy; 62577

(24) Failure to complete continuing education requirements as 62578
prescribed in rules adopted by the ~~occupational therapy section~~ 62579
board under section 4755.06 of the Revised Code. 62580

(B) Sanctions shall not be imposed under division (A)(13) of 62581
this section against any individual who waives deductibles and 62582
copayments as follows: 62583

(1) In compliance with the health benefit plan that expressly 62584
allows such a practice. Waiver of the deductibles or copayments 62585
shall be made only with the full knowledge and consent of the plan 62586
purchaser, payer, and third-party administrator. Documentation of 62587
the consent shall be made available to the ~~section~~ board upon 62588
request. 62589

(2) For professional services rendered to any other person 62590
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 62591
Code to the extent allowed by those sections and the rules of the 62592
~~occupational therapy section~~ board. 62593

(C) Except as provided in division (D) of this section, the 62594
suspension or revocation of a license or limited permit under this 62595
section is not effective until either the order for suspension or 62596
revocation has been affirmed following an adjudication hearing, or 62597
the time for requesting a hearing has elapsed. 62598

When a license or limited permit is revoked under this 62599
section, application for reinstatement may not be made sooner than 62600
one year after the date of revocation. The ~~occupational therapy~~ 62601
~~section~~ board may accept or refuse an application for 62602
reinstatement and may require that the applicant pass an 62603
examination as a condition of reinstatement. 62604

When a license or limited permit holder is placed on 62605
probation under this section, the ~~occupational therapy section's~~ 62606
board's probation order shall be accompanied by a statement of the 62607
conditions under which the individual may be removed from 62608
probation and restored to unrestricted practice. 62609

(D) On receipt of a complaint that a person who holds a 62610
license or limited permit issued by the ~~occupational therapy~~ 62611
~~section~~ board has committed any of the prohibited actions listed 62612
in division (A) of this section, the ~~section~~ board may immediately 62613
suspend the license or limited permit prior to holding a hearing 62614
in accordance with Chapter 119. of the Revised Code if it 62615
determines, based on the complaint, that the licensee or limited 62616
permit holder poses an immediate threat to the public. The ~~section~~ 62617
board may review the allegations and vote on the suspension by 62618
telephone conference call. If the ~~section~~ board votes to suspend a 62619
license or limited permit under this division, the ~~section~~ board 62620
shall issue a written order of summary suspension to the licensee 62621

or limited permit holder in accordance with section 119.07 of the Revised Code. If the individual whose license or limited permit is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the ~~section~~ board shall enter a final order permanently revoking the individual's license or limited permit. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the ~~section's~~ board's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the ~~section~~ board pursuant to division (A) of this section becomes effective. The ~~section~~ board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the ~~occupational therapy section~~ board, the ~~section~~ board may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. 4755.111. (A) An individual whom the ~~occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board licenses, certificates, or otherwise legally authorizes to engage in the practice of occupational therapy may render the professional services of an occupational therapist within this

state through a corporation formed under division (B) of section 62654
1701.03 of the Revised Code, a limited liability company formed 62655
under Chapter 1705. of the Revised Code, a partnership, or a 62656
professional association formed under Chapter 1785. of the Revised 62657
Code. This division does not preclude an individual of that nature 62658
from rendering professional services as an occupational therapist 62659
through another form of business entity, including, but not 62660
limited to, a nonprofit corporation or foundation, or in another 62661
manner that is authorized by or in accordance with sections 62662
4755.04 to 4755.13 of the Revised Code, another chapter of the 62663
Revised Code, or rules of the ~~Ohio occupational therapy, physical~~ 62664
~~therapy, and athletic trainers~~ state physical health services 62665
board adopted pursuant to sections 4755.04 to 4755.13 of the 62666
Revised Code. 62667

(B) A corporation, limited liability company, partnership, or 62668
professional association described in division (A) of this section 62669
may be formed for the purpose of providing a combination of the 62670
professional services of the following individuals who are 62671
licensed, certificated, or otherwise legally authorized to 62672
practice their respective professions: 62673

(1) Optometrists who are authorized to practice optometry 62674
under Chapter 4725. of the Revised Code; 62675

(2) Chiropractors who are authorized to practice chiropractic 62676
or acupuncture under Chapter 4734. of the Revised Code; 62677

(3) Psychologists who are authorized to practice psychology 62678
under Chapter 4732. of the Revised Code; 62679

(4) Registered or licensed practical nurses who are 62680
authorized to practice nursing as registered nurses or as licensed 62681
practical nurses under Chapter 4723. of the Revised Code; 62682

(5) Pharmacists who are authorized to practice pharmacy under 62683
Chapter 4729. of the Revised Code; 62684

(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	62685 62686 62687
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	62688 62689 62690
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	62691 62692
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	62693 62694 62695 62696
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.	62697 62698 62699 62700 62701
This division shall apply notwithstanding a provision of a code of ethics applicable to an occupational therapist that prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of occupational therapy.	62702 62703 62704 62705 62706 62707 62708 62709 62710 62711 62712 62713
Sec. 4755.12. (A) The ~~occupational therapy section of the~~	62714

~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 62715
state physical health services board may charge any or all of the 62716
following fees: 62717

(1) A nonrefundable examination fee, which is to be paid at 62718
the time of application for licensure; 62719

(2) An application fee for an initial license; 62720

(3) An initial licensure fee; 62721

(4) A fee for biennial renewal of a license; 62722

(5) A fee for late renewal of a license; 62723

(6) A fee for the review of continuing education activities; 62724

(7) A fee for a limited permit; 62725

(8) A fee for verification of a license. 62726

(B) Any person who is qualified to practice occupational 62727
therapy as certified by the ~~section~~ board, but who is not in the 62728
active practice, as defined by ~~section~~ board rule, may register 62729
with the ~~section~~ board as a nonactive licensee at a biennial fee. 62730

(C) The ~~section~~ board may, by rule, provide for the waiver of 62731
all or part of a fee when the license is issued less than one 62732
hundred days before the date on which it will expire. 62733

(D) Except when all or part of a fee is waived under division 62734
(C) of this section, the amount charged by the ~~occupational~~ 62735
~~therapy~~ section board for each of its fees shall be the applicable 62736
amount established in rules adopted under section 4755.06 of the 62737
Revised Code. 62738

Sec. 4755.41. (A) The ~~physical therapy section of the Ohio~~ 62739
~~occupational therapy, physical therapy, and athletic trainers~~ 62740
state physical health services board shall license persons 62741
desiring to practice physical therapy or to practice as physical 62742
therapist assistants in this state. 62743

(B) An investigation, inquiry, or hearing which the ~~section~~ 62744
board is authorized to undertake or hold may be undertaken or held 62745
in accordance with section 4755.02 of the Revised Code. Any 62746
finding or order shall be confirmed or approved by the ~~section~~ 62747
board. 62748

(C) The ~~physical therapy section~~ board shall do both of the 62749
following: 62750

(1) ~~Keep a record of its proceedings;~~ 62751

~~(2) Keep a register of applicants showing the name and 62752~~
~~location of the institution granting the applicant's degree or 62753~~
~~certificate in physical therapy and whether or not a license was 62754~~
~~issued;~~ 62755

~~(3) Maintain a register of every physical therapist and 62756~~
~~physical therapist assistant in this state, including the 62757~~
~~licensee's last known place of business, the licensee's last known 62758~~
~~residence, and the date and number of the licensee's license;~~ 62759

~~(4)~~ Deposit all fees collected by the ~~section~~ board in 62760
accordance with section 4755.03 of the Revised Code; 62761

~~(5)~~(2) On receipt of an application for a license to practice 62762
as a physical therapist or physical therapist assistant, provide 62763
to the applicant the ~~section's~~ board's address, dates of upcoming 62764
~~section~~ board meetings, and a list of names of the ~~section~~ board 62765
members. 62766

Sec. 4755.411. The ~~physical therapy section of the Ohio 62767~~
~~occupational therapy, physical therapy, and athletic trainers 62768~~
state physical health services board shall adopt rules in 62769
accordance with Chapter 119. of the Revised Code pertaining to the 62770
following: 62771

(A) Fees for the verification of a license and license 62772
reinstatement, and other fees established by the ~~section~~ board; 62773

(B) Provisions for the ~~section's~~ <u>board's</u> government and control of its actions and business affairs;	62774 62775
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	62776 62777 62778
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	62779 62780
(E) The form and manner for filing applications for licensure with the ~~section~~ <u>board</u> ;	62781 62782
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	62783 62784
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	62785 62786 62787
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	62788 62789 62790
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	62791 62792
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	62793 62794
(H) ~~Appropriate ethical conduct in the practice of physical therapy;~~	62795 62796
~~(I)~~ Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	62797 62798 62799
~~(J)~~ (I) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	62800 62801 62802

~~(K)~~(J) For purposes of section 4755.45 of the Revised Code, 62803
both of the following: 62804

(1) Identification of the credentialing organizations from 62805
which the ~~section board~~ will accept equivalency evaluations for 62806
foreign physical therapist education. The ~~physical therapy section~~ 62807
~~board~~ shall identify only those credentialing organizations that 62808
use a course evaluation tool or form approved by the ~~physical~~ 62809
~~therapy section board~~. 62810

(2) Evidence, other than the evaluations described in 62811
division ~~(K)~~(J)(1) of this section, that the ~~section board~~ will 62812
consider for purposes of evaluating whether an applicant's 62813
education is reasonably equivalent to the educational requirements 62814
that were in force for licensure in this state as a physical 62815
therapist on the date of the applicant's initial licensure or 62816
registration in another state or country. 62817

~~(L)~~(K) Standards of conduct for physical therapists and 62818
physical therapist assistants, including requirements for 62819
supervision, delegation, and practicing with or without referral 62820
or prescription; 62821

~~(M)~~(L) Appropriate display of a license; 62822

~~(N)~~(M) Procedures for a licensee to follow in notifying the 62823
~~section board~~ within thirty days of a change in name or address, 62824
or both; 62825

~~(O)~~(N) The amount and content of corrective action courses 62826
required by the board under section 4755.47 of the Revised Code. 62827

Sec. 4755.412. The ~~physical therapy section of the Ohio~~ 62828
~~occupational therapy, physical therapy, and athletic trainers~~ 62829
state physical health services board, subject to the approval of 62830
the controlling board, may establish fees in excess of the amounts 62831
provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and 62832

4755.46 of the Revised Code, provided that such fees do not exceed 62833
those amounts by more than fifty per cent. 62834

Sec. 4755.42. (A) Each person who desires to practice 62835
physical therapy shall file with the ~~secretary of the physical~~ 62836
~~therapy section of the Ohio occupational therapy, physical~~ 62837
~~therapy, and athletic trainers~~ state physical health services 62838
board ~~a notarized~~ an application that includes the following: 62839

(1) Name; 62840

(2) Current address; 62841

(3) Physical description and photograph; 62842

(4) Proof of completion of a master's or doctorate program of 62843
physical therapy education that is accredited by a national 62844
physical therapy accreditation agency recognized by the United 62845
States department of education and that includes: 62846

(a) A minimum of one hundred twenty academic semester credits 62847
or its equivalent, including courses in the biological and other 62848
physical sciences; 62849

(b) A course in physical therapy education that has provided 62850
instruction in basic sciences, clinical sciences, and physical 62851
therapy theory and procedures. 62852

(B) On making application under division (A) of this section, 62853
the applicant shall pay a fee of not more than one hundred 62854
twenty-five dollars for the license. 62855

(C) The ~~physical therapy section~~ board shall approve an 62856
application to sit for the examination required under division (A) 62857
of section 4755.43 of the Revised Code not later than one hundred 62858
twenty days after receiving an application that the ~~section~~ board 62859
considers complete unless the board has done either of the 62860
following: 62861

(1) Requested documents relevant to the ~~section's~~ board's 62862
evaluation of the application; 62863

(2) Notified the applicant in writing of the ~~section's~~ 62864
board's intent to deny a license and the applicant's right to 62865
request a hearing in accordance with Chapter 119. of the Revised 62866
Code to appeal the ~~section's~~ board's intent to deny a license. 62867

(D) If the ~~section~~ board fails to comply with division (C) of 62868
this section, the ~~section~~ board shall refund one-half of the 62869
application fee to the applicant. 62870

Sec. 4755.421. (A) Each applicant seeking licensure as a 62871
physical therapist assistant shall file with the ~~secretary of the~~ 62872
~~physical therapy section of the Ohio occupational therapy,~~ 62873
~~physical therapy, and athletic trainers~~ state physical health 62874
services board ~~a notarized~~ an application that includes the 62875
following: 62876

(1) Name; 62877

(2) Current address; 62878

(3) Physical description and photograph; 62879

(4) Proof of completion of a two-year program of education 62880
that is accredited by a national physical therapy accreditation 62881
agency recognized by the United States department of education. 62882

(B) On making application under division (A) of this section, 62883
the applicant shall pay a fee of not more than one hundred 62884
twenty-five dollars for the license. 62885

(C)(1) The ~~physical therapy section~~ board shall approve an 62886
applicant to sit for the examination required under division (A) 62887
of section 4755.431 of the Revised Code not later than one hundred 62888
twenty days after receiving an application that the ~~section~~ board 62889
considers complete unless the board has done either of the 62890
following: 62891

(a) Requested documents relevant to the ~~section's~~ board's evaluation of the application; 62892
62893

(b) Notified the applicant in writing of the ~~section's~~ board's intent to deny a license and the applicant's right to 62894
request a hearing in accordance with Chapter 119. of the Revised 62895
Code to appeal the ~~section's~~ board's intent to deny a license. 62896
62897

(2) If the ~~section~~ board fails to comply with division (C)(1) 62898
of this section, the ~~section~~ board shall refund half of the 62899
application fee to the applicant. 62900

Sec. 4755.43. Except as provided in section 4755.45 of the 62901
Revised Code, to be eligible to receive a license to practice as a 62902
physical therapist, an applicant must pass both of the following: 62903

(A) A national physical therapy examination for physical 62904
therapists approved by the ~~physical therapy section of the Ohio~~ 62905
~~occupational therapy, physical therapy, and athletic trainers~~ 62906
state physical health services board that tests the applicant's 62907
knowledge of the basic and applied sciences as they relate to 62908
physical therapy and physical therapy theory and procedures. 62909

(B) A jurisprudence examination on Ohio's laws and rules 62910
governing the practice of physical therapy that is approved by the 62911
~~physical therapy section~~ board. 62912

Sec. 4755.431. Except as provided in section 4755.451 of the 62913
Revised Code, to be eligible to receive a license to practice as a 62914
physical therapist assistant, an applicant must pass both of the 62915
following: 62916

(A) A national physical therapy examination for physical 62917
therapist assistants approved by the ~~physical therapy section of~~ 62918
~~the Ohio occupational therapy, physical therapy, and athletic~~ 62919
~~trainers~~ state physical health services board. 62920

(B) A jurisprudence examination approved by the ~~physical~~ 62921
~~therapy section board~~ on Ohio's laws and rules governing the 62922
practice of physical therapy. 62923

Sec. 4755.44. If an applicant passes the examination or 62924
examinations required under section 4755.43 of the Revised Code 62925
and pays the fee required by division (B) of section 4755.42 of 62926
the Revised Code, the ~~physical therapy section of the Ohio~~ 62927
~~occupational therapy, physical therapy, and athletic trainers~~ 62928
state physical health services board shall issue a license, 62929
attested by the seal of the board, to the applicant to practice as 62930
a physical therapist. 62931

Sec. 4755.441. If an applicant passes the examination or 62932
examinations required under section 4755.431 of the Revised Code 62933
and pays the fee required by division (B) of section 4755.421 of 62934
the Revised Code, the ~~physical therapy section of the Ohio~~ 62935
~~occupational therapy, physical therapy, and athletic trainers~~ 62936
state physical health services board shall issue a license, 62937
attested by the seal of the board, to the applicant to practice as 62938
physical therapist assistant. 62939

Sec. 4755.45. (A) The ~~physical therapy section of the Ohio~~ 62940
~~occupational therapy, physical therapy, and athletic trainers~~ 62941
state physical health services board shall issue to an applicant a 62942
license to practice as a physical therapist without requiring the 62943
applicant to have passed the national examination for physical 62944
therapists described in division (A) of section 4755.43 of the 62945
Revised Code within one year of filing an application described in 62946
section 4755.42 of the Revised Code if all of the following are 62947
true: 62948

(1) The applicant presents evidence satisfactory to the 62949
~~physical therapy section board~~ that the applicant received a score 62950

on the national physical therapy examination described in division 62951
(A) of section 4755.43 of the Revised Code that would have been a 62952
passing score according to the board in the year the applicant sat 62953
for the examination; 62954

(2) The applicant presents evidence satisfactory to the 62955
~~physical therapy section~~ board that the applicant passed the 62956
jurisprudence examination described in division (B) of section 62957
4755.43 of the Revised Code; 62958

(3) The applicant holds a current and valid license or 62959
registration to practice physical therapy in another state or 62960
country; 62961

(4) Subject to division (B) of this section, the applicant 62962
can demonstrate that the applicant's education is reasonably 62963
equivalent to the educational requirements that were in force for 62964
licensure in this state on the date of the applicant's initial 62965
licensure or registration in the other state or country; 62966

(5) The applicant pays the fee described in division (B) of 62967
section 4755.42 of the Revised Code; 62968

(6) The applicant is not in violation of any section of this 62969
chapter or rule adopted under it. 62970

(B) For purposes of division (A)(4) of this section, if, 62971
after receiving the results of an equivalency evaluation from a 62972
credentialing organization identified by the ~~section~~ board 62973
pursuant to rules adopted under section 4755.411 of the Revised 62974
Code, the ~~section~~ board determines that regardless of the results 62975
of the evaluation the applicant's education is not reasonably 62976
equivalent to the educational requirements that were in force for 62977
licensure in this state on the date of the applicant's initial 62978
licensure or registration in another state or foreign country, the 62979
~~section~~ board shall send a written notice to the applicant stating 62980
that the ~~section~~ board is denying the applicant's application and 62981

stating the specific reason why the ~~section~~ board is denying the 62982
applicant's application. The ~~section~~ board shall send the notice 62983
to the applicant through certified mail within thirty days after 62984
the ~~section~~ board makes that determination. 62985

Sec. 4755.451. The ~~physical therapy section of the Ohio~~ 62986
~~occupational therapy, physical therapy, and athletic trainers~~ 62987
state physical health services board shall issue to an applicant a 62988
license as a physical therapist assistant without requiring the 62989
applicant to have passed the national examination for physical 62990
therapist assistants described in division (A) of section 4755.431 62991
of the Revised Code within one year of filing an application 62992
described in section 4755.421 of the Revised Code if all of the 62993
following are true: 62994

(A) The applicant presents evidence satisfactory to the 62995
~~physical therapy section~~ board that the applicant received a score 62996
on the national physical therapy examination described in division 62997
(A) of section 4755.431 of the Revised Code that would have been a 62998
passing score according to the board in the year the applicant sat 62999
for the examination; 63000

(B) The applicant presents evidence satisfactory to the 63001
~~physical therapy section~~ board that the applicant passed the 63002
jurisprudence examination described in division (B) of section 63003
4755.431 of the Revised Code; 63004

(C) The applicant holds a current and valid license or 63005
registration to practice as a physical therapist assistant in 63006
another state; 63007

(D) The applicant can demonstrate that the applicant's 63008
education is reasonably equivalent to the educational requirements 63009
that were in force for licensure in this state on the date of the 63010
applicant's initial licensure or registration in the other state; 63011

(E) The applicant pays the fee described in division (B) of 63012
section 4755.421 of the Revised Code; 63013

(F) The applicant is not in violation of any section of this 63014
chapter or rule adopted under it. 63015

Sec. 4755.46. (A) Every license to practice as a physical 63016
therapist or physical therapist assistant expires biennially in 63017
accordance with the schedule established in rules adopted by the 63018
~~physical therapy section of the Ohio occupational therapy,~~ 63019
~~physical therapy, and athletic trainers~~ state physical health 63020
services board under section 4755.411 of the Revised Code. 63021

Each individual holding a valid and current license may apply 63022
to the ~~physical therapy section~~ board to renew the license in 63023
accordance with rules adopted by the board under section 4755.411 63024
of the Revised Code. Each application for license renewal shall be 63025
accompanied by a biennial renewal fee of not more than one hundred 63026
twenty-five dollars and, if applicable, the applicant's signed 63027
statement that the applicant completed the continuing education 63028
required under section 4755.51 or 4755.551 of the Revised Code 63029
within the time frame established in rules adopted by the ~~physical~~ 63030
~~therapy section~~ board under section 4755.411 of the Revised Code. 63031

A license that is not renewed by the last day for renewal 63032
established in rules shall automatically expire on that date. 63033

(B) Each licensee shall report to the ~~section~~ board in 63034
writing a change in name, business address, or home address not 63035
later than thirty days after the date of the change. 63036

Sec. 4755.47. (A) In accordance with Chapter 119. of the 63037
Revised Code, the ~~physical therapy section of the Ohio~~ 63038
~~occupational therapy, physical therapy, and athletic trainers~~ 63039
state physical health services board may refuse to grant a license 63040
to an applicant for an initial or renewed license as a physical 63041

therapist or physical therapist assistant or, by an affirmative 63042
vote of not less than five members, may limit, suspend, or revoke 63043
the license of a physical therapist or physical therapist 63044
assistant or reprimand, fine, place a license holder on probation, 63045
or require the license holder to take corrective action courses, 63046
on any of the following grounds: 63047

(1) Habitual indulgence in the use of controlled substances, 63048
other habit-forming drugs, or alcohol to an extent that affects 63049
the individual's professional competency; 63050

(2) Conviction of a felony or a crime involving moral 63051
turpitude, regardless of the state or country in which the 63052
conviction occurred; 63053

(3) Obtaining or attempting to obtain a license issued by the 63054
~~physical therapy section~~ board by fraud or deception, including 63055
the making of a false, fraudulent, deceptive, or misleading 63056
statement; 63057

(4) An adjudication by a court, as provided in section 63058
5122.301 of the Revised Code, that the applicant or licensee is 63059
incompetent for the purpose of holding the license and has not 63060
thereafter been restored to legal capacity for that purpose; 63061

(5) Subject to section 4755.471 of the Revised Code, 63062
violation of the code of ethics adopted ~~by the physical therapy~~ 63063
section under section 4744.50 of the Revised Code; 63064

(6) Violating or attempting to violate, directly or 63065
indirectly, or assisting in or abetting the violation of or 63066
conspiring to violate sections 4755.40 to 4755.56 of the Revised 63067
Code or any order issued or rule adopted under those sections; 63068

(7) Failure of one or both of the examinations required under 63069
section 4755.43 or 4755.431 of the Revised Code; 63070

(8) Permitting the use of one's name or license by a person, 63071

group, or corporation when the one permitting the use is not 63072
directing the treatment given; 63073

(9) Denial, revocation, suspension, or restriction of 63074
authority to practice a health care occupation, including physical 63075
therapy, for any reason other than a failure to renew, in Ohio or 63076
another state or jurisdiction; 63077

(10) Failure to maintain minimal standards of practice in the 63078
administration or handling of drugs, as defined in section 4729.01 63079
of the Revised Code, or failure to employ acceptable scientific 63080
methods in the selection of drugs, as defined in section 4729.01 63081
of the Revised Code, or other modalities for treatment; 63082

(11) Willful betrayal of a professional confidence; 63083

(12) Making a false, fraudulent, deceptive, or misleading 63084
statement in the solicitation of or advertising for patients in 63085
relation to the practice of physical therapy; 63086

(13) A departure from, or the failure to conform to, minimal 63087
standards of care required of licensees when under the same or 63088
similar circumstances, whether or not actual injury to a patient 63089
is established; 63090

(14) Obtaining, or attempting to obtain, money or anything of 63091
value by fraudulent misrepresentations in the course of practice; 63092

(15) Violation of the conditions of limitation or agreements 63093
placed by the ~~physical therapy section~~ board on a license to 63094
practice; 63095

(16) Failure to renew a license in accordance with section 63096
4755.46 of the Revised Code; 63097

(17) Except as provided in section 4755.471 of the Revised 63098
Code, engaging in the division of fees for referral of patients or 63099
receiving anything of value in return for a specific referral of a 63100
patient to utilize a particular service or business; 63101

(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;

(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;

(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the ~~physical therapy section~~ board;

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the ~~physical therapy section~~ board, including failure to comply with a subpoena or orders issued by the ~~section~~ board or failure to answer truthfully a question presented by the ~~section~~ board at

a deposition or in written interrogatories. 63133

(b) Failure to cooperate with an investigation does not 63134
constitute grounds for discipline under this section if a court of 63135
competent jurisdiction issues an order that either quashes a 63136
subpoena or permits the individual to withhold the testimony or 63137
evidence at issue. 63138

(25) Regardless of whether the contact or verbal behavior is 63139
consensual, engaging with a patient other than the spouse of the 63140
physical therapist or physical therapist assistant, in any of the 63141
following: 63142

(a) Sexual contact, as defined in section 2907.01 of the 63143
Revised Code; 63144

(b) Verbal behavior that is sexually demeaning to the patient 63145
or may be reasonably interpreted by the patient as sexually 63146
demeaning. 63147

(26) Failure to notify the ~~physical therapy section~~ board of 63148
a change in name, business address, or home address within thirty 63149
days after the date of change; 63150

(27) Except as provided in division (B) of this section: 63151

(a) Waiving the payment of all or any part of a deductible or 63152
copayment that a patient, pursuant to a health insurance or health 63153
care policy, contract, or plan that covers physical therapy, would 63154
otherwise be required to pay if the waiver is used as an 63155
enticement to a patient or group of patients to receive health 63156
care services from that provider; 63157

(b) Advertising that the individual will waive the payment of 63158
all or any part of a deductible or copayment that a patient, 63159
pursuant to a health insurance or health care policy, contract, or 63160
plan that covers physical therapy, would otherwise be required to 63161
pay; 63162

(28) Violation of any section of this chapter or rule adopted 63163
under it. 63164

(B) Sanctions shall not be imposed under division (A)(27) of 63165
this section against any individual who waives deductibles and 63166
copayments as follows: 63167

(1) In compliance with the health benefit plan that expressly 63168
allows such a practice. Waiver of the deductibles or copayments 63169
shall be made only with the full knowledge and consent of the plan 63170
purchaser, payer, and third-party administrator. Documentation of 63171
the consent shall be made available to the ~~physical therapy~~ 63172
~~section board~~ upon request. 63173

(2) For professional services rendered to any other person 63174
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 63175
Code to the extent allowed by those sections and the rules of the 63176
~~physical therapy section board~~. 63177

(C) When a license is revoked under this section, application 63178
for reinstatement may not be made sooner than one year after the 63179
date of revocation. The ~~physical therapy section board~~ may accept 63180
or refuse an application for reinstatement and may require that 63181
the applicant pass an examination as a condition for 63182
reinstatement. 63183

When a license holder is placed on probation under this 63184
section, the physical therapy section's order for placement on 63185
probation shall be accompanied by a statement of the conditions 63186
under which the individual may be removed from probation and 63187
restored to unrestricted practice. 63188

(D) When an application for an initial or renewed license is 63189
refused under this section, the ~~physical therapy section board~~ 63190
shall notify the applicant in writing of the ~~section's board's~~ 63191
decision to refuse issuance of a license and the reason for its 63192
decision. 63193

(E) On receipt of a complaint that a person licensed by the 63194
~~physical therapy section board~~ has committed any of the actions 63195
listed in division (A) of this section, the ~~physical therapy~~ 63196
~~section board~~ may immediately suspend the license of the physical 63197
therapist or physical therapist assistant prior to holding a 63198
hearing in accordance with Chapter 119. of the Revised Code if it 63199
determines, based on the complaint, that the person poses an 63200
immediate threat to the public. The ~~physical therapy section board~~ 63201
may review the allegations and vote on the suspension by telephone 63202
conference call. If the ~~physical therapy section board~~ votes to 63203
suspend a license under this division, the ~~physical therapy~~ 63204
~~section board~~ shall issue a written order of summary suspension to 63205
the person in accordance with section 119.07 of the Revised Code. 63206
If the person fails to make a timely request for an adjudication 63207
under Chapter 119. of the Revised Code, the ~~physical therapy~~ 63208
~~section board~~ shall enter a final order permanently revoking the 63209
person's license. Notwithstanding section 119.12 of the Revised 63210
Code, a court of common pleas shall not grant a suspension of the 63211
~~physical therapy section's board's~~ order of summary suspension 63212
pending the determination of an appeal filed under that section. 63213
Any order of summary suspension issued under this division shall 63214
remain in effect, unless reversed on appeal, until a final 63215
adjudication order issued by the ~~physical therapy section board~~ 63216
pursuant to division (A) of this section becomes effective. The 63217
~~physical therapy section board~~ shall issue its final adjudication 63218
order regarding an order of summary suspension issued under this 63219
division not later than ninety days after completion of its 63220
hearing. Failure to issue the order within ninety days shall 63221
result in immediate dissolution of the suspension order, but shall 63222
not invalidate any subsequent, final adjudication order. 63223

Sec. 4755.471. (A) An individual whom the ~~physical therapy~~ 63224
~~section of the Ohio occupational therapy, physical therapy, and~~ 63225

~~athletic trainers~~ state physical health services board licenses, 63226
certificates, or otherwise legally authorizes to engage in the 63227
practice of physical therapy may render the professional services 63228
of a physical therapist within this state through a corporation 63229
formed under division (B) of section 1701.03 of the Revised Code, 63230
a limited liability company formed under Chapter 1705. of the 63231
Revised Code, a partnership, or a professional association formed 63232
under Chapter 1785. of the Revised Code. This division does not 63233
preclude an individual of that nature from rendering professional 63234
services as a physical therapist through another form of business 63235
entity, including, but not limited to, a nonprofit corporation or 63236
foundation, or in another manner that is authorized by or in 63237
accordance with sections 4755.40 to 4755.53 of the Revised Code, 63238
another chapter of the Revised Code, or rules of the ~~Ohio~~ 63239
~~occupational therapy, physical therapy, and athletic trainers~~
state physical health services board adopted pursuant to sections 63240
4755.40 to 4755.53 of the Revised Code. 63241
63242

(B) A corporation, limited liability company, partnership, or 63243
professional association described in division (A) of this section 63244
may be formed for the purpose of providing a combination of the 63245
professional services of the following individuals who are 63246
licensed, certificated, or otherwise legally authorized to 63247
practice their respective professions: 63248

(1) Optometrists who are authorized to practice optometry 63249
under Chapter 4725. of the Revised Code; 63250

(2) Chiropractors who are authorized to practice chiropractic 63251
or acupuncture under Chapter 4734. of the Revised Code; 63252

(3) Psychologists who are authorized to practice psychology 63253
under Chapter 4732. of the Revised Code; 63254

(4) Registered or licensed practical nurses who are 63255
authorized to practice nursing as registered nurses or as licensed 63256

practical nurses under Chapter 4723. of the Revised Code;	63257
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	63258 63259
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	63260 63261 63262
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	63263 63264 63265
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	63266 63267
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	63268 63269 63270 63271
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.	63272 63273 63274 63275 63276
This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally	63277 63278 63279 63280 63281 63282 63283 63284 63285 63286 63287

authorized to engage in the practice of physical therapy. 63288

Sec. 4755.482. (A) Except as otherwise provided in divisions 63289
(B) and (C) of this section, a person shall not teach a physical 63290
therapy theory and procedures course in physical therapy education 63291
without obtaining a license as a physical therapist from the 63292
~~physical therapy section of the Ohio occupational therapy,~~ 63293
~~physical therapy, and athletic trainers~~ state physical health 63294
services board. 63295

(B) A person who is registered or licensed as a physical 63296
therapist under the laws of another state shall not teach a 63297
physical therapy theory and procedures course in physical therapy 63298
education for more than one year without obtaining a license as a 63299
physical therapist from the ~~physical therapy section~~ board. 63300

(C) A person who is registered or licensed as a physical 63301
therapist under the laws of a foreign country and is not 63302
registered or licensed as a physical therapist in any state who 63303
wishes to teach a physical therapy theory and procedures course in 63304
physical therapy education in this state, or an institution that 63305
wishes the person to teach such a course at the institution, may 63306
apply to the ~~physical therapy section~~ board to request 63307
authorization for the person to teach such a course for a period 63308
of not more than one year. Any member of the ~~physical therapy~~ 63309
~~section~~ board may approve the person's or institution's 63310
application. No person described in this division shall teach such 63311
a course for longer than one year without obtaining a license from 63312
the ~~physical therapy section~~ board. 63313

(D) The ~~physical therapy section~~ board may investigate any 63314
person who allegedly has violated this section. The ~~physical~~ 63315
~~therapy section~~ board has the same powers to investigate an 63316
alleged violation of this section as those powers specified in 63317
section 4755.02 of the Revised Code. If, after investigation, the 63318

~~physical therapy section~~ board determines that reasonable evidence 63319
exists that a person has violated this section, within seven days 63320
after that determination, the ~~physical therapy section~~ board shall 63321
send a written notice to that person in the same manner as 63322
prescribed in section 119.07 of the Revised Code for licensees, 63323
except that the notice shall specify that a hearing will be held 63324
and specify the date, time, and place of the hearing. 63325

The ~~physical therapy section~~ board shall hold a hearing 63326
regarding the alleged violation in the same manner prescribed for 63327
an adjudication hearing under section 119.09 of the Revised Code. 63328
If the ~~physical therapy section~~ board, after the hearing, 63329
determines a violation has occurred, the ~~physical therapy section~~ 63330
board may discipline the person in the same manner as the ~~physical~~ 63331
~~therapy section~~ board disciplines licensees under section 4755.47 63332
of the Revised Code. The ~~physical therapy section's~~ board's 63333
determination is an order that the person may appeal in accordance 63334
with section 119.12 of the Revised Code. 63335

If a person who allegedly committed a violation of this 63336
section fails to appear for a hearing, the ~~physical therapy~~ 63337
~~section~~ board may request the court of common pleas of the county 63338
where the alleged violation occurred to compel the person to 63339
appear before the ~~physical therapy section~~ board for a hearing. If 63340
the ~~physical therapy section~~ board assesses a person a civil 63341
penalty for a violation of this section and the person fails to 63342
pay that civil penalty within the time period prescribed by the 63343
~~physical therapy section~~ board, the ~~physical therapy section~~ board 63344
shall forward to the attorney general the name of the person and 63345
the amount of the civil penalty for the purpose of collecting that 63346
civil penalty. In addition to the civil penalty assessed pursuant 63347
to this section, the person also shall pay any fee assessed by the 63348
attorney general for collection of the civil penalty. 63349

Sec. 4755.51. Except in the case of a first license renewal, 63350
a physical therapist is eligible for renewal of the physical 63351
therapist's license only if the physical therapist has completed 63352
twenty-four units of continuing education in one or more courses, 63353
activities, or programs approved by the ~~physical therapy section~~ 63354
~~of the Ohio occupational therapy, physical therapy, and athletic~~ 63355
~~trainers~~ state physical health services board. 63356

On request of the ~~physical therapy section~~ board, an 63357
applicant for license renewal shall submit evidence satisfactory 63358
to the ~~section~~ board of completion of the required continuing 63359
physical therapy education. 63360

Sec. 4755.511. Except in the case of a first license renewal, 63361
a physical therapist assistant is eligible for renewal of the 63362
physical therapist assistant's license only if the physical 63363
therapist assistant has completed twelve units of continuing 63364
education in one or more courses, activities, or programs approved 63365
by the ~~physical therapy section of the Ohio occupational therapy,~~ 63366
~~physical therapy, and athletic trainers~~ state physical health 63367
services board. 63368

On request of the ~~physical therapy section~~ board, an 63369
applicant for license renewal shall submit evidence satisfactory 63370
to the ~~section~~ board of completion of the required continuing 63371
physical therapist assistant education. 63372

Sec. 4755.52. (A) In accordance with Chapter 119. of the 63373
Revised Code, the ~~physical therapy section of the Ohio~~ 63374
~~occupational therapy, physical therapy, and athletic trainers~~ 63375
state physical health services board shall adopt rules specifying 63376
standards, in addition to the standards specified by division (B) 63377
of this section, for approval of continuing education courses, 63378
programs, and activities for physical therapists and physical 63379

therapist assistants. 63380

(B) To be eligible for approval by the ~~physical therapy~~ 63381
~~section board~~, a continuing education course, program, or activity 63382
shall meet all of the following requirements: 63383

(1) Include significant intellectual or practical content, 63384
the primary objective of which is to improve the professional 63385
competence of the participant; 63386

(2) Be an organized program of learning dealing with matters 63387
directly related to the practice of physical therapy, professional 63388
responsibility, ethical obligations, or similar subjects that the 63389
~~section board~~ determines maintain and improve the quality of 63390
physical therapy services in this state; 63391

(3) Consist of in-person instruction or other methods of 63392
instruction, including the use of self-study materials prepared 63393
and conducted by an individual or a group qualified by practical 63394
or academic experience as determined by the ~~section board~~; 63395

(4) Be presented in a setting physically suited to the 63396
educational activity of the course, program, or activity; 63397

(5) Include thorough, high-quality written material; 63398

(6) Meet any other standards established by rule of the 63399
~~section board~~ adopted under division (A) of this section. 63400

(C) The ~~physical therapy section board~~ shall review physical 63401
therapy continuing education programs, courses, and activities and 63402
grant approval to those that meet the standards established under 63403
divisions (A) and (B) of this section. If the ~~section board~~ denies 63404
approval of a course, program, or activity, it shall give a 63405
written explanation of the reason for denial to the person 63406
requesting approval. 63407

The ~~physical therapy section board~~ may approve continuing 63408
education courses, programs, and activities that have been 63409

approved by an agency in another state that governs the licensure 63410
of physical therapists and physical therapist assistants if the 63411
~~section~~ board determines that the standards for continuing 63412
education courses established by the agency are comparable to 63413
those established pursuant to this section. 63414

~~The physical therapy section may contract with the Ohio 63415
chapter of the American physical therapy association for 63416
assistance in performance of the section's duties under this 63417
section. 63418~~

Sec. 4755.53. (A) Subject to division (B) of this section, 63419
the ~~physical therapy section of the Ohio occupational therapy,~~ 63420
~~physical therapy, and athletic trainers~~ state physical health 63421
services board shall grant continuing education units to a 63422
licensed physical therapist or physical therapist assistant as 63423
follows: 63424

(1) For completing an approved continuing education course, 63425
program, or activity, one unit for each hour of instruction 63426
received; 63427

(2) For teaching as a faculty member of an institution of 63428
higher education a course that is part of the curriculum of the 63429
institution, one-half unit for each semester hour of the course, 63430
or an equivalent portion of a unit, as determined by the ~~section~~ 63431
board, for each quarter or trimester hour of the course; 63432

(3) For teaching an approved course that is part of the 63433
curriculum of an institution of higher education other than as a 63434
faculty member, one unit for each hour of teaching the course; 63435

(4) For teaching an approved course, program, or activity, 63436
other than a course that is part of the curriculum of an 63437
institution of higher education, three units for each hour of 63438
teaching the course, program, or activity the first time and 63439

one-half unit for each hour of teaching the course, program, or 63440
activity any time after the first time; 63441

(5) For authoring a published article or book, up to ten 63442
units as determined by the ~~physical therapy section~~ board. 63443

(B) The ~~physical therapy section~~ board shall grant no more 63444
than twelve units of continuing education for teaching during a 63445
biennial renewal period. 63446

~~(C) The physical therapy section may contract with the Ohio~~ 63447
~~chapter of the American physical therapy association for~~ 63448
~~assistance in performance of the section's duties under this~~ 63449
~~section.~~ 63450

Sec. 4755.61. (A) The ~~athletic trainers section of the Ohio~~ 63451
~~occupational therapy, physical therapy, and athletic trainers~~ 63452
~~state physical health services~~ board shall: 63453

(1) Adopt rules, not inconsistent with this chapter, for the 63454
licensure of athletic trainers, including rules that specify the 63455
application form and educational course work and clinical 63456
experience requirements for licensure and rules that prescribe 63457
requirements for criminal records checks of applicants under 63458
section 4776.03 of the Revised Code; 63459

(2) Establish and deposit fees in accordance with division 63460
(B) of this section and section 4755.03 of the Revised Code; 63461

(3) Conduct hearings, ~~keep records of its proceedings,~~ and do 63462
all things necessary and proper to administer and enforce sections 63463
4755.60 to 4755.65 of the Revised Code; 63464

(4) Publish and make available, upon request and for a fee 63465
not to exceed the actual cost of printing and mailing, the 63466
requirements for the issuance of an athletic trainers license 63467
under this chapter and the rules adopted under it; 63468

(5) ~~Maintain a register of every person licensed to practice~~ 63469

~~athletic training in this state, including the addresses of the~~ 63470
~~licensee's last known place of business and residence, and the~~ 63471
~~effective date and identification number of the person's license.~~ 63472
~~The section shall make this list available to any person upon~~ 63473
~~request and payment of a fee not to exceed the actual cost of~~ 63474
~~printing and mailing.~~ 63475

~~(6)~~ Publish and make available, upon request and for a fee 63476
not to exceed the actual cost of printing and mailing, a list of 63477
persons who passed the examination required under section 4755.62 63478
of the Revised Code; 63479

~~(7)~~(6) Investigate complaints concerning alleged violations 63480
of section 4755.62 of the Revised Code or other grounds for the 63481
suspension, revocation, or refusal to issue a license under 63482
section 3123.47 or 4755.64 of the Revised Code. In connection with 63483
its investigations, the ~~athletic trainers section~~ board may 63484
subpoena witnesses, issue subpoenas, examine witnesses, administer 63485
oaths, and, under the direction of the executive director of the 63486
board, investigate complaints and make inspections and other 63487
inquiries as in the judgment of the section are appropriate to 63488
enforce sections 3123.41 to 3123.50 and this chapter of the 63489
Revised Code. The ~~section~~ board may review and audit the records 63490
of any licensee during normal business hours at the licensee's 63491
place of business or at any other place where the licensee's 63492
records are kept. Notwithstanding section 149.43 of the Revised 63493
Code, the ~~athletic trainers section~~ board and its employees, 63494
except pursuant to a court order, shall maintain in confidence all 63495
information obtained. 63496

~~(8)~~(7) Adopt rules governing the nature and scope of the 63497
examination required under section 4755.62 of the Revised Code and 63498
the reexamination required under section 4755.63 of the Revised 63499
Code and the minimum examination score for licensure or renewal 63500
thereof. The rules for the examination required under section 63501

4755.62 of the Revised Code shall ensure the testing of the 63502
applicant's knowledge of the basic and clinical sciences relating 63503
to athletic training theory and practice, including professional 63504
skills and judgment in the utilization of athletic training 63505
techniques and such other subjects as the ~~athletic trainers~~ 63506
~~section board~~ considers useful in determining competency to 63507
practice athletic training. 63508

~~(9)~~(8) Conduct the examination required under section 4755.62 63509
of the Revised Code at least twice a year at a time and place and 63510
under such supervision as the ~~athletic trainers section board~~ 63511
determines; 63512

~~(10)~~(9) Adopt rules to determine which states' standards for 63513
licensure are equal to or greater than this state's for the 63514
purpose of waiving requirements under division (D) of section 63515
4755.62 of the Revised Code; 63516

~~(11)~~(10) Adopt rules to determine which examinations meet the 63517
requirements of division (E) of section 4755.62 of the Revised 63518
Code; 63519

~~(12) Adopt rules establishing the standards of ethical~~ 63520
~~conduct for licensed athletic trainers under this chapter;~~ 63521

~~(13)~~(11) Adopt rules specifying the scope and nature of the 63522
continuing education courses that are acceptable to the ~~athletic~~ 63523
~~trainers section board~~ and the number of courses that must be 63524
completed to comply with the requirement for renewal of a license 63525
under section 4755.63 of the Revised Code-; 63526

~~(14)~~(12) Adopt rules establishing the schedule when licenses 63527
to practice as an athletic trainer expire during a biennium for 63528
purposes of section 4755.63 of the Revised Code. 63529

(B) The fees adopted by the ~~athletic trainers section board~~ 63530
pursuant to division (A)(2) of this section shall be established 63531
and adjusted as required to provide sufficient revenues to meet 63532

the expenses of the section in administering sections 4755.60 to 63533
4755.66 of the Revised Code. The fees shall include the following: 63534

(1) A nonrefundable examination fee, not to exceed the amount 63535
necessary to cover the expense of administering the examination; 63536

(2) An initial license fee; 63537

(3) A biennial license renewal fee; 63538

(4) A late renewal penalty, not to exceed fifty per cent of 63539
the renewal fee. 63540

The ~~athletic trainers section~~ board may, by rule, provide for 63541
the waiver of all or part of a license fee if the license is 63542
issued less than one hundred days before its expiration date. 63543

(C) All rules under sections 4755.60 to 4755.65 of the 63544
Revised Code shall be adopted by the ~~athletic trainers section~~ 63545
board in accordance with Chapter 119. of the Revised Code. 63546

Sec. 4755.62. (A) No person shall claim to the public to be 63547
an athletic trainer or imply by words, actions, or letters that 63548
the person is an athletic trainer, or otherwise engage in the 63549
practice of athletic training, unless the person is licensed as an 63550
athletic trainer pursuant to this chapter. 63551

(B) Except as otherwise provided in division (B) of section 63552
4755.65 of the Revised Code, no educational institution, 63553
partnership, association, or corporation shall advertise or 63554
otherwise offer to provide or convey the impression that it is 63555
providing athletic training unless an individual licensed as an 63556
athletic trainer pursuant to this chapter is employed by, or under 63557
contract to, the educational institution, partnership, 63558
association, or corporation and will be performing the athletic 63559
training services to which reference is made. 63560

(C) To qualify for an athletic trainers license, a person 63561
shall: 63562

(1) Have satisfactorily completed an application for 63563
licensure in accordance with rules adopted by the ~~athletic~~ 63564
~~trainers section of the Ohio occupational therapy, physical~~ 63565
~~therapy, and athletic trainers~~ state physical health services 63566
board under section 4755.61 of the Revised Code; 63567

(2) Have paid the examination fee required under this 63568
section; 63569

(3) Be of good moral character; 63570

(4) Have shown, to the satisfaction of the ~~athletic trainers~~ 63571
~~section board~~, that the applicant has received a baccalaureate or 63572
higher degree from an institution of higher education, approved by 63573
the ~~athletic trainers section board~~ of the board and the federal 63574
regional accreditation agency and recognized by the council on 63575
postsecondary accreditation, and has satisfactorily completed the 63576
educational course work requirements established by rule of the 63577
~~athletic trainers section board~~ under section 4755.61 of the 63578
Revised Code. 63579

(5) In addition to educational course work requirements, have 63580
obtained supervised clinical experience that meets the 63581
requirements established in rules adopted by the ~~athletic trainers~~ 63582
~~section board~~ under section 4755.61 of the Revised Code; 63583

(6) Have passed an examination adopted by the ~~athletic~~ 63584
~~trainers section board~~ under division (A)~~(8)~~(7) of section 4755.61 63585
of the Revised Code. Each applicant for licensure shall pay, at 63586
the time of application, the nonrefundable examination fee set by 63587
the ~~athletic trainers section board~~. 63588

(D) The ~~section board~~ may waive the requirements of division 63589
(C) of this section for any applicant who presents proof of 63590
current licensure in another state whose standards for licensure, 63591
as determined by the ~~section board~~, are equal to or greater than 63592
those in effect in this state on the date of application. 63593

(E) The ~~section~~ board shall issue a license to every
applicant who complies with the requirements of division (C) of
this section, files the required application form, and pays the
fees required by section 4755.61 of the Revised Code. A license
issued under this section entitles the holder to engage in the
practice of athletic training, claim to the public to be an
athletic trainer, or to imply by words or letters that the
licensee is an athletic trainer. Each licensee shall display the
licensee's license in a conspicuous place at the licensee's
principal place of employment.

Sec. 4755.63. Each license issued under section 4755.62 of
the Revised Code expires biennially in accordance with the
schedule established in rules adopted by the ~~athletic trainers~~
~~section of the Ohio occupational therapy, physical therapy, and~~
~~athletic trainers~~ state physical health services board under
section 4755.61 of the Revised Code, but each person holding a
valid, unexpired license may apply to the ~~athletic trainers~~
~~section~~ board, on forms approved by the ~~section~~ board, for license
renewal. The ~~section~~ board shall renew a license upon the payment
of the license renewal fee prescribed by section 4755.61 of the
Revised Code, submission of the renewal application, and
submission to the ~~section~~ board of proof of satisfactory
completion of the required number of continuing education courses,
as specified in rules adopted by the ~~section~~ board under section
4755.61 of the Revised Code.

Sec. 4755.64. (A) In accordance with Chapter 119. of the
Revised Code, the ~~athletic trainers section of the Ohio~~
~~occupational therapy, physical therapy, and athletic trainers~~
state physical health services board may suspend, revoke, or
refuse to issue or renew an athletic trainers license, or
reprimand, fine, or place a licensee on probation, for any of the

following:	63625
(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;	63626 63627 63628
(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;	63629 63630
(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	63631 63632
(4) Negligence or gross misconduct in the practice of athletic training;	63633 63634
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted ~~by the athletic trainers section~~ under section ~~4755.61~~ <u>4744.50</u> of the Revised Code;	63635 63636 63637
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	63638 63639 63640
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	63641 63642 63643 63644 63645 63646
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	63647 63648 63649
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	63650 63651 63652 63653
(10) Failing the licensing examination;	63654

(11) Aiding or abetting the unlicensed practice of athletic training; 63655
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(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction. 63657
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(B) If the ~~athletic trainers section~~ board places a licensee on probation under division (A) of this section, the ~~section's~~ board's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 63661
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(C) A licensee whose license has been revoked under division (A) of this section may apply to the ~~athletic trainers section~~ board for reinstatement of the license one year following the date of revocation. The ~~athletic trainers section~~ board may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 63666
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(D) On receipt of a complaint that a person licensed by the ~~athletic trainers section~~ board has committed any of the prohibited actions listed in division (A) of this section, the ~~section~~ board may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The ~~section~~ board may review the allegations and vote on the suspension by telephone conference call. If the ~~section~~ board votes to suspend a license under this division, the ~~section~~ board shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the ~~section~~ board shall enter a final order 63672
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permanently revoking the individual's license. Notwithstanding 63687
section 119.12 of the Revised Code, a court of common pleas shall 63688
not grant a suspension of the ~~section's~~ board's order of summary 63689
suspension pending the determination of an appeal filed under that 63690
section. Any order of summary suspension issued under this 63691
division shall remain in effect, unless reversed on appeal, until 63692
a final adjudication order issued by the ~~section~~ board pursuant to 63693
division (A) of this section becomes effective. The ~~section~~ board 63694
shall issue its final adjudication order regarding an order of 63695
summary suspension issued under this division not later than 63696
ninety days after completion of its hearing. Failure to issue the 63697
order within ninety days shall result in immediate dissolution of 63698
the suspension order, but shall not invalidate any subsequent, 63699
final adjudication order. 63700

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 of 63701
the Revised Code shall be construed to prevent or restrict the 63702
practice, services, or activities of any person who: 63703

(1) Is an individual authorized under Chapter 4731. of the 63704
Revised Code to practice medicine and surgery, osteopathic 63705
medicine and surgery, or podiatry, a dentist licensed under 63706
Chapter 4715. of the Revised Code, a chiropractor licensed under 63707
Chapter 4734. of the Revised Code, a dietitian licensed under 63708
Chapter 4759. of the Revised Code, a physical therapist licensed 63709
under this chapter, or a qualified member of any other occupation 63710
or profession practicing within the scope of the person's license 63711
or profession and who does not claim to the public to be an 63712
athletic trainer; 63713

(2) Is employed as an athletic trainer by an agency of the 63714
United States government and provides athletic training solely 63715
under the direction or control of the agency by which the person 63716
is employed; 63717

(3) Is a student in an athletic training education program 63718
approved by the ~~athletic trainers section~~ state physical health 63719
services board leading to a baccalaureate or higher degree from an 63720
accredited college or university and is performing duties that are 63721
a part of a supervised course of study; 63722

(4) Is not an individual licensed as an athletic trainer in 63723
this state who practices or offers to practice athletic training 63724
while traveling with a visiting team or organization from outside 63725
the state or an event approved by the ~~section~~ board for the 63726
purpose of providing athletic training to the visiting team, 63727
organization, or event; 63728

(5) Provides athletic training only to relatives or in 63729
medical emergencies; 63730

(6) Provides gratuitous care to friends or members of the 63731
person's family; 63732

(7) Provides only self-care. 63733

(B) Nothing in this chapter shall be construed to prevent any 63734
person licensed under Chapter 4723. of the Revised Code and whose 63735
license is in good standing, any person authorized under Chapter 63736
4731. of the Revised Code to practice medicine and surgery or 63737
osteopathic medicine and surgery and whose certificate to practice 63738
is in good standing, any person authorized under Chapter 4731. of 63739
the Revised Code to practice podiatry and whose certificate to 63740
practice is in good standing, any person licensed under Chapter 63741
4734. of the Revised Code to practice chiropractic and whose 63742
license is in good standing, any person licensed as a dietitian 63743
under Chapter 4759. of the Revised Code to practice dietetics and 63744
whose license is in good standing, any person licensed as a 63745
physical therapist under this chapter to practice physical therapy 63746
and whose license is in good standing, or any association, 63747
corporation, or partnership from advertising, describing, or 63748

offering to provide athletic training, or billing for athletic 63749
training if the athletic training services are provided by a 63750
person licensed under this chapter and practicing within the scope 63751
of the person's license, by a person licensed under Chapter 4723. 63752
of the Revised Code and practicing within the scope of the 63753
person's license, by a person authorized under Chapter 4731. of 63754
the Revised Code to practice podiatry, by a person authorized 63755
under Chapter 4731. of the Revised Code to practice medicine and 63756
surgery or osteopathic medicine and surgery, by a person licensed 63757
under Chapter 4734. of the Revised Code to practice chiropractic, 63758
or by a person licensed under Chapter 4759. of the Revised Code to 63759
practice dietetics. 63760

(C) Nothing in this chapter shall be construed as authorizing 63761
a licensed athletic trainer to practice medicine and surgery, 63762
osteopathic medicine and surgery, podiatry, or chiropractic. 63763

Sec. 4755.66. On receipt of a notice pursuant to section 63764
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 63765
~~occupational therapy, physical therapy, and athletic trainers~~ 63766
state physical health services board shall comply with sections 63767
3123.41 to 3123.50 of the Revised Code and any applicable rules 63768
adopted under section 3123.63 of the Revised Code with respect to 63769
a license issued pursuant to this chapter. 63770

Sec. 4755.70. (A) As used in this section, "license" and 63771
"applicant for an initial license" have the same meanings as in 63772
section 4776.01 of the Revised Code, except that "license" as used 63773
in both of those terms refers to the types of authorizations 63774
otherwise issued or conferred under this chapter. 63775

(B) In addition to any other eligibility requirement set 63776
forth in this chapter, each applicant for an initial license shall 63777
comply with sections 4776.01 to 4776.04 of the Revised Code. The 63778

~~occupational therapy section, the physical therapy section, and~~ 63779
~~the athletic trainers section of the Ohio occupational therapy,~~ 63780
~~physical therapy, and athletic trainers~~ state physical health 63781
services board shall not grant a license to an applicant for an 63782
initial license unless the applicant complies with sections 63783
4776.01 to 4776.04 of the Revised Code and the board, in its 63784
discretion, decides that the results of the criminal records check 63785
do not make the applicant ineligible for a license issued pursuant 63786
to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, 63787
or 4755.62 of the Revised Code. 63788

Sec. 4755.71. ~~The Ohio occupational therapy, physical~~ 63789
~~therapy, and athletic trainers~~ state physical health services 63790
board shall comply with section 4776.20 of the Revised Code. 63791

Sec. 4755.99. (A) Whoever violates ~~sections~~ section 4755.05 63792
or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or (H) of 63793
section 4755.48 of the Revised Code is guilty of a minor 63794
misdemeanor. If the offender has previously been convicted of an 63795
offense under that section, the offender is guilty of a 63796
misdemeanor of the third degree on a first offense and a 63797
misdemeanor of the first degree on each subsequent offense. 63798

(B)~~(1)~~ One-half of all fines collected for violation of 63799
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised Code 63800
shall be distributed to the ~~occupational therapy section of the~~ 63801
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 63802
state physical health services board and then paid into the state 63803
treasury to the credit of the occupational licensing and 63804
regulatory fund created in section 4743.05 of the Revised Code, 63805
and one-half to the treasury of the municipal corporation in which 63806
the offense was committed, or if the offense was committed outside 63807
the limits of a municipal corporation, to the treasury of the 63808
county. 63809

~~(2) One-half of all fines collected for violation of section 4755.48 of the Revised Code shall be distributed to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

~~(3) One-half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

Sec. 4757.10. ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this

chapter; 63840

(D) Establish requirements for criminal records checks of 63841
applicants under section 4776.03 of the Revised Code; 63842

(E) Establish a graduated system of fines based on the scope 63843
and severity of violations and the history of compliance, not to 63844
exceed five hundred dollars per incident, that ~~any professional~~ 63845
~~standards committee~~ of the board may charge for a disciplinary 63846
violation described in section 4757.36 of the Revised Code; 63847

(F) Establish the amount and content of corrective action 63848
courses required by the board under section ~~4755.36~~ 4757.36 of the 63849
Revised Code; 63850

(G) Provide for voluntary registration of all of the 63851
following: 63852

(1) Master's level counselor trainees enrolled in practice 63853
and internships; 63854

(2) Master's level social worker trainees enrolled in 63855
fieldwork, practice, and internships; 63856

(3) Master's level marriage and family therapist trainees 63857
enrolled in practice and internships. 63858

Rules adopted under division (G) of this section shall not 63859
require a trainee to register with the board, and if a trainee has 63860
not registered, shall prohibit any adverse effect with respect to 63861
a trainee's application for licensure by the board. 63862

All rules adopted under this section shall be adopted in 63863
accordance with Chapter 119. of the Revised Code. When it adopts 63864
rules under this section or any other section of this chapter, the 63865
board may consider standards established by any national 63866
association or other organization representing the interests of 63867
those involved in professional counseling, social work, or 63868
marriage and family therapy. 63869

Sec. 4757.101. (A) As used in this section, "license" and 63870
"applicant for an initial license" have the same meanings as in 63871
section 4776.01 of the Revised Code, except that "license" as used 63872
in both of those terms refers to the types of authorizations 63873
otherwise issued or conferred under this chapter. 63874

(B) In addition to any other eligibility requirement set 63875
forth in this chapter, each applicant for an initial license shall 63876
comply with sections 4776.01 to 4776.04 of the Revised Code. The 63877
~~counselor, social worker, and marriage and family therapist~~ state 63878
behavioral health and social work board shall not grant a license 63879
to an applicant for an initial license unless the applicant 63880
complies with sections 4776.01 to 4776.04 of the Revised Code and 63881
the board, in its discretion, decides that the results of the 63882
criminal records check do not make the applicant ineligible for a 63883
license issued pursuant to section 4757.22, 4757.23, 4757.27, 63884
4757.28, 4757.29, 4757.30, or 4757.301 of the Revised Code. 63885

Sec. 4757.13. (A) Each individual who engages in the practice 63886
of professional counseling, social work, or marriage and family 63887
therapy shall prominently display, in a conspicuous place in the 63888
office or place where a major portion of the individual's practice 63889
is conducted, and in such a manner as to be easily seen and read, 63890
the license granted to the individual by the state ~~counselor,~~ 63891
~~social worker, and marriage and family therapist~~ behavioral health 63892
and social work board. 63893

(B) A license holder engaged in a private individual 63894
practice, partnership, or group practice shall prominently display 63895
the license holder's fee schedule in the office or place where a 63896
major portion of the license holder's practice is conducted. The 63897
bottom of the first page of the fee schedule shall include the 63898
following statement, which shall be followed by the name, address, 63899
and telephone number of the board: 63900

"This information is required by the ~~Counselor, Social~~ 63901
~~Worker, and Marriage and Family Therapist~~ State Behavioral Health 63902
and Social Work Board, which regulates the practices of 63903
professional counseling, social work, and marriage and family 63904
therapy in this state." 63905

Sec. 4757.15. ~~The counselor, social worker, and marriage and~~ 63906
~~family therapist~~ state behavioral health and social work board 63907
shall prepare, cause to be prepared, or procure the use of, and 63908
grade, have graded, or procure the grading of, examinations to 63909
determine the competence of applicants for licensure under this 63910
chapter. The board may administer separate examinations to reflect 63911
differences in educational degrees earned by applicants. The board 63912
may develop the examinations or use examinations prepared by state 63913
or national organizations that represent the interests of those 63914
involved in professional counseling, social work, or marriage and 63915
family therapy. The board shall conduct examinations at least 63916
twice each year and shall determine the level of competence 63917
necessary for a passing score. 63918

Sec. 4757.16. (A) A person seeking to be licensed or 63919
registered under this chapter as a licensed professional clinical 63920
counselor ~~or,~~ licensed professional counselor, social worker, 63921
independent social worker, social worker assistant, independent 63922
marriage and family therapist, or marriage and family therapist 63923
shall file with the ~~counselors professional standards committee of~~ 63924
~~the counselor, social worker, and marriage and family therapist~~ 63925
state behavioral health and social work board ~~a written~~ an 63926
application on a form prescribed by the board. ~~A person seeking to~~ 63927
~~be licensed under this chapter as an independent social worker or~~ 63928
~~social worker or registered under this chapter as a social work~~ 63929
~~assistant shall file with the social workers professional~~ 63930
~~standards committee of the board a written application on a form~~ 63931

~~prescribed by the board. A person seeking to be licensed under 63932
this chapter as an independent marriage and family therapist or a 63933
marriage and family therapist shall file with the marriage and 63934
family therapist professional standards committee of the board a 63935
written application on a form prescribed by the board. 63936~~

Each form prescribed by the board shall contain a statement 63937
informing the applicant that a person who knowingly makes a false 63938
statement on the form is guilty of falsification under section 63939
2921.13 of the Revised Code, a misdemeanor of the first degree. 63940

(B) The ~~professional standards committees~~ board shall adopt 63941
rules under Chapter 119. of the Revised Code concerning the 63942
process for review of each application received to determine 63943
whether the applicant meets the requirements to receive the 63944
license or certificate of registration for which application has 63945
been made. 63946

Sec. 4757.17. The ~~professional standards committees of the 63947
counselor, social worker, and marriage and family therapist state 63948
behavioral health and social work~~ board shall review the 63949
applications of applicants for licensure or registration under 63950
this chapter who have received a post-secondary degree from an 63951
educational institution outside the United States. The ~~committee 63952
reviewing the application~~ board shall determine whether the 63953
applicant's experience, command of the English language, and 63954
completed academic program meet the standards of an academic 63955
program of an accredited educational institution. If they do, the 63956
applicant shall be considered to have received the education from 63957
an accredited educational institution as required by this chapter 63958
and rules adopted under it. 63959

Sec. 4757.18. The ~~counselor, social worker, and marriage and 63960
family therapist~~ state behavioral health and social work board may 63961

enter into a reciprocal agreement with any state that regulates 63962
individuals practicing in the same capacities as those regulated 63963
under this chapter if the board finds that the state has 63964
requirements substantially equivalent to the requirements this 63965
state has for receipt of a license or certificate of registration 63966
under this chapter. In a reciprocal agreement, the board agrees to 63967
issue the appropriate license or certificate of registration to 63968
any resident of the other state whose practice is currently 63969
authorized by that state if that state's regulatory body agrees to 63970
authorize the appropriate practice of any resident of this state 63971
who holds a valid license or certificate of registration issued 63972
under this chapter. 63973

The ~~professional standards committees of the~~ board may, by 63974
endorsement, issue the appropriate license or certificate of 63975
registration to a resident of a state with which the board does 63976
not have a reciprocal agreement, if the person submits proof 63977
satisfactory to the ~~committee~~ board of currently being licensed, 63978
certified, registered, or otherwise authorized to practice by that 63979
state. 63980

Sec. 4757.19. On receipt of a notice pursuant to section 63981
3123.43 of the Revised Code, the ~~counselor, social worker, and~~ 63982
~~marriage and family therapist~~ state behavioral health and social 63983
work board shall comply with sections 3123.41 to 3123.50 of the 63984
Revised Code and any applicable rules adopted under section 63985
3123.63 of the Revised Code with respect to a license issued 63986
pursuant to this chapter. 63987

Sec. 4757.22. (A) The ~~counselors professional standards~~ 63988
~~committee of the counselor, social worker, and marriage and family~~ 63989
~~therapist~~ state behavioral health and social work board shall 63990
issue a license to practice as a licensed professional clinical 63991

counselor to each applicant who submits a properly completed 63992
application, pays the fee established under section 4757.31 of the 63993
Revised Code, and meets the requirements specified in division (B) 63994
of this section. 63995

(B)(1) To be eligible for a licensed professional clinical 63996
counselor license, an individual must meet the following 63997
requirements: 63998

(a) The individual must be of good moral character. 63999

(b) The individual must hold from an accredited educational 64000
institution a graduate degree in counseling. 64001

(c) The individual must complete a minimum of ninety quarter 64002
hours or sixty semester hours of graduate credit in counselor 64003
training acceptable to the ~~committee~~ board, including instruction 64004
in the following areas: 64005

(i) Clinical psychopathology, personality, and abnormal 64006
behavior; 64007

(ii) Evaluation of mental and emotional disorders; 64008

(iii) Diagnosis of mental and emotional disorders; 64009

(iv) Methods of prevention, intervention, and treatment of 64010
mental and emotional disorders. 64011

(d) The individual must complete, in either a private or 64012
clinical counseling setting, supervised experience in counseling 64013
that is of a type approved by the ~~committee~~ board, is supervised 64014
by a licensed professional clinical counselor or other qualified 64015
professional approved by the ~~committee~~ board, and is in the 64016
following amounts: 64017

(i) In the case of an individual holding only a master's 64018
degree, not less than two years of experience, which must be 64019
completed after the award of the master's degree; 64020

(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 64021
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(e) The individual must pass a field evaluation that meets the following requirements: 64024
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(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee board to be competent to evaluate an individual's professional competence; 64026
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(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 64030
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(f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 64033
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(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program accredited by the council for accreditation of counseling and related educational programs. 64036
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(3) All of the following meet the educational requirements of division (B)(1)(c) of this section: 64043
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(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 64045
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(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 64048
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(c) A graduate degree in counseling issued by another state 64051
from a clinical mental health counseling program, a clinical 64052
rehabilitation counseling program, or an addiction counseling 64053
program that is accredited by the council for accreditation of 64054
counseling and related educational programs; 64055

(d) Any other accredited counseling programs accepted by the 64056
board in accordance with rules adopted under division (F)(3) of 64057
this section. 64058

(C) To be accepted by the ~~committee~~ board for purposes of 64059
division (B) of this section, counselor training must include at 64060
least the following: 64061

(1) Instruction in human growth and development; counseling 64062
theory; counseling techniques; group dynamics, processing, and 64063
counseling; appraisal of individuals; research and evaluation; 64064
professional, legal, and ethical responsibilities; social and 64065
cultural foundations; and lifestyle and career development; 64066

(2) Participation in a supervised practicum and internship in 64067
counseling. 64068

(D) The ~~committee~~ board may issue a temporary license to an 64069
applicant who meets all of the requirements to be licensed under 64070
this section, pending the receipt of transcripts or action by the 64071
~~committee~~ board to issue a license to practice as a licensed 64072
professional clinical counselor. 64073

(E) An individual may not sit for the licensing examination 64074
unless the individual meets the educational requirements to be 64075
licensed under this section. An individual who is denied admission 64076
to the licensing examination may appeal the denial in accordance 64077
with Chapter 119. of the Revised Code. 64078

(F) The board shall adopt any rules necessary ~~for the~~ 64079
~~committee~~ to implement this section. The rules shall do all of the 64080
following: 64081

(1) Establish criteria for the ~~committee~~ board to use in 64082
determining whether an applicant's training should be accepted and 64083
supervised experience approved; 64084

(2) Establish course content requirements for qualifying 64085
counseling degrees issued by institutions in other states from 64086
clinical mental health counseling programs, clinical 64087
rehabilitation counseling programs, and addiction counseling 64088
programs that are not accredited by the council for accreditation 64089
of counseling and related educational programs and for graduate 64090
degrees from other accredited counseling programs approved by the 64091
board in accordance with rules adopted under division (F)(3) of 64092
this section; 64093

(3) For purposes of divisions (B)(2)(b) and (3) of this 64094
section, establish requirements for acceptance by the ~~committee~~ 64095
board of accredited counseling programs. 64096

Rules adopted under this division shall be adopted in 64097
accordance with Chapter 119. of the Revised Code. 64098

Sec. 4757.23. (A) The ~~counselors professional standards~~ 64099
~~committee of the counselor, social worker, and marriage and family~~ 64100
~~therapist~~ state behavioral health and social work board shall 64101
issue a license as a licensed professional counselor to each 64102
applicant who submits a properly completed application, pays the 64103
fee established under section 4757.31 of the Revised Code, and 64104
meets the requirements established under division (B) of this 64105
section. 64106

(B)(1) To be eligible for a license as a licensed 64107
professional counselor, an individual must meet the following 64108
requirements: 64109

(a) The individual must be of good moral character. 64110

(b) The individual must hold from an accredited educational 64111

institution a graduate degree in counseling. 64112

(c) The individual must complete a minimum of ninety quarter 64113
hours or sixty semester hours of graduate credit in counselor 64114
training acceptable to the ~~committee~~ board, which the individual 64115
may complete while working toward receiving a graduate degree in 64116
counseling, or subsequent to receiving the degree, and which shall 64117
include training in the following areas: 64118

(i) Clinical psychopathology, personality, and abnormal 64119
behavior; 64120

(ii) Evaluation of mental and emotional disorders; 64121

(iii) Diagnosis of mental and emotional disorders; 64122

(iv) Methods of prevention, intervention, and treatment of 64123
mental and emotional disorders. 64124

(d) The individual must pass an examination administered by 64125
the board for the purpose of determining ability to practice as a 64126
licensed professional counselor. 64127

(2) To meet the requirement of division (B)(1)(b) of this 64128
section, a graduate degree in counseling obtained from a mental 64129
health counseling program in this state after January 1, 2018, 64130
must be from a clinical mental health counseling program, clinical 64131
rehabilitation counseling program, or addiction counseling program 64132
accredited by the council for accreditation of counseling and 64133
related educational programs. 64134

(3) All of the following meet the educational requirements of 64135
division (B)(1)(c) of this section: 64136

(a) A clinical mental health counseling program accredited by 64137
the council for accreditation of counseling and related 64138
educational programs; 64139

(b) Until January 1, 2018, a mental health counseling program 64140
accredited by the council for accreditation of counseling and 64141

related educational programs; 64142

(c) A graduate degree in counseling issued by an institution 64143
in another state from a clinical mental health counseling program, 64144
a clinical rehabilitation counseling program, or an addiction 64145
counseling program that is accredited by the council for 64146
accreditation of counseling and related educational programs; 64147

(d) Any other accredited counseling programs accepted by the 64148
board in accordance with rules adopted under division (F)(3) of 64149
this section. 64150

(C) To be accepted by the ~~committee~~ board for purposes of 64151
division (B) of this section, counselor training must include at 64152
least the following: 64153

(1) Instruction in human growth and development; counseling 64154
theory; counseling techniques; group dynamics, processing, and 64155
counseling; appraisal of individuals; research and evaluation; 64156
professional, legal, and ethical responsibilities; social and 64157
cultural foundations; and lifestyle and career development; 64158

(2) Participation in a supervised practicum and internship in 64159
counseling. 64160

(D) The ~~committee~~ board may issue a temporary license to 64161
practice as a licensed professional counselor to an applicant who 64162
meets all of the requirements to be licensed under this section as 64163
follows: 64164

(1) Pending the receipt of transcripts or action by the 64165
~~committee~~ board to issue a license as a licensed professional 64166
counselor; 64167

(2) For a period not to exceed ninety days, to an applicant 64168
who provides the board with a statement from the applicant's 64169
academic institution indicating that the applicant has met the 64170
academic requirements for the applicant's degree and the projected 64171

date the applicant will receive the applicant's transcript showing 64172
a conferred degree. 64173

On application to the ~~committee~~ board, a temporary license 64174
issued under division (D)(2) of this section may be renewed for 64175
good cause shown. 64176

(E) An individual may not sit for the licensing examination 64177
unless the individual meets the educational requirements to be 64178
licensed under this section. An individual who is denied admission 64179
to the licensing examination may appeal the denial in accordance 64180
with Chapter 119. of the Revised Code. 64181

(F) The board shall adopt any rules necessary ~~for the~~ 64182
~~committee~~ to implement this section. The rules shall do all of the 64183
following: 64184

(1) Establish criteria for the ~~committee~~ board to use in 64185
determining whether an applicant's training should be accepted and 64186
supervised experience approved; 64187

(2) Establish course content requirements for qualifying 64188
counseling degrees issued by institutions in other states from 64189
clinical mental health counseling programs, clinical 64190
rehabilitation counseling programs, and addiction counseling 64191
programs that are not accredited by the council for accreditation 64192
of counseling and related educational programs and for graduate 64193
degrees from other accredited counseling programs accepted by the 64194
board in accordance with rules adopted under division (F)(3) of 64195
this section; 64196

(3) For purposes of divisions (B)(2)(b) and (3) of this 64197
section, establish requirements for acceptance by the ~~committee~~ 64198
board of accredited counseling programs. 64199

Rules adopted under this division shall be adopted in 64200
accordance with Chapter 119. of the Revised Code. 64201

Sec. 4757.27. (A) ~~The social workers professional standards~~ 64202
~~committee of the counselor, social worker, and marriage and family~~ 64203
~~therapist~~ state behavioral health and social work board shall 64204
issue a license as an independent social worker to each applicant 64205
who submits a properly completed application, pays the fee 64206
established under section 4757.31 of the Revised Code, and meets 64207
the requirements specified in division (B) of this section. An 64208
independent social worker license shall clearly indicate each 64209
academic degree earned by the person to whom it has been issued. 64210

(B) To be eligible for a license as an independent social 64211
worker, an individual must meet the following requirements: 64212

(1) The individual must be of good moral character. 64213

(2) The individual must hold a master's degree in social work 64214
from an educational institution accredited by the council on 64215
social work education or an educational institution in candidacy 64216
for accreditation by the council. 64217

(3) The individual must complete at least two years of 64218
post-master's degree social work experience supervised by an 64219
independent social worker. 64220

(4) The individual must pass an examination administered by 64221
the board for the purpose of determining ability to practice as an 64222
independent social worker. 64223

(C) The ~~committee~~ board may issue a temporary license to an 64224
applicant who meets all of the requirements to be licensed under 64225
this section, pending the receipt of transcripts or action by the 64226
~~committee~~ board to issue a license as an independent social 64227
worker. 64228

(D) The board shall adopt any rules necessary ~~for the~~ 64229
~~committee~~ to implement this section, including criteria ~~for the~~ 64230
~~committee~~ to use in determining whether an applicant's training 64231

should be accepted and supervised experience approved. Rules 64232
adopted under this division shall be adopted in accordance with 64233
Chapter 119. of the Revised Code. 64234

Sec. 4757.28. (A) The ~~social workers professional standards~~ 64235
~~committee of the counselor, social worker, and marriage and family~~ 64236
~~therapist~~ state behavioral health and social work board shall 64237
issue a license as a social worker to each applicant who submits a 64238
properly completed application, pays the fee established under 64239
section 4757.31 of the Revised Code, and meets the requirements 64240
specified in division (B) of this section. A social worker license 64241
shall clearly indicate each academic degree earned by the person 64242
to whom it is issued. 64243

(B) To be eligible for a license as a social worker, an 64244
individual must meet the following requirements: 64245

(1) The individual must be of good moral character. 64246

(2) The individual must hold from an accredited educational 64247
institution one of the following: 64248

(a) A baccalaureate degree in social work; 64249

(b) A master's degree in social work; 64250

(c) A doctorate in social work. 64251

(3) The individual must pass an examination administered by 64252
the board for the purpose of determining ability to practice as a 64253
social worker. 64254

(C) The ~~committee~~ board may issue a temporary license to 64255
practice as a social worker as follows: 64256

(1) To an applicant who meets all of the requirements to be 64257
licensed under this section, pending the receipt of transcripts or 64258
action by the ~~committee~~ board to issue a license as a social 64259
worker; 64260

(2) For a period not to exceed ninety days, to an applicant 64261
who provides the board with a statement from the applicant's 64262
academic institution indicating that the applicant has met the 64263
academic requirements for the applicant's degree, and the 64264
projected date the applicant will receive the applicant's 64265
transcript showing a conferred degree. 64266

On application to the ~~committee~~ board, a temporary license 64267
issued under division (C)(2) of this section may be renewed for 64268
good cause shown. 64269

(D) The board shall adopt any rules necessary ~~for the~~ 64270
~~committee~~ to implement this section, including criteria ~~for the~~ 64271
~~committee~~ to use in determining whether an applicant's training 64272
should be accepted and supervised experience approved. Rules 64273
adopted under this division shall be adopted in accordance with 64274
Chapter 119. of the Revised Code. 64275

Sec. 4757.29. The ~~social workers professional standards~~ 64276
~~committee of the counselor, social worker, and marriage and family~~ 64277
~~therapist~~ state behavioral health and social work board shall 64278
issue a certificate of registration as a social work assistant to 64279
each applicant who submits a properly completed application, pays 64280
the fee established under section 4757.31 of the Revised Code, is 64281
of good moral character, and holds from an accredited educational 64282
institution an associate degree in social service technology or a 64283
bachelor's degree that is equivalent to an associate degree in 64284
social service technology or a related bachelor's or higher degree 64285
that is approved by the ~~committee~~ board. 64286

Sec. 4757.30. (A) The ~~marriage and family therapist~~ 64287
~~professional standards committee of the counselor, social worker,~~ 64288
~~and marriage and family therapist~~ state behavioral health and 64289
social work board shall issue a license to practice as a marriage 64290

and family therapist to a person who has done all of the	64291
following:	64292
(1) Properly completed an application for the license;	64293
(2) Paid the required fee established by the board under	64294
section 4757.31 of the Revised Code;	64295
(3) Achieved one of the following:	64296
(a) Received from an educational institution accredited at	64297
the time the degree was granted by a regional accrediting	64298
organization recognized by the board a master's degree or a	64299
doctorate in marriage and family therapy;	64300
(b) Completed a graduate degree that includes a minimum of	64301
ninety quarter hours of graduate level course work in marriage and	64302
family therapy training that is acceptable to the ~~committee~~ <u>board</u> ;	64303
(4) Passed an examination administered by the board for the	64304
purpose of determining the person's ability to be a marriage and	64305
family therapist;	64306
(5) Completed a practicum that includes at least three	64307
hundred hours of client contact.	64308
(B) To be accepted by the ~~committee~~ <u>board</u> for purposes of	64309
division (A)(3)(b) of this section, marriage and family therapist	64310
training must include instruction in at least the following:	64311
(1) Research and evaluation;	64312
(2) Professional, legal, and ethical responsibilities;	64313
(3) Marriage and family studies;	64314
(4) Marriage and family therapy, including therapeutic theory	64315
and techniques for individuals, groups, and families;	64316
(5) Human development;	64317
(6) Appraisal of individuals and families;	64318

(7) Diagnosis of mental and emotional disorders;	64319
(8) Systems theory.	64320
(C) The ~~marriage and family therapist professional standards~~	64321
~~committee~~ <u>board</u> shall issue a license to practice as an	64322
independent marriage and family therapist to a person who does	64323
both of the following:	64324
(1) Meets all of the requirements of division (A) of this	64325
section;	64326
(2) After meeting the requirements of division (A)(3) of this	64327
section, completes at least two calendar years of supervised	64328
training while engaged in the practice of marriage and family	64329
therapy.	64330
The two years of supervised training must include two hundred	64331
hours of face-to-face supervision while completing a minimum of	64332
one thousand hours of documented client contact in marriage and	64333
family therapy. Of the required two hundred hours, a minimum of	64334
one hundred hours must be individual supervision. Supervision	64335
shall be performed by a supervisor whose training and experience	64336
meets standards established by the board in rules adopted under	64337
section 4757.10 of the Revised Code.	64338
(D) An independent marriage and family therapist or a	64339
marriage and family therapist may engage in the private practice	64340
of marriage and family therapy as an individual practitioner or as	64341
a member of a partnership or group practice.	64342
(E) A marriage and family therapist may diagnose and treat	64343
mental and emotional disorders only under the supervision of a	64344
psychologist, psychiatrist, licensed professional clinical	64345
counselor, independent social worker, or independent marriage and	64346
family therapist. An independent marriage and family therapist may	64347
diagnose and treat mental and emotional disorders without	64348
supervision.	64349

(F) Nothing in this chapter or rules adopted under it 64350
authorizes an independent marriage and family therapist or a 64351
marriage and family therapist to admit a patient to a hospital or 64352
requires a hospital to allow a marriage and family therapist to 64353
admit a patient. 64354

(G) An independent marriage and family therapist or a 64355
marriage and family therapist may not diagnose, treat, or advise 64356
on conditions outside the recognized boundaries of the marriage 64357
and family therapist's competency. An independent marriage and 64358
family therapist or a marriage and family therapist shall make 64359
appropriate and timely referrals when a client's needs exceed the 64360
marriage and family therapist's competence level. 64361

Sec. 4757.301. On receipt of an application for a license as 64362
a marriage and family therapist, the ~~counselor, social worker, and~~ 64363
~~marriage and family therapist~~ state behavioral health and social 64364
work board may issue a temporary license to an individual who 64365
qualifies under division (A) of section 4757.30 of the Revised 64366
Code for licensure as a marriage and family therapist or divisions 64367
(A) and (C) of section 4757.30 of the Revised Code for licensure 64368
as an independent marriage and family therapist, except that the 64369
individual is awaiting the next opportunity to take an examination 64370
required by the board under that division. The temporary license 64371
allows the holder to engage in the practice of independent 64372
marriage and family therapy or marriage and family therapy as 64373
appropriate and is valid from the date of issuance until the 64374
earlier of one year from that date, the date the applicant 64375
withdraws from taking the examination, the date the applicant is 64376
notified that the applicant failed the examination, or the date 64377
the applicant's license is issued under section 4757.30 of the 64378
Revised Code. A temporary license may not be renewed. 64379

Sec. 4757.31. (A) Subject to division (B) of this section, 64380

the ~~counselor, social worker, and marriage and family therapist~~ 64381
state behavioral health and social work board shall establish, and 64382
may from time to time adjust, fees to be charged for the 64383
following: 64384

(1) Examination for licensure as a licensed professional 64385
clinical counselor, licensed professional counselor, marriage and 64386
family therapist, independent marriage and family therapist, 64387
social worker, or independent social worker; 64388

(2) Initial licenses of licensed professional clinical 64389
counselors, licensed professional counselors, marriage and family 64390
therapists, independent marriage and family therapists, social 64391
workers, and independent social workers, except that the board 64392
shall charge only one fee to a person who fulfills all 64393
requirements for more than one of the following initial licenses: 64394
an initial license as a social worker or independent social 64395
worker, an initial license as a licensed professional counselor or 64396
licensed professional clinical counselor, and an initial license 64397
as a marriage and family therapist or independent marriage and 64398
family therapist; 64399

(3) Initial certificates of registration of social work 64400
assistants; 64401

(4) Renewal and late renewal of licenses of licensed 64402
professional clinical counselors, licensed professional 64403
counselors, marriage and family therapists, independent marriage 64404
and family therapists, social workers, and independent social 64405
workers and renewal and late renewal of certificates of 64406
registration of social work assistants; 64407

(5) Verification, to another jurisdiction, of a license or 64408
registration issued by the board; 64409

(6) Continuing education programs offered by the board to 64410

licensees or registrants;	64411
(7) Approval of continuing education programs;	64412
(8) Approval of continuing education providers to be	64413
authorized to offer continuing education programs without prior	64414
approval from the board for each program offered;	64415
(9) Issuance of a replacement copy of any wall certificate	64416
issued by the board;	64417
(10) Late completion of continuing counselor, social worker,	64418
or marriage and family therapy education required under section	64419
4757.33 of the Revised Code and the rules adopted under it.	64420
(B) The fees charged under division (A)(1) of this section	64421
shall be established in amounts sufficient to cover the direct	64422
expenses incurred in examining applicants for licensure. The fees	64423
charged under divisions (A)(2) to (9) of this section shall be	64424
nonrefundable and shall be established in amounts sufficient to	64425
cover the necessary expenses in administering this chapter and	64426
rules adopted under it that are not covered by fees charged under	64427
division (A)(1) or (C) of this section. The renewal fee for a	64428
license or certificate of registration shall not be less than the	64429
initial fee for that license or certificate. The fees charged for	64430
licensure and registration and the renewal of licensure and	64431
registration may differ for the various types of licensure and	64432
registration, but shall not exceed one hundred twenty-five dollars	64433
each, unless the board determines that amounts in excess of one	64434
hundred twenty-five dollars are needed to cover its necessary	64435
expenses in administering this chapter and rules adopted under it	64436
and the amounts in excess of one hundred twenty-five dollars are	64437
approved by the controlling board.	64438
(C) All receipts of the board shall be deposited in the state	64439
treasury to the credit of the occupational licensing and	64440
regulatory fund <u>created in section 4743.05 of the Revised Code.</u>	64441

~~All vouchers of the board shall be approved by the chairperson or
executive director of the board, or both, as authorized by the
board.~~

Sec. 4757.32. A license or certificate of registration issued
under this chapter expires two years after it is issued and may be
renewed in accordance with the standard renewal procedure
established under Chapter 4745. of the Revised Code.

Subject to section 4757.36 of the Revised Code, the staff of
the ~~appropriate professional standards committee of the counselor,
social worker, and marriage and family therapist~~ state behavioral
health and social work board shall, on behalf of ~~each committee
the board~~, issue a renewed license or certificate of registration
to each applicant who has paid the renewal fee established by the
board under section 4757.31 of the Revised Code and satisfied the
continuing education requirements established by the board under
section 4757.33 of the Revised Code.

A license or certificate of registration that is not renewed
lapses on its expiration date. A license or certificate of
registration that has lapsed may be restored if the individual,
not later than two years after the license or certificate expired,
applies for restoration of the license or certificate. The staff
of the ~~appropriate professional standards committee~~ board shall
issue a restored license or certificate of registration to the
applicant if the applicant pays the renewal fee established under
section 4757.31 of the Revised Code and satisfies the continuing
education requirements established under section 4757.33 of the
Revised Code for restoring the license or certificate of
registration. The board ~~and its professional standards committees~~
shall not require a person to take an examination as a condition
of having a lapsed license or certificate of registration
restored.

Sec. 4757.321. (A) A person licensed or registered under this 64473
chapter may apply to the ~~counselor, social worker, and marriage~~ 64474
~~and family therapist~~ state behavioral health and social work board 64475
to have the person's license or registration classified as 64476
inactive. If a fee is charged under division (B) of this section, 64477
the person shall include the fee with the application. If the 64478
person's license or registration is in good standing and the 64479
person meets any other requirements established by the board in 64480
rules adopted under this section, the board shall classify the 64481
license or registration as inactive. The inactive classification 64482
shall become effective on the date immediately following the date 64483
that the person's license or registration is scheduled to expire. 64484

(B) The board may charge a fee for classifying a license or 64485
registration as inactive. 64486

(C) During the period that a license or registration is 64487
classified as inactive, the person may not engage in the practice 64488
of professional counseling, social work, or marriage and family 64489
therapy, as applicable, in this state or make any representation 64490
to the public indicating that the person is actively licensed or 64491
registered under this chapter. 64492

(D) A person whose license or registration has been 64493
classified as inactive may apply to the board to have the license 64494
or registration reactivated. The board shall reactivate the 64495
license or registration if the person meets the requirements 64496
established by the board in rules adopted under this section. 64497

(E) The board's jurisdiction to take disciplinary action 64498
under this chapter is not removed or limited when a license or 64499
registration is classified as inactive under this section. 64500

(F) The board shall adopt rules as necessary for classifying 64501
a license or registration as inactive and reactivating an inactive 64502
license or registration. The rules shall be adopted in accordance 64503

with Chapter 119. of the Revised Code. 64504

(G) This section does not apply to registration of master's 64505
level counselor trainees, social worker trainees, marriage and 64506
family therapist trainees, or continuing education providers. 64507

Sec. 4757.33. (A) Except as provided in division (B) of this 64508
section, each person who holds a license or certificate of 64509
registration issued under this chapter shall complete during the 64510
period that the license or certificate is in effect not less than 64511
thirty clock hours of continuing professional education as a 64512
condition of receiving a renewed license or certificate. To have a 64513
lapsed license or certificate of registration restored, a person 64514
shall complete the number of hours of continuing education 64515
specified by the ~~counselor, social worker, and marriage and family~~ 64516
~~therapist~~ state behavioral health and social work board in rules 64517
it shall adopt in accordance with Chapter 119. of the Revised 64518
Code. 64519

The ~~professional standards committees of the counselor,~~ 64520
~~social worker, and marriage and family therapist~~ board shall adopt 64521
rules in accordance with Chapter 119. of the Revised Code 64522
~~establishing standards and procedures to be followed by the~~ 64523
~~committees in for~~ conducting the continuing education approval 64524
process, which shall include registering individuals and entities 64525
to provide continuing education programs approved by the board. 64526

(B) The board may waive the continuing education requirements 64527
established under this section for persons who are unable to 64528
fulfill them because of military service, illness, residence 64529
abroad, or any other reason the ~~committee~~ board considers 64530
acceptable. 64531

Sec. 4757.34. The ~~counselor, social worker, and marriage and~~ 64532
~~family therapist~~ state behavioral health and social work board 64533

shall approve one or more continuing education courses of study 64534
that assist social workers, independent social workers, social 64535
work assistants, independent marriage and family therapists, 64536
marriage and family therapists, licensed professional clinical 64537
counselors, and licensed professional counselors in recognizing 64538
the signs of domestic violence and its relationship to child 64539
abuse. Social workers, independent social workers, social work 64540
assistants, independent marriage and family therapists, marriage 64541
and family therapists, licensed professional clinical counselors, 64542
and licensed professional counselors are not required to take the 64543
courses. 64544

Sec. 4757.36. (A) The ~~appropriate professional standards~~ 64545
~~committee of the counselor, social worker, and marriage and family~~ 64546
~~therapist~~ state behavioral health and social work board may, in 64547
accordance with Chapter 119. of the Revised Code, take any action 64548
specified in division (B) of this section for any reason described 64549
in division (C) of this section against an individual who has 64550
applied for or holds a license issued under this chapter; a 64551
master's level counselor trainee, social worker trainee, or 64552
marriage and family therapist trainee; or an individual or entity 64553
that is registered, or has applied for registration, in accordance 64554
with rules adopted under section 4757.33 of the Revised Code to 64555
provide continuing education programs approved by the board. 64556

(B) In its imposition of sanctions against an individual or 64557
entity specified in division (A) of this section, the board may do 64558
any of the following: 64559

(1) Refuse to issue or refuse to renew a license or 64560
certificate of registration; 64561

(2) Suspend, revoke, or otherwise restrict a license or 64562
certificate of registration; 64563

(3) Reprimand an individual holding a license or certificate of registration;	64564 64565
(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;	64566 64567 64568
(5) Require an individual holding a license or certificate of registration to take corrective action courses.	64569 64570
(C) The ~~appropriate professional standards committee of the~~ board may take an action specified in division (B) of this section for any of the following reasons:	64571 64572 64573
(1) Commission of an act that violates any provision of this chapter or rules adopted under it;	64574 64575
(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	64576 64577 64578
(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	64579 64580 64581 64582 64583 64584 64585
(4) A failure to comply with section 4757.13 of the Revised Code;	64586 64587
(5) A conviction in this or any other state of a crime that is a felony in this state;	64588 64589
(6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker	64590 64591 64592 64593

due to the use of alcohol or other drugs or any other physical or 64594
mental condition; 64595

(7) A conviction in this state or in any other state of a 64596
misdemeanor committed in the course of practice as a licensed 64597
professional clinical counselor, licensed professional counselor, 64598
independent marriage and family therapist, marriage and family 64599
therapist, social work assistant, social worker, or independent 64600
social worker; 64601

(8) Practicing outside the scope of practice applicable to 64602
that person; 64603

(9) Practicing in violation of the supervision requirements 64604
specified under sections 4757.21 and 4757.26, and division (E) of 64605
section 4757.30, of the Revised Code; 64606

(10) A violation of the person's code of ethical practice 64607
adopted by rule of the board pursuant to section ~~4757.11~~ 4744.50 64608
of the Revised Code; 64609

(11) Revocation or suspension of a license or certificate of 64610
registration, other disciplinary action against a license holder 64611
or registration, or the voluntary surrender of a license or 64612
certificate of registration in another state or jurisdiction for 64613
an offense that would be a violation of this chapter. 64614

(D) A disciplinary action under division (B) of this section 64615
shall be taken pursuant to an adjudication under Chapter 119. of 64616
the Revised Code, except that in lieu of an adjudication, the 64617
~~appropriate professional standards committee~~ board may enter into 64618
a consent agreement with an individual or entity specified in 64619
division (A) of this section to resolve an allegation of a 64620
violation of this chapter or any rule adopted under it. A consent 64621
agreement, when ratified by the ~~appropriate professional standards~~ 64622
~~committee~~ board, constitutes the findings and order of the board 64623
with respect to the matter addressed in the agreement. If a 64624

~~committee~~ the board refuses to ratify a consent agreement, the 64625
admissions and findings contained in the consent agreement are of 64626
no force or effect. 64627

(E) In any instance in which ~~a professional standards~~ 64628
~~committee~~ of the board is required by Chapter 119. of the Revised 64629
Code to give notice of the opportunity for a hearing and the 64630
individual or entity subject to the notice does not timely request 64631
a hearing in accordance with section 119.07 of the Revised Code, 64632
the ~~committee~~ board may adopt a final order that contains the 64633
board's findings. In that final order, the ~~committee~~ board may 64634
order any of the sanctions identified in division (B) of this 64635
section. 64636

(F) One year or more after the date of suspension or 64637
revocation of a license or certificate of registration under this 64638
section, application may be made to the ~~appropriate professional~~ 64639
~~standards committee~~ board for reinstatement. The ~~committee~~ board 64640
may approve or deny an application for reinstatement. If a license 64641
has been suspended or revoked, the ~~committee~~ board may require an 64642
examination for reinstatement. 64643

(G) On request of the board, the attorney general shall bring 64644
and prosecute to judgment a civil action to collect any fine 64645
imposed under division (B)(4) of this section that remains unpaid. 64646

(H) All fines collected under division (B)(4) of this section 64647
shall be deposited into the state treasury to the credit of the 64648
occupational licensing and regulatory fund created in section 64649
4743.05 of the Revised Code. 64650

Sec. 4757.361. (A) As used in this section, with regard to 64651
offenses committed in Ohio, "aggravated murder," "murder," 64652
"voluntary manslaughter," "felonious assault," "kidnapping," 64653
"rape," "sexual battery," "gross sexual imposition," "aggravated 64654
arson," "aggravated robbery," and "aggravated burglary" mean such 64655

offenses as defined in Title XXIX of the Revised Code; with regard 64656
to offenses committed in other jurisdictions, the terms mean 64657
offenses comparable to offenses defined in Title XXIX of the 64658
Revised Code. 64659

(B) When there is clear and convincing evidence that 64660
continued practice by an individual licensed under this chapter 64661
presents a danger of immediate and serious harm to the public, as 64662
determined on consideration of the evidence by the ~~professional~~ 64663
~~standards committees of the counselor, social worker, and marriage~~ 64664
~~and family therapist~~ state behavioral health and social work 64665
board, the ~~appropriate committee~~ board shall impose on the 64666
individual a summary suspension without a hearing. 64667

Immediately following the decision to impose a summary 64668
suspension, the ~~appropriate committee~~ board shall issue a written 64669
order of suspension and cause it to be delivered by certified mail 64670
or in person in accordance with section 119.07 of the Revised 64671
Code. The order shall not be subject to suspension by the court 64672
during the pendency of any appeal filed under section 119.12 of 64673
the Revised Code. If the individual subject to the suspension 64674
requests an adjudication, the date set for the adjudication shall 64675
be within fifteen days but not earlier than seven days after the 64676
individual makes the request, unless another date is agreed to by 64677
both the individual and the ~~committee imposing the suspension~~ 64678
board. The summary suspension shall remain in effect, unless 64679
reversed by the ~~committee~~ board, until a final adjudication order 64680
issued by the ~~committee~~ board pursuant to this section and Chapter 64681
119. of the Revised Code becomes effective. 64682

The ~~committee~~ board shall issue its final adjudication order 64683
within ninety days after completion of the adjudication. If the 64684
~~committee~~ board does not issue a final order within the ninety-day 64685
period, the summary suspension shall be void, but any final 64686

adjudication order issued subsequent to the ninety-day period 64687
shall not be affected. 64688

(C) The license issued to an individual under this chapter is 64689
automatically suspended on that individual's conviction of, plea 64690
of guilty to, or judicial finding with regard to any of the 64691
following: aggravated murder, murder, voluntary manslaughter, 64692
felonious assault, kidnapping, rape, sexual battery, gross sexual 64693
imposition, aggravated arson, aggravated robbery, or aggravated 64694
burglary. The suspension shall remain in effect from the date of 64695
the conviction, plea, or finding until an adjudication is held 64696
under Chapter 119. of the Revised Code. If the ~~appropriate~~ 64697
~~committee~~ board has knowledge that an automatic suspension has 64698
occurred, it shall notify the individual subject to the 64699
suspension. If the individual is notified and either fails to 64700
request an adjudication within the time periods established by 64701
Chapter 119. of the Revised Code or fails to participate in the 64702
adjudication, the ~~committee~~ board shall enter a final order 64703
permanently revoking the person's license or certificate. 64704

Sec. 4757.37. (A) An individual whom the ~~counselor, social~~ 64705
~~worker, and marriage and family therapist~~ state behavioral health 64706
and social work board licenses, certificates, or otherwise legally 64707
authorizes to engage in the practice of professional counseling, 64708
social work, or marriage and family therapy may render the 64709
professional services of a licensed professional clinical 64710
counselor, licensed professional counselor, independent social 64711
worker, social worker, independent marriage and family therapist, 64712
or marriage and family therapist within this state through a 64713
corporation formed under division (B) of section 1701.03 of the 64714
Revised Code, a limited liability company formed under Chapter 64715
1705. of the Revised Code, a partnership, or a professional 64716
association formed under Chapter 1785. of the Revised Code. This 64717
division does not preclude such an individual from rendering 64718

professional services as a licensed professional clinical 64719
counselor, licensed professional counselor, independent social 64720
worker, social worker, independent marriage and family therapist, 64721
or marriage and family therapist through another form of business 64722
entity, including, but not limited to, a nonprofit corporation or 64723
foundation, or in another manner that is authorized by or in 64724
accordance with this chapter, another chapter of the Revised Code, 64725
or rules of the ~~counselor, social worker, and marriage and family~~ 64726
~~therapist~~ state behavioral health and social work board adopted 64727
pursuant to this chapter. 64728

(B) A corporation, limited liability company, partnership, or 64729
professional association described in division (A) of this section 64730
may be formed for the purpose of providing a combination of the 64731
professional services of the following individuals who are 64732
licensed, certificated, or otherwise legally authorized to 64733
practice their respective professions: 64734

(1) Optometrists who are authorized to practice optometry 64735
under Chapter 4725. of the Revised Code; 64736

(2) Chiropractors who are authorized to practice chiropractic 64737
or acupuncture under Chapter 4734. of the Revised Code; 64738

(3) Psychologists who are authorized to practice psychology 64739
under Chapter 4732. of the Revised Code; 64740

(4) Registered or licensed practical nurses who are 64741
authorized to practice nursing as registered nurses or as licensed 64742
practical nurses under Chapter 4723. of the Revised Code; 64743

(5) Pharmacists who are authorized to practice pharmacy under 64744
Chapter 4729. of the Revised Code; 64745

(6) Physical therapists who are authorized to practice 64746
physical therapy under sections 4755.40 to 4755.56 of the Revised 64747
Code; 64748

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under this chapter.

This division applies notwithstanding a provision of a code of ethics applicable to an individual who is a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist that prohibits the individual from engaging in the individual's practice in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of professional counseling, social work, or marriage and family therapy.

Sec. 4757.38. (A) ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health and social work board

shall investigate alleged violations of this chapter or the rules 64780
adopted under it and alleged irregularities in the delivery of 64781
services related to professional counseling, social work, or 64782
marriage and family therapy by persons licensed or registered 64783
under this chapter. As part of its conduct of an investigation, 64784
the board may issue subpoenas, examine witnesses, and administer 64785
oaths. 64786

(B) All of the following apply under this chapter with 64787
respect to the confidentiality of information: 64788

(1) Information received by the board pursuant to a complaint 64789
or an investigation is confidential and not subject to discovery 64790
in any civil action, except that the board may disclose 64791
information to law enforcement officers and government entities 64792
for purposes of an investigation of either an individual who holds 64793
a license or certificate of registration issued under this chapter 64794
or an individual or entity that may have engaged in the 64795
unauthorized practice of professional counseling, social work, or 64796
marriage and family therapy. No law enforcement officer or 64797
government entity with knowledge of any information disclosed by 64798
the board pursuant to this division shall divulge the information 64799
to any other person or government entity except for the purpose of 64800
a government investigation, a prosecution, or an adjudication by a 64801
court or government entity. 64802

(2) If an investigation requires a review of patient records, 64803
the investigation and proceeding shall be conducted in such a 64804
manner as to protect patient confidentiality. 64805

(3) All adjudications and investigations of the board are 64806
civil actions for the purposes of section 2305.252 of the Revised 64807
Code. 64808

(4) Any board activity that involves continued monitoring of 64809
an individual as part of or following any disciplinary action 64810

taken under section 4755.36 of the Revised Code shall be conducted 64811
in a manner that maintains the individual's confidentiality. 64812
Information received or maintained by the board with respect to 64813
the board's monitoring activities is not subject to discovery in 64814
any civil action and is confidential, except that the board may 64815
disclose information to law enforcement officers and government 64816
entities for purposes of an investigation of an individual holding 64817
a license or certificate of registration issued under this 64818
chapter. 64819

(C) The board may receive any information necessary to 64820
conduct an investigation under this section. If the board is 64821
investigating the provision of services to a couple or group, it 64822
is not necessary for both members of the couple or all members of 64823
the group to consent to the release of information relevant to the 64824
investigation. 64825

(D) The board shall ensure that all records it holds 64826
pertaining to an investigation remain confidential. The board 64827
shall adopt rules establishing procedures to be followed in 64828
maintaining the confidentiality of its investigative records. The 64829
rules shall be adopted in accordance with Chapter 119. of the 64830
Revised Code. 64831

Sec. 4757.39. For any hearing it is authorized to conduct 64832
under this chapter, the state behavioral health and social work 64833
board may appoint one of its members to act on behalf of the 64834
board. The board shall make such appointments in writing. It is 64835
not necessary for a member to be an attorney to be appointed. A 64836
finding or order of a member appointed to act on behalf of the 64837
board is a finding or order of the board when confirmed by the 64838
board. 64839

Sec. 4757.40. In addition to any other remedies provided by 64840

law, the ~~counselor and social worker~~ state behavioral health and 64841
social work board may apply to an appropriate court for an order 64842
enjoining the violation of any provision of this chapter, and on a 64843
showing that any person has violated or is about to violate any 64844
provision of this chapter, the court shall grant an order 64845
enjoining the violation. 64846

Sec. 4757.41. (A) This chapter shall not apply to the 64847
following: 64848

(1) A person certified by the state board of education under 64849
Chapter 3319. of the Revised Code while performing any services 64850
within the person's scope of employment by a board of education or 64851
by a private school meeting the standards prescribed by the state 64852
board of education under division (D) of section 3301.07 of the 64853
Revised Code or in a program operated under Chapter 5126. of the 64854
Revised Code for training individuals with developmental 64855
disabilities; 64856

(2) Psychologists or school psychologists licensed under 64857
Chapter 4732. of the Revised Code; 64858

(3) Members of other professions licensed, certified, or 64859
registered by this state while performing services within the 64860
recognized scope, standards, and ethics of their respective 64861
professions; 64862

(4) Rabbis, priests, Christian science practitioners, clergy, 64863
or members of religious orders and other individuals participating 64864
with them in pastoral counseling when the counseling activities 64865
are within the scope of the performance of their regular or 64866
specialized ministerial duties and are performed under the 64867
auspices or sponsorship of an established and legally cognizable 64868
church, denomination, or sect or an integrated auxiliary of a 64869
church as defined in federal tax regulations, paragraph (g)(5) of 64870
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 64871

service remains accountable to the established authority of that 64872
church, denomination, sect, or integrated auxiliary; 64873

(5) Any person who is not licensed under this chapter as a 64874
licensed professional clinical counselor, licensed professional 64875
counselor, independent social worker, or social worker and is 64876
employed in the civil service as defined in section 124.01 of the 64877
Revised Code while engaging in professional counseling or social 64878
work as a civil service employee, if on July 10, 2014, the person 64879
has at least two years of service in that capacity; 64880

(6) A student in an accredited educational institution while 64881
carrying out activities that are part of the student's prescribed 64882
course of study if the activities are supervised as required by 64883
the educational institution and if the student does not hold 64884
herself or himself out as a person licensed or registered under 64885
this chapter; 64886

(7) An individual who holds a license or certificate under 64887
Chapter 4758. of the Revised Code who is acting within the scope 64888
of the individual's license or certificate as a member of the 64889
profession of chemical dependency counseling or prevention 64890
services; 64891

(8) Any person employed by the American red cross while 64892
engaging in activities relating to services for military families 64893
and veterans and disaster relief, as described in the "American 64894
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 64895
amended; 64896

(9) Members of labor organizations who hold union counselor 64897
certificates while performing services in their official capacity 64898
as union counselors; 64899

(10) Any person employed in a hospital as defined in section 64900
3727.01 of the Revised Code or in a nursing home as defined in 64901
section 3721.01 of the Revised Code while providing as a hospital 64902

employee or nursing home employee, respectively, social services 64903
other than counseling and the use of psychosocial interventions 64904
and social psychotherapy; 64905

(11) A vocational rehabilitation professional who is 64906
providing rehabilitation services to individuals under section 64907
3304.17 of the Revised Code, or holds certification by the 64908
commission on rehabilitation counselor certification and is 64909
providing rehabilitation counseling services consistent with the 64910
commission's standards; 64911

(12) A caseworker not licensed under this chapter as an 64912
independent social worker or social worker who is employed by a 64913
public children services agency under section 5153.112 of the 64914
Revised Code. 64915

(B) Divisions (A)(5) and (10) of this section do not prevent 64916
a person described in those divisions from obtaining a license or 64917
certificate of registration under this chapter. 64918

(C) Except as provided in divisions (A) and (D) of this 64919
section, no employee in the service of the state, including public 64920
employees as defined by Chapter 4117. of the Revised Code, shall 64921
engage in the practice of professional counseling, social work, or 64922
marriage and family therapy without the appropriate license issued 64923
by the state behavioral health and social work board. Failure to 64924
comply with this division constitutes nonfeasance under section 64925
124.34 of the Revised Code or just cause under a collective 64926
bargaining agreement. Nothing in this division restricts the 64927
director of administrative services from developing new 64928
classifications related to this division or from reassigning 64929
affected employees to appropriate classifications based on the 64930
employee's duties and qualifications. 64931

(D) Except as provided in division (A) of this section, an 64932
employee who was engaged in the practice of professional 64933

counseling, social work, or marriage and family therapy in the 64934
service of the state prior to July 10, 2014, including public 64935
employees as defined by Chapter 4117. of the Revised Code, shall 64936
comply with division (C) of this section within two years after 64937
July 10, 2014. Any such employee who fails to comply shall be 64938
removed from employment. 64939

(E) Nothing in this chapter prevents a public children 64940
services agency from employing as a caseworker a person not 64941
licensed under this chapter as an independent social worker or 64942
social worker who has the qualifications specified in section 64943
5153.112 of the Revised Code. 64944

Sec. 4757.44. For the purposes of section 2305.51 of the 64945
Revised Code, a person who holds a license issued under this 64946
chapter is a mental health professional. 64947

A license holder is not liable in damages in a civil action, 64948
and shall not be subject to disciplinary action by the ~~counselor,~~ 64949
~~social worker, and marriage and family therapist~~ state behavioral 64950
health and social work board, for disclosing any confidential 64951
information about a client that is disclosed for the purposes of 64952
section 2305.51 of the Revised Code. 64953

Sec. 4757.45. The ~~counselor, social worker, and marriage and~~ 64954
~~family therapist~~ state behavioral health and social work board 64955
shall comply with section 4776.20 of the Revised Code. 64956

Sec. 4758.20. (A) The ~~chemical dependency professionals~~ state 64957
behavioral health and social work board shall adopt rules to 64958
establish, specify, or provide for all of the following: 64959

(1) Fees for the purposes authorized by section 4758.21 of 64960
the Revised Code; 64961

(2) If the board, pursuant to section 4758.221 of the Revised 64962

Code, elects to administer examinations for individuals seeking to 64963
act as substance abuse professionals in a U.S. department of 64964
transportation drug and alcohol testing program, the board's 64965
administration of the examinations; 64966

~~(3) For the purpose of section 4758.23 of the Revised Code,~~ 64967
~~codes of ethical practice and professional conduct for individuals~~ 64968
~~who hold a license, certificate, or endorsement issued under this~~ 64969
~~chapter;~~ 64970

~~(4)~~ For the purpose of section 4758.24 of the Revised Code, 64971
all of the following: 64972

(a) Good moral character requirements for an individual who 64973
seeks or holds a license, certificate, or endorsement issued under 64974
this chapter; 64975

(b) The documents that an individual seeking such a license, 64976
certificate, or endorsement must submit to the board; 64977

(c) Requirements to obtain the license, certificate, or 64978
endorsement that are in addition to the requirements established 64979
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 64980
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 64981
Code. The additional requirements may include preceptorships. 64982

(d) The period of time that an individual whose registered 64983
applicant certificate has expired must wait before applying for a 64984
new registered applicant certificate. 64985

~~(5)~~~~(4)~~ For the purpose of section 4758.28 of the Revised 64986
Code, requirements for approval of continuing education courses of 64987
study for individuals who hold a license, certificate, or 64988
endorsement issued under this chapter; 64989

~~(6)~~~~(5)~~ For the purpose of section 4758.30 of the Revised 64990
Code, the intervention for and treatment of an individual holding 64991
a license, certificate, or endorsement issued under this chapter 64992

whose abilities to practice are impaired due to abuse of or	64993
dependency on alcohol or other drugs or other physical or mental	64994
condition;	64995
~~(7)~~ (6) Requirements governing reinstatement of a suspended or	64996
revoked license, certificate, or endorsement under division (B) of	64997
section 4758.30 of the Revised Code, including requirements for	64998
determining the amount of time an individual must wait to apply	64999
for reinstatement;	65000
~~(8)~~ (7) For the purpose of section 4758.31 of the Revised	65001
Code, methods of ensuring that all records the board holds	65002
pertaining to an investigation remain confidential during the	65003
investigation;	65004
~~(9)~~ (8) Criteria for employees of the board to follow when	65005
performing their duties under division (B) of section 4758.35 of	65006
the Revised Code;	65007
~~(10)~~ (9) For the purpose of division (A)(1) of section 4758.39	65008
and division (A)(1) of section 4758.40 of the Revised Code, course	65009
requirements for a degree in a behavioral science or nursing that	65010
shall, at a minimum, include at least forty semester hours in all	65011
of the following courses:	65012
(a) Theories of counseling and psychotherapy;	65013
(b) Counseling procedures;	65014
(c) Group process and techniques;	65015
(d) Relationship therapy;	65016
(e) Research methods and statistics;	65017
(f) Fundamentals of assessment and diagnosis, including	65018
measurement and appraisal;	65019
(g) Psychopathology;	65020
(h) Human development;	65021

(i) Cultural competence in counseling;	65022
(j) Ethics.	65023
~~(11)~~ <u>(10)</u> For the purpose of division (A)(2) of section	65024
4758.39 of the Revised Code, the number of hours of compensated	65025
work or supervised internship experience that an individual must	65026
have and the number of those hours that must be in clinical	65027
supervisory experience;	65028
~~(12)~~ <u>(11)</u> For the purpose of division (A)(3) of section	65029
4758.39, division (A)(3) of section 4758.40, division (A)(3) of	65030
section 4758.41, and division (A)(3) of section 4758.42 of the	65031
Revised Code, both of the following:	65032
(a) The number of hours of training in chemical dependency an	65033
individual must have;	65034
(b) Training requirements for chemical dependency that shall,	65035
at a minimum, include qualifications for the individuals who	65036
provide the training and the content areas covered in the	65037
training.	65038
~~(13)~~ <u>(12)</u> For the purpose of division (A)(2) of section	65039
4758.40, division (A)(2) of section 4758.41, and division (A)(2)	65040
of section 4758.42 of the Revised Code, the number of hours of	65041
compensated work or supervised internship experience that an	65042
individual must have;	65043
~~(14)~~ <u>(13)</u> For the purpose of division (B)(2)(b) of section	65044
4758.40 and division (B)(2) of section 4758.41 of the Revised	65045
Code, requirements for the forty clock hours of training on the	65046
version of the diagnostic and statistical manual of mental	65047
disorders that is current at the time of the training, including	65048
the number of the clock hours that must be on substance-related	65049
disorders, the number of the clock hours that must be on chemical	65050
dependency conditions, and the number of the clock hours that must	65051
be on awareness of other mental and emotional disorders;	65052

~~(15)~~(14) For the purpose of division (A)(1) of section 65053
4758.41 of the Revised Code, course requirements for a degree in a 65054
behavioral science or nursing; 65055

~~(16)~~(15) For the purpose of division (A) of section 4758.43 65056
of the Revised Code, both of the following: 65057

(a) The number of hours of training in chemical dependency 65058
counseling that an individual must have; 65059

(b) Training requirements for chemical dependency counseling 65060
that shall, at a minimum, include qualifications for the 65061
individuals who provide the training and the content areas covered 65062
in the training. 65063

~~(17)~~(16) For the purpose of division (A)(1) of section 65064
4758.44 of the Revised Code, the number of hours of compensated 65065
work experience in prevention services that an individual must 65066
have and the number of those hours that must be in administering 65067
or supervising the services; 65068

~~(18)~~(17) For the purpose of division (A)(2) of section 65069
4758.44 of the Revised Code, the field of study in which an 65070
individual must obtain at least a bachelor's degree; 65071

~~(19)~~(18) For the purpose of division (A)(3) of section 65072
4758.44, division (A)(3) of section 4758.45, and division (D) of 65073
section 4758.46 of the Revised Code, both of the following: 65074

(a) The number of hours of prevention-related education that 65075
an individual must have; 65076

(b) Requirements for prevention-related education. 65077

~~(20)~~(19) For the purpose of division (A)(4) of section 65078
4758.44 of the Revised Code, the number of hours of administrative 65079
or supervisory education that an individual must have; 65080

~~(21)~~(20) For the purpose of division (A)(1) of section 65081
4758.45 of the Revised Code, the number of hours of compensated or 65082

volunteer work, field placement, intern, or practicum experience 65083
in prevention services that an individual must have and the number 65084
of those hours that must be in planning or delivering the 65085
services; 65086

~~(22)~~(21) For the purpose of division (A)(2) of section 65087
4758.45 of the Revised Code, the field of study in which an 65088
individual must obtain at least an associate's degree; 65089

~~(23)~~(22) For the purpose of division (C) of section 4758.46 65090
of the Revised Code, the number of hours of compensated or 65091
volunteer work, field placement, intern, or practicum experience 65092
in prevention services that an individual must have; 65093

~~(24)~~(23) Standards for the one hundred hours of compensated 65094
work or supervised internship in gambling disorder direct clinical 65095
experience required by division (B)(2) of section 4758.48 of the 65096
Revised Code; 65097

~~(25)~~(24) For the purpose of section 4758.51 of the Revised 65098
Code, continuing education requirements for individuals who hold a 65099
license, certificate, or endorsement issued under this chapter; 65100

~~(26)~~(25) For the purpose of section 4758.51 of the Revised 65101
Code, the number of hours of continuing education that an 65102
individual must complete to have an expired license, certificate, 65103
or endorsement restored under section 4758.26 of the Revised Code; 65104

~~(27)~~(26) For the purpose of divisions (A) and (B) of section 65105
4758.52 of the Revised Code, training requirements for chemical 65106
dependency counseling; 65107

~~(28)~~(27) The duties, which may differ, of all of the 65108
following: 65109

(a) An independent chemical dependency counselor-clinical 65110
supervisor licensed under this chapter who supervises a chemical 65111
dependency counselor III under section 4758.56 of the Revised 65112

Code;	65113
(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;	65114 65115 65116 65117 65118
(c) A prevention consultant or prevention specialist certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.	65119 65120 65121 65122 65123 65124
~~(29)~~ (28) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.	65125 65126 65127 65128 65129
~~(30)~~ (29) Anything else necessary to administer this chapter.	65130
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	65131 65132 65133
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services.	65134 65135 65136 65137
Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the ~~chemical dependency professionals~~ <u>state behavioral health and social work</u> board shall establish, and may from time to time adjust, fees to be charged for the following:	65138 65139 65140 65141 65142

(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;	65143 65144
(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, prevention specialist assistant certificate, or registered applicant certificate;	65145 65146 65147 65148 65149 65150 65151 65152
(3) Issuing an initial gambling disorder endorsement;	65153
(4) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention consultant certificate, prevention specialist certificate, or prevention specialist assistant certificate;	65154 65155 65156 65157 65158 65159 65160
(5) Renewing a gambling disorder endorsement;	65161
(6) Approving continuing education courses under section 4758.28 of the Revised Code;	65162 65163
(7) Doing anything else the board determines necessary to administer this chapter.	65164 65165
(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license, certificate, or endorsement and the renewal of a license, certificate, or endorsement may differ for the various types of licenses, certificates, or endorsements, but shall not exceed one hundred seventy-five dollars each, unless the board determines that	65166 65167 65168 65169 65170 65171 65172 65173

amounts in excess of one hundred seventy-five dollars are needed 65174
to cover its necessary expenses in administering this chapter and 65175
rules adopted under it and the amounts in excess of one hundred 65176
seventy-five dollars are approved by the controlling board. 65177

~~(C) All vouchers of the board shall be approved by the 65178~~
~~chairperson or executive director of the board, or both, as 65179~~
~~authorized by the board. 65180~~

Sec. 4758.22. ~~The chemical dependency professionals state~~ 65181
behavioral health and social work board shall prepare, cause to be 65182
prepared, or procure the use of, and grade, cause to be graded, or 65183
procure the grading of, examinations to determine the competence 65184
of individuals seeking an independent chemical dependency 65185
counselor-clinical supervisor license, independent chemical 65186
dependency counselor license, chemical dependency counselor III 65187
license, chemical dependency counselor II license, prevention 65188
consultant certificate, or prevention specialist certificate. The 65189
board may develop the examinations or use examinations prepared by 65190
state or national organizations that represent the interests of 65191
those involved in chemical dependency counseling or prevention 65192
services. The board shall conduct examinations at least twice each 65193
year and shall determine the level of competence necessary for a 65194
passing score. 65195

An individual may not sit for an examination administered 65196
pursuant to this section unless the individual meets the 65197
requirements to obtain the license or certificate the individual 65198
seeks, other than the requirement to have passed the examination, 65199
and pays the fee established under section 4758.21 of the Revised 65200
Code. An individual who is denied admission to the examination may 65201
appeal the denial in accordance with Chapter 119. of the Revised 65202
Code. 65203

Sec. 4758.221. In accordance with rules adopted under section 65204
4758.20 of the Revised Code, the ~~chemical dependency professionals~~ 65205
state behavioral health and social work board may administer 65206
examinations for individuals seeking to act as substance abuse 65207
professionals in a U.S. department of transportation drug and 65208
alcohol testing program. If it elects to administer the 65209
examinations, the board shall use examinations that 65210
comprehensively cover all the elements of substance abuse 65211
professional qualification training listed in 49 C.F.R. 65212
40.281(c)(1) and are prepared by a nationally recognized 65213
professional or training organization that represents the 65214
interests of those involved in chemical dependency counseling 65215
services. 65216

Sec. 4758.24. (A) The ~~chemical dependency professionals~~ state 65217
behavioral health and social work board shall issue a license, 65218
certificate, or endorsement under this chapter to an individual 65219
who meets all of the following requirements: 65220

(1) Is of good moral character as determined in accordance 65221
with rules adopted under section 4758.20 of the Revised Code; 65222

(2) Except as provided in section 4758.241 of the Revised 65223
Code, submits a properly completed application and all other 65224
documentation specified in rules adopted under section 4758.20 of 65225
the Revised Code; 65226

(3) Except as provided in section 4758.241 of the Revised 65227
Code, pays the fee established under section 4758.21 of the 65228
Revised Code for the license, certificate, or endorsement that the 65229
individual seeks; 65230

(4) Meets the requirements to obtain the license, 65231
certificate, or endorsement that the individual seeks as specified 65232
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 65233

4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code; 65234

(5) Meets any additional requirements specified in rules 65235
adopted under section 4758.20 of the Revised Code to obtain the 65236
license, certificate, or endorsement that the individual seeks. 65237

(B) The board shall not do either of the following: 65238

(1) Issue a certificate to practice as a chemical dependency 65239
counselor I; 65240

(2) Issue a new registered applicant certificate to an 65241
individual whose previous registered applicant certificate has 65242
been expired for less than the period of time specified in rules 65243
adopted under section 4758.20 of the Revised Code. 65244

Sec. 4758.241. ~~The chemical dependency professionals state~~ 65245
behavioral health and social work board shall issue an independent 65246
chemical dependency counselor-clinical supervisor license under 65247
section 4758.24 of the Revised Code to each individual who, on the 65248
effective date of this section March 22, 2013, holds a valid 65249
independent chemical dependency counselor license without 65250
requiring the individual to comply with divisions (A)(2) and (3) 65251
of that section. 65252

Sec. 4758.242. (A) As used in this section, "license" and 65253
"applicant for an initial license" have the same meanings as in 65254
section 4776.01 of the Revised Code, except that "license" as used 65255
in both of those terms refers to the types of authorizations 65256
otherwise issued or conferred under this chapter. 65257

(B) In addition to any other eligibility requirement set 65258
forth in this chapter, each applicant for an initial license shall 65259
comply with sections 4776.01 to 4776.04 of the Revised Code. The 65260
state behavioral health and social work board shall not grant a 65261
license to an applicant for an initial license unless the 65262
applicant complies with sections 4776.01 to 4776.04 of the Revised 65263

Code and the board, in its discretion, decides that the results of 65264
the criminal records check do not make the applicant ineligible 65265
for a license issued pursuant to this chapter. 65266

Sec. 4758.25. (A) The ~~chemical dependency professionals~~ state 65267
behavioral health and social work board may enter into a 65268
reciprocal agreement with any state that regulates individuals 65269
practicing in the same capacities as those regulated under this 65270
chapter if the board finds that the state has requirements 65271
substantially equivalent to the requirements of this state to 65272
receive a license or certificate under this chapter. 65273

The board may become a member of a national reciprocity 65274
organization that requires its members to have requirements 65275
substantially equivalent to the requirements of this state to 65276
receive a license or certificate to practice in the same 65277
capacities as those regulated under this chapter. If the board 65278
becomes a member of such an organization, the board shall consider 65279
itself to have a reciprocal agreement with the other states that 65280
are also members of the organization. 65281

(B) The board may, by endorsement, issue the appropriate 65282
license or certificate to a resident of a state with which the 65283
board does not have a reciprocal agreement if both of the 65284
following apply: 65285

(1) The board finds that the state has requirements 65286
substantially equivalent to the requirements of this state for 65287
receipt of a license or certificate under this chapter. 65288

(2) The individual submits proof satisfactory to the board of 65289
being currently authorized to practice by that state. 65290

(C) A license or certificate obtained by reciprocity or 65291
endorsement under this section may be renewed or restored under 65292
section 4758.26 of the Revised Code if the individual holding the 65293

license or certificate satisfies the renewal or restoration 65294
requirements established by that section. An individual holding a 65295
license or certificate obtained by reciprocity or endorsement 65296
under this section may obtain, under section 4758.24 of the 65297
Revised Code, a different license or certificate available under 65298
this chapter if the individual meets all of the requirements as 65299
specified in that section for the license or certificate the 65300
individual seeks. 65301

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised 65302
Code, a license, certificate, or endorsement issued under this 65303
chapter expires the following period of time after it is issued: 65304

(1) In the case of an initial chemical dependency counselor 65305
assistant certificate, thirteen months; 65306

(2) In the case of any other license, certificate, or 65307
endorsement, two years. 65308

(B) Subject to section 4758.30 of the Revised Code and except 65309
as provided in section 4758.27 of the Revised Code, the ~~chemical~~ 65310
~~dependency professionals~~ state behavioral health and social work 65311
board shall renew a license, certificate, or endorsement issued 65312
under this chapter in accordance with the standard renewal 65313
procedure established under Chapter 4745. of the Revised Code if 65314
the individual seeking the renewal pays the renewal fee 65315
established under section 4758.21 of the Revised Code and does the 65316
following: 65317

(1) In the case of an individual seeking renewal of an 65318
initial chemical dependency counselor assistant certificate, 65319
satisfies the additional training requirement established under 65320
section 4758.52 of the Revised Code; 65321

(2) In the case of any other individual, satisfies the 65322
continuing education requirements established under section 65323

4758.51 of the Revised Code. 65324

(C) Subject to section 4758.30 of the Revised Code and except 65325
as provided in section 4758.27 of the Revised Code, a license, 65326
certificate, or endorsement issued under this chapter that has 65327
expired may be restored if the individual seeking the restoration, 65328
not later than two years after the license, certificate, or 65329
endorsement expires, applies for restoration of the license, 65330
certificate, or endorsement. The board shall issue a restored 65331
license, certificate, or endorsement to the individual if the 65332
individual pays the renewal fee established under section 4758.21 65333
of the Revised Code and does the following: 65334

(1) In the case of an individual whose initial chemical 65335
dependency counselor assistant certificate expired, satisfies the 65336
additional training requirement established under section 4758.52 65337
of the Revised Code; 65338

(2) In the case of any other individual, satisfies the 65339
continuing education requirements established under section 65340
4758.51 of the Revised Code for restoring the license, 65341
certificate, or endorsement. 65342

The board shall not require an individual to take an 65343
examination as a condition of having an expired license, 65344
certificate, or endorsement restored under this section. 65345

Sec. 4758.27. The ~~chemical dependency professionals state~~ 65346
behavioral health and social work board shall not renew or restore 65347
under section 4758.26 of the Revised Code either of the following: 65348

(A) A certificate to practice as a chemical dependency 65349
counselor I; 65350

(B) A registered applicant certificate. 65351

Sec. 4758.28. The ~~chemical dependency professionals state~~ 65352

behavioral health and social work board shall approve, in 65353
accordance with rules adopted under section 4758.20 of the Revised 65354
Code and subject to payment of the fee established under section 65355
4758.21 of the Revised Code, continuing education courses of study 65356
for individuals who hold a license, certificate, or endorsement 65357
issued under this chapter. 65358

Sec. 4758.29. On receipt of a notice pursuant to section 65359
3123.43 of the Revised Code, the ~~chemical dependency professionals~~ 65360
state behavioral health and social work board shall comply with 65361
sections 3123.41 to 3123.50 of the Revised Code and any applicable 65362
rules adopted under section 3123.63 of the Revised Code with 65363
respect to a license, certificate, or endorsement issued pursuant 65364
to this chapter. 65365

Sec. 4758.30. (A) The ~~chemical dependency professionals~~ state 65366
behavioral health and social work board, in accordance with 65367
Chapter 119. of the Revised Code, may refuse to issue a license, 65368
certificate, or endorsement applied for under this chapter; refuse 65369
to renew or restore a license, certificate, or endorsement issued 65370
under this chapter; suspend, revoke, or otherwise restrict a 65371
license, certificate, or endorsement issued under this chapter; or 65372
reprimand an individual holding a license, certificate, or 65373
endorsement issued under this chapter. These actions may be taken 65374
by the board regarding the applicant for a license, certificate, 65375
or endorsement or the individual holding a license, certificate, 65376
or endorsement for one or more of the following reasons: 65377

(1) Violation of any provision of this chapter or rules 65378
adopted under it; 65379

(2) Knowingly making a false statement on an application for 65380
a license, certificate, or endorsement or for renewal, 65381
restoration, or reinstatement of a license, certificate, or 65382

endorsement;	65383
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, prevention services, gambling disorder counseling, or fields related to chemical dependency counseling, prevention services, or gambling disorder counseling;	65384 65385 65386 65387 65388 65389 65390
(4) Conviction in this or any other state of any crime that is a felony in this state;	65391 65392
(5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, prevention consultant, gambling disorder endorsee, prevention specialist, prevention specialist assistant, or registered applicant;	65393 65394 65395 65396 65397 65398 65399 65400
(6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, gambling disorder endorsee, prevention consultant, prevention specialist, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	65401 65402 65403 65404 65405 65406 65407 65408
(7) Practicing outside the individual's scope of practice;	65409
(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code;	65410 65411 65412
(9) Violation of the code of ethical practice and	65413

professional conduct for chemical dependency counseling, 65414
prevention services, or gambling disorder counseling adopted by 65415
the board pursuant to section ~~4758.23~~ 4744.50 of the Revised Code; 65416

(10) Revocation of a license, certificate, or endorsement or 65417
voluntary surrender of a license, certificate, or endorsement in 65418
another state or jurisdiction for an offense that would be a 65419
violation of this chapter. 65420

(B) An individual whose license, certificate, or endorsement 65421
has been suspended or revoked under this section may apply to the 65422
board for reinstatement after an amount of time the board shall 65423
determine in accordance with rules adopted under section 4758.20 65424
of the Revised Code. The board may accept or refuse an application 65425
for reinstatement. The board may require an examination for 65426
reinstatement of a license, certificate, or endorsement that has 65427
been suspended or revoked. 65428

Sec. 4758.31. ~~The chemical dependency professionals state~~ 65429
behavioral health and social work board shall investigate alleged 65430
violations of this chapter or the rules adopted under it and 65431
alleged irregularities in the delivery of chemical dependency 65432
counseling services, prevention services, or gambling disorder 65433
counseling services by individuals who hold a license, 65434
certificate, or endorsement issued under this chapter. As part of 65435
an investigation, the board may issue subpoenas, examine 65436
witnesses, and administer oaths. 65437

The board may receive any information necessary to conduct an 65438
investigation under this section that has been obtained in 65439
accordance with federal laws and regulations. If the board is 65440
investigating the provision of chemical dependency counseling 65441
services or gambling disorder counseling services to a couple or 65442
group, it is not necessary for both members of the couple or all 65443
members of the group to consent to the release of information 65444

relevant to the investigation. 65445

The board shall ensure, in accordance with rules adopted 65446
under section 4758.20 of the Revised Code, that all records it 65447
holds pertaining to an investigation remain confidential during 65448
the investigation. After the investigation, the records are public 65449
records except as otherwise provided by federal or state law. 65450

Sec. 4758.32. For any hearing it conducts under this chapter, 65451
the ~~chemical dependency professionals~~ state behavioral health and 65452
social work board may appoint one of its voting members to act on 65453
behalf of the board. It is not necessary that the member be an 65454
attorney to be appointed. The board shall make the appointment in 65455
writing. 65456

A finding or order of a member appointed to act on behalf of 65457
the board is a finding or order of the board when confirmed by the 65458
board. 65459

Sec. 4758.35. (A) An individual seeking a license, 65460
certificate, or endorsement issued under this chapter shall file 65461
with the ~~chemical dependency professionals~~ state behavioral health 65462
and social work board ~~a written~~ an application on a form 65463
prescribed by the board. Each form shall state that a false 65464
statement made on the form is the crime of falsification under 65465
section 2921.13 of the Revised Code. 65466

(B) The board shall require an individual or individuals 65467
employed by the board ~~under section 4758.15 of the Revised Code~~ to 65468
do both of the following in accordance with criteria established 65469
by rules adopted under section 4758.20 of the Revised Code: 65470

(1) Receive and review all applications submitted to the 65471
board; 65472

(2) Submit to the board all applications the individual or 65473
individuals recommend the board review based on the criteria 65474

established in the rules. 65475

(C) The board shall review all applications submitted to the 65476
board pursuant to division (B)(2) of this section. 65477

Sec. 4758.36. As part of the review process under division 65478
(C) of section 4758.35 of the Revised Code of an application 65479
submitted by an applicant whose education or experience in 65480
chemical dependency counseling, prevention services, or gambling 65481
disorder counseling was obtained outside the United States, or 65482
whose education and experience both were obtained outside the 65483
United States, the ~~chemical dependency professionals~~ state 65484
behavioral health and social work board shall determine whether 65485
the applicant's command of the English language and education or 65486
experience meet the standards required by this chapter and rules 65487
adopted under it. 65488

Sec. 4758.47. An individual seeking a registered applicant 65489
certificate shall meet all of the following requirements: 65490

(A) Be at least eighteen years of age; 65491

(B) Have at least a high school diploma or a certificate of 65492
high school equivalence; 65493

(C) Submit to the ~~chemical dependency professionals~~ state 65494
behavioral health and social work board a professional development 65495
plan that is acceptable to the board. 65496

Sec. 4758.51. (A) Except as provided in division (C) of this 65497
section and in accordance with rules adopted under section 4758.20 65498
of the Revised Code, each individual who holds a license, 65499
certificate, or endorsement issued under this chapter, other than 65500
an initial chemical dependency counselor assistant certificate, 65501
shall complete during the period that the license, certificate, or 65502
endorsement is in effect not less than the following number of 65503

clock hours of continuing education as a condition of receiving a 65504
renewed license, certificate, or endorsement: 65505

(1) In the case of an individual holding a prevention 65506
specialist assistant certificate, twenty; 65507

(2) In the case of an individual holding a gambling disorder 65508
endorsement, six; 65509

(3) In the case of any other individual, forty. 65510

(B) Except as provided in division (C) of this section, an 65511
individual whose license, certificate, or endorsement issued under 65512
this chapter, other than an initial chemical dependency counselor 65513
assistant certificate, has expired shall complete the number of 65514
hours of continuing education specified in rules adopted under 65515
section 4758.20 of the Revised Code as a condition of receiving a 65516
restored license, certificate, or endorsement. 65517

(C) The ~~chemical dependency professionals~~ state behavioral 65518
health and social work board may waive the continuing education 65519
requirements established under this section for individuals who 65520
are unable to fulfill them because of military service, illness, 65521
residence outside the United States, or any other reason the board 65522
considers acceptable. 65523

Sec. 4758.52. (A) Except as provided in division (C) of this 65524
section, each individual who holds an initial chemical dependency 65525
counselor assistant certificate shall complete, during the first 65526
twelve months that the initial certificate is in effect, at least 65527
thirty additional hours of training in chemical dependency 65528
counseling that meets the requirements specified in rules adopted 65529
under section 4758.20 of the Revised Code as a condition of having 65530
the initial certificate renewed. 65531

(B) Except as provided in division (C) of this section, an 65532
individual whose initial chemical dependency counselor assistant 65533

certificate has expired shall complete at least thirty additional 65534
hours of training in chemical dependency counseling that meets the 65535
requirements specified in rules adopted under section 4758.20 of 65536
the Revised Code as a condition of receiving a restored chemical 65537
dependency counselor assistant certificate. 65538

(C) The ~~chemical dependency professionals~~ state behavioral 65539
health and social work board may waive the additional training 65540
requirement established under this section for individuals who are 65541
unable to fulfill the requirement because of military service, 65542
illness, residence outside the United States, or any other reason 65543
the board considers acceptable. 65544

Sec. 4758.72. The ~~chemical dependency professionals~~ state 65545
behavioral health and social work board shall comply with section 65546
4776.20 of the Revised Code. 65547

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 65548
used in any statute, rule, contract, or other document, the use 65549
shall be construed to mean the "state medical board," with respect 65550
to implementing Chapter 4761. of the Revised Code. 65551

Whenever the executive secretary of the Ohio board of 65552
dietetics is used in any statute, rule, contract, or other 65553
document, the use shall be construed to mean the executive 65554
director of the state medical board, with respect to implementing 65555
Chapter 4761. of the Revised Code. 65556

Sec. 4759.02. (A) Except as otherwise provided in this 65557
section or in section 4759.10 of the Revised Code, no person shall 65558
practice, offer to practice, or hold ~~himself~~ self forth to 65559
practice dietetics unless ~~he~~ the person has been licensed under 65560
section 4759.06 of the Revised Code. 65561

(B) Except for a licensed dietitian holding an inactive 65562

license who does not practice or offer to practice dietetics, or a 65563
person licensed under section 4759.06 of the Revised Code, or as 65564
otherwise provided in this section or in section 4759.10 of the 65565
Revised Code: 65566

(1) No person shall use the title "dietitian"; and 65567

(2) No person except for a person licensed under Chapters 65568
4701. to 4755. of the Revised Code, when acting within the scope 65569
of their practice, shall use any other title, designation, words, 65570
letters, abbreviation, or insignia or combination of any title, 65571
designation, words, letters, abbreviation, or insignia tending to 65572
indicate that the person is practicing dietetics. 65573

(C) Notwithstanding division (B) of this section, a person 65574
who is a dietitian registered by the commission on dietetic 65575
registration and who does not violate division (A) of this section 65576
may use the designation "registered dietitian" and the 65577
abbreviation "R.D." 65578

(D) Division (A) of this section does not apply to: 65579

(1) A student enrolled in an academic program that is in 65580
compliance with division (A)(5) of section 4759.06 of the Revised 65581
Code who is engaging in the practice of dietetics under the 65582
supervision of a dietitian licensed under section 4759.06 of the 65583
Revised Code or a dietitian registered by the commission on 65584
dietetic registration, as part of the academic program; 65585

(2) A person participating in the pre-professional experience 65586
required by division (A)(6) of section 4759.06 of the Revised 65587
Code; 65588

(3) A person holding a limited permit under division (F) of 65589
section 4759.06 of the Revised Code. 65590

(E) Divisions (A) and (B) of this section do not apply to a 65591
person who performs no more than fifteen days of dietetic practice 65592

in the state and who meets at least one of the following 65593
requirements: 65594

(1) The ~~Ohio state medical board of dietetics~~ determines that 65595
~~he the person~~ is licensed in another state with licensure 65596
requirements equivalent to or more stringent than those set forth 65597
in this chapter; 65598

(2) ~~He~~ The person is a dietitian registered by the commission 65599
on dietetic registration and resides in another state that either 65600
has no dietitian licensure requirements or has licensure 65601
requirements less stringent than those set forth in this chapter. 65602

Sec. 4759.05. The ~~Ohio state medical board of dietetics~~ 65603
shall: 65604

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. 65605
of the Revised Code to carry out the provisions of this chapter, 65606
including rules governing the following: 65607

(1) Selection and approval of a dietitian licensure 65608
examination offered by the commission on dietetic registration or 65609
any other examination; 65610

(2) The examination of applicants for licensure as a 65611
dietitian, to be held at least twice annually, as required under 65612
division (A) of section 4759.06 of the Revised Code; 65613

(3) Requirements for pre-professional dietetic experience of 65614
applicants for licensure as a dietitian that are at least 65615
equivalent to the requirements adopted by the commission on 65616
dietetic registration; 65617

(4) Requirements for a person holding a limited permit under 65618
division (F) of section 4759.06 of the Revised Code, including the 65619
duration of validity of a limited permit; 65620

(5) Requirements for a licensed dietitian who places a 65621
license in inactive status under division (G) of section 4759.06 65622

of the Revised Code, including a procedure for changing inactive status to active status; 65623
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(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 65625
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(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 65631
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(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 65634
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(9) Formulation of ~~a written~~ an application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code; 65638
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(10) Procedures for license renewal; 65643

(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code; 65644
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(12) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code. 65648
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(B) Investigate alleged violations of sections 4759.02 to 4759.10 of the Revised Code. In making its investigations, the board may issue subpoenas, examine witnesses, and administer 65650
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65652

oaths. 65653

(C) ~~Adopt a seal;~~ 65654

~~(D)~~ Conduct meetings and keep records as are necessary to 65655
carry out the provisions of this chapter; 65656

~~(E)(D)~~ Publish, and make available to the public, upon 65657
request and for a fee not to exceed the actual cost of printing 65658
and mailing, the board's rules and requirements for licensure 65659
adopted under division (A) of this section ~~and a record of all~~ 65660
~~persons licensed under section 4759.06 of the Revised Code.~~ 65661

Sec. 4759.051. The state medical board shall appoint a 65662
dietetics advisory council for the purpose of advising the board 65663
on issues relating to the practice of dietetics. The advisory 65664
council shall consist of not more than seven individuals 65665
knowledgeable in the area of dietetics. 65666

Not later than ninety days after the effective date of this 65667
section, the board shall make initial appointments to the council. 65668
Members shall serve three-year staggered terms of office in 65669
accordance with rules adopted by the board. 65670

With approval from the director of administrative services, 65671
members may receive an amount fixed under division (J) of section 65672
124.15 of the Revised Code for each day the member is performing 65673
the member's official duties and be reimbursed for actual and 65674
necessary expenses incurred in performing those duties. 65675

Sec. 4759.06. (A) ~~The Ohio state medical board of dietetics~~ 65676
shall issue or renew a license to practice dietetics to an 65677
applicant who: 65678

(1) Has satisfactorily completed an application for licensure 65679
in accordance with division (A) of section 4759.05 of the Revised 65680
Code; 65681

- (2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code; 65682
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- (3) Is a resident of the state or performs or plans to perform dietetic services within the state; 65684
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- (4) Is of good moral character; 65686
- (5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; 65687
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- (6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section 4759.05 of the Revised Code; 65693
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- (7) Has passed the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code; 65697
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- (8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A)(6) of section 4759.05 of the Revised Code. 65699
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- (B) The board shall waive the requirements of divisions (A)(5), (6), and (7) of this section and any rules adopted under division (A)(7) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration. 65702
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- (C) The board shall waive the requirements of division (A)(7) of this section if the application for renewal is made within two years after the date of license expiration. 65708
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- (D) The board may waive the requirements of division (A)(5), 65711

(6), or (7) of this section or any rules adopted under division 65712
(A)(7) of section 4759.05 of the Revised Code, if the applicant 65713
presents satisfactory evidence of education, experience, or 65714
passing an examination in another state or a foreign country, that 65715
the board considers the equivalent of the requirements stated in 65716
those divisions or rules. 65717

(E) The board shall issue an initial license to practice 65718
dietetics to an applicant who meets the requirements of division 65719
(A) of this section. An initial license shall be valid from the 65720
date of issuance through the thirtieth day of June following 65721
issuance of the license. Each subsequent license shall be valid 65722
from the first day of July through the thirtieth day of June. The 65723
board shall renew the license of an applicant who is licensed to 65724
practice dietetics and who meets the continuing education 65725
requirements of division (A)(6) of section 4759.05 of the Revised 65726
Code. The renewal shall be pursuant to the standard renewal 65727
procedure of sections 4745.01 to 4745.03 of the Revised Code. 65728

(F) The board may grant a limited permit to a person who has 65729
completed the education and pre-professional requirements of 65730
divisions (A)(5) and (6) of this section and who presents evidence 65731
to the board of having applied to take the examination approved by 65732
the board under division (A)(1) of section 4759.05 of the Revised 65733
Code. A person holding a limited permit who has failed the 65734
examination shall practice only under the direct supervision of a 65735
licensed dietitian. 65736

(G) A licensed dietitian may place the license in inactive 65737
status. 65738

Sec. 4759.061. (A) As used in this section, "license" and 65739
"applicant for an initial license" have the same meanings as in 65740
section 4776.01 of the Revised Code, except that "license" as used 65741
in both of those terms refers to the types of authorizations 65742

otherwise issued or conferred under this chapter. 65743

(B) In addition to any other eligibility requirement set 65744
forth in this chapter, each applicant for an initial license shall 65745
comply with sections 4776.01 to 4776.04 of the Revised Code. The 65746
~~Ohio state medical board of dietetics~~ shall not grant a license to 65747
an applicant for an initial license unless the applicant complies 65748
with sections 4776.01 to 4776.04 of the Revised Code and the 65749
board, in its discretion, decides that the results of the criminal 65750
records check do not make the applicant ineligible for a license 65751
issued pursuant to section 4759.06 of the Revised Code. 65752

Sec. 4759.07. (A) The ~~Ohio state medical board of dietetics~~ 65753
may, in accordance with Chapter 119. of the Revised Code, refuse 65754
to issue, review, or renew, or may suspend, revoke, or impose 65755
probationary conditions upon any license or permit to practice 65756
dietetics, if the applicant has: 65757

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 65758
or rules adopted under those sections; 65759

(2) Knowingly made a false statement in ~~his~~ an application 65760
for licensure or license renewal; 65761

(3) Been convicted of any crime constituting a felony in this 65762
or any other state; 65763

(4) Been impaired in ~~his~~ ability to perform as a licensed 65764
dietitian due to the use of a controlled substance or alcoholic 65765
beverage; 65766

(5) Been convicted of a misdemeanor committed in the course 65767
of ~~his~~ work as a dietitian in this or any other state; 65768

(6) A record of incompetent or negligent conduct in ~~his~~ the 65769
practice of dietetics. 65770

(B) For purposes of this division, any individual who holds a 65771
license or permit issued under this chapter, or applies for a 65772

license or permit to practice dietetics, is deemed to have given 65773
consent to submit to a mental or physical examination when 65774
directed to do so in writing by the board and to have waived all 65775
objections to the admissibility of testimony or examination 65776
reports that constitute a privileged communication. 65777

For purposes of division (A)(4) of this section, if the board 65778
has reason to believe that any individual who holds a license or 65779
permit issued under this chapter or any applicant for a license or 65780
permit suffers such impairment, the board may compel the 65781
individual to submit to a mental or physical examination, or both. 65782
The expense of the examination is the responsibility of the 65783
individual compelled to be examined. Any mental or physical 65784
examination required under this division shall be undertaken by a 65785
treatment provider or physician qualified to conduct such 65786
examination and chosen by the board. 65787

Failure to submit to a mental or physical examination ordered 65788
by the board constitutes an admission of the allegations against 65789
the individual unless the failure is due to circumstances beyond 65790
the individual's control, and a default and final order may be 65791
entered without the taking of testimony or presentation of 65792
evidence. If the board determines that the individual's ability to 65793
practice is impaired, the board shall suspend the individual's 65794
license or permit or deny the individual's application and shall 65795
require the individual, as a condition for initial, continued, 65796
reinstated, or renewed licensure, to submit to treatment. 65797

Before being eligible to apply for reinstatement of a license 65798
or permit suspended under this division, the dietitian shall 65799
demonstrate to the board the ability to resume practice in 65800
compliance with acceptable and prevailing standards of care. The 65801
demonstration shall include the following: 65802

(1) Certification from a treatment provider approved under 65803
section 4731.25 of the Revised Code that the individual has 65804

successfully completed any required inpatient treatment; 65805

(2) Evidence of continuing full compliance with an aftercare 65806
contract or consent agreement; 65807

(3) Two written reports indicating that the individual's 65808
ability to practice has been assessed and that the individual has 65809
been found capable of practicing according to acceptable and 65810
prevailing standards of care. The reports shall be made by 65811
individuals or providers approved by the board for making such 65812
assessments and shall describe the basis for their determination. 65813

The board may reinstate a license or permit suspended under 65814
this division after such demonstration and after the individual 65815
has entered into a written consent agreement. 65816

When the impaired dietitian resumes practice, the board shall 65817
require continued monitoring of the dietitian. The monitoring 65818
shall include compliance with the written consent agreement 65819
entered into before reinstatement or with conditions imposed by 65820
board order after a hearing, and, upon termination of the consent 65821
agreement, submission to the board for at least two years of 65822
annual written progress reports made under penalty of 65823
falsification stating whether the dietitian has maintained 65824
sobriety. 65825

(C) One year or more after the date of suspension or 65826
revocation of a license or permit under division (A)(1), (2), (3), 65827
(5), or (6) of this section, an application for reinstatement of 65828
the license or permit may be made to the board. The board shall 65829
grant or deny reinstatement with a hearing, at the request of the 65830
applicant, in accordance with Chapter 119. of the Revised Code and 65831
may impose conditions upon the reinstatement, including the 65832
requirement of passing an examination approved by the board. 65833

Sec. 4759.08. (A) ~~The Ohio state medical board of dietetics~~ 65834

shall charge and collect fees as described in this section for 65835
issuing the following: 65836

(1) An application for an initial dietitian license, or an 65837
application for reactivation of an inactive license, one hundred 65838
twenty-five dollars, and for reinstatement of a lapsed, revoked, 65839
or suspended license, one hundred eighty dollars; 65840

(2) License renewal, ninety-five dollars; 65841

(3) A limited permit, and renewal of the permit, sixty-five 65842
dollars; 65843

(4) A duplicate license or permit, twenty dollars; 65844

(5) For processing a late application for renewal of any 65845
license or permit, an additional fee equal to fifty per cent of 65846
the fee for the renewal. 65847

(B) The board shall not require a licensed dietitian holding 65848
an inactive license to pay the renewal fee. 65849

(C) Subject to the approval of the controlling board, the 65850
~~Ohio state medical~~ board of ~~dietetics~~ may establish fees in excess 65851
of the amounts provided in division (A) of this section, provided 65852
that the fees do not exceed the amounts by greater than fifty per 65853
cent. 65854

(D) The board may adopt rules pursuant to Chapter 119. of the 65855
Revised Code to waive all or part of the fee for an initial 65856
license if the license is issued within one hundred days of the 65857
date of expiration of the license. 65858

(E) All receipts of the board shall be deposited in the state 65859
treasury to the credit of the ~~occupational licensing and~~ 65860
~~regulatory fund. All vouchers of the board shall be approved by~~ 65861
~~the chairperson or secretary of the board, or both, as authorized~~ 65862
~~by the board~~ state medical board operating fund in accordance with 65863
section 4731.24 of the Revised Code. 65864

Sec. 4759.09. The ~~Ohio state medical~~ board of ~~dietetics~~ shall 65865
notify in writing any person determined by the board to be in 65866
violation of section 4759.02 of the Revised Code. The notification 65867
shall state that the person may request a hearing by the board 65868
within the amount of time specified by the board pursuant to 65869
division (A) of section 4759.05 of the Revised Code. If the person 65870
fails to request the hearing, or if the board determines from the 65871
hearing that the person is in violation of section 4759.02 of the 65872
Revised Code, the board may apply to the court of common pleas of 65873
the county in which the violation is occurring for an injunction 65874
or other appropriate restraining order to prohibit the continued 65875
violation of section 4759.02 of the Revised Code. 65876
65877

Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code 65878
do not apply to any of the following: 65879

(A) A person licensed under Chapters 4701. to 4755. of the 65880
Revised Code who is acting within the scope of the person's 65881
profession, provided that the person complies with division (B) of 65882
section 4759.02 of the Revised Code; 65883

(B) A person who is a graduate of an associate degree program 65884
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 65885
~~state medical~~ board of ~~dietetics~~ who is working as a dietetic 65886
technician under the supervision of a dietitian licensed under 65887
section 4759.06 of the Revised Code or registered by the 65888
commission on dietetic registration, except that the person is 65889
subject to division (B) of section 4759.02 of the Revised Code if 65890
the person uses a title other than "dietetic technician"; 65891

(C) A person who practices dietetics related to employment in 65892
the armed forces, veteran's administration, or the public health 65893
service of the United States; 65894

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the state medical board of dietetics, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

(F) A person when acting, under the direction and supervision of a person licensed under Chapters 4701. to 4755. of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;

(G) The free dissemination of literature in the state;

(H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate

Chapter 1345. of the Revised Code; 65927

(I) A person who offers dietary supplements for sale and who 65928
makes the following statements about the product if the statements 65929
are consistent with the dietary supplement's label or labeling: 65930

(1) Claim a benefit related to a classical nutrient 65931
deficiency disease and disclose the prevalence of the disease in 65932
the United States; 65933

(2) Describe the role of a nutrient or dietary ingredient 65934
intended to affect the structure or function of the human body; 65935

(3) Characterize the documented mechanism by which a nutrient 65936
or dietary ingredient acts to maintain the structure or function 65937
of the human body; 65938

(4) Describe general well-being from the consumption of a 65939
nutrient or dietary ingredient. 65940

(J) Provided that the persons involved in presenting a 65941
general program of instruction for weight control do not violate 65942
division (B) of section 4759.02 of the Revised Code, a general 65943
program of instruction for weight control approved in writing by a 65944
licensed dietitian, a physician licensed under Chapter 4731. of 65945
the Revised Code to practice medicine or surgery or osteopathic 65946
medicine or surgery, a person licensed in another state that the 65947
board considers to have substantially equivalent licensure 65948
requirements as this state, or a registered dietitian; 65949

(K) The continued practice of dietetics at a hospital by a 65950
person employed at that same hospital to practice dietetics for 65951
the twenty years immediately prior to July 1, 1987, so long as the 65952
person works under the supervision of a dietitian licensed under 65953
section 4759.06 of the Revised Code and does not violate division 65954
(B) of section 4759.02 of the Revised Code. This division does not 65955
apply to any person who has held a license issued under this 65956
chapter to practice dietetics. As used in this division, 65957

"hospital" has the same meaning as in section 3727.01 of the Revised Code.

Sec. 4759.11. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board ~~of dietetics~~ shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4759.12. The ~~Ohio~~ state medical board ~~of dietetics~~ shall comply with section 4776.20 of the Revised Code.

Sec. 4761.011. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state medical board," with respect to implementing Chapter 4761. of the Revised Code.

Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state medical board, with respect to implementing Chapter 4761. of the Revised Code.

Sec. 4761.03. The ~~Ohio respiratory care board~~ state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter ~~and shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code.~~ Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42

U.S.C.A. 1395, as amended, and with the respiratory care 65987
accreditation standards of the joint commission on accreditation 65988
of healthcare organizations or the American osteopathic 65989
association. 65990

The board shall: 65991

(A) Adopt, and may rescind or amend, rules in accordance with 65992
Chapter 119. of the Revised Code to carry out the purposes of this 65993
chapter, including rules prescribing: 65994

(1) The form and manner for filing applications for licensure 65995
and renewal, limited permits, and limited permit extensions under 65996
sections 4761.05 and 4761.06 of the Revised Code; 65997

(2) The form, scoring, and scheduling of examinations and 65998
reexaminations for licensure and license renewal; 65999

(3) Standards for the approval of educational programs 66000
required to qualify for licensure and continuing education 66001
programs required for license renewal; 66002

(4) Continuing education courses and the number of hour 66003
requirements necessary for license renewal, in accordance with 66004
section 4761.06 of the Revised Code; 66005

(5) Procedures for the issuance and renewal of licenses and 66006
limited permits, including the duties that may be fulfilled by the 66007
board's executive director and other board employees; 66008

(6) Procedures for the denial, suspension, permanent 66009
revocation, refusal to renew, and reinstatement of licenses and 66010
limited permits, the conduct of hearings, and the imposition of 66011
fines for engaging in conduct that is grounds for such action and 66012
hearings under section 4761.09 of the Revised Code; 66013

(7) Standards of ethical conduct for the practice of 66014
respiratory care; 66015

(8) Conditions under which the license renewal fee and 66016

continuing education requirements may be waived at the request of 66017
a licensee who is not in active practice; 66018

(9) The respiratory care tasks that may be performed by an 66019
individual practicing as a polysomnographic technologist pursuant 66020
to division (B)(3) of section 4761.10 of the Revised Code; 66021

(10) Procedures for registering out-of-state respiratory care 66022
providers authorized to practice in this state under division 66023
(A)(4) of section 4761.11 of the Revised Code; 66024

(11) Requirements for criminal records checks of applicants 66025
under section 4776.03 of the Revised Code; 66026

(12) Procedures for accepting and storing copies of 66027
hyperbaric technologist certifications filed with the board 66028
pursuant to division (A)(11) of section 4761.11 of the Revised 66029
Code. 66030

(B) Determine the sufficiency of an applicant's 66031
qualifications for admission to the licensing examination or a 66032
reexamination, and for the issuance or renewal of a license or 66033
limited permit; 66034

(C) Determine the respiratory care educational programs that 66035
are acceptable for fulfilling the requirements of division (A) of 66036
section 4761.04 of the Revised Code; 66037

(D) Schedule, administer, and score the licensing examination 66038
or any reexamination for license renewal or reinstatement. The 66039
board shall administer the licensing examinations at least twice a 66040
year and notify applicants of the time and place of the 66041
examinations. 66042

(E) Investigate complaints concerning alleged violations of 66043
section 4761.10 of the Revised Code or grounds for the suspension, 66044
permanent revocation, or refusal to issue licenses or limited 66045
permits under section 3123.47 or 4761.09 of the Revised Code. The 66046

board shall employ investigators who shall, under the direction of
the executive director of the board, investigate complaints and
make inspections and other inquiries as, in the judgment of the
board, are appropriate to enforce sections 3123.41 to 3123.50,
4761.09, and 4761.10 of the Revised Code. Pursuant to an
investigation and inspection, the investigators may review and
audit records during normal business hours at the place of
business of a licensee or person who is the subject of a complaint
filed with the board or at any place where the records are kept.

Except when required by court order, the board and its
employees shall not disclose confidential information obtained
during an investigation or identifying information about any
person who files a complaint with the board.

The board may hear testimony in matters relating to the
duties imposed upon it and issue subpoenas pursuant to an
investigation. The president and secretary of the board may
administer oaths.

(F) Conduct hearings, keep records of its proceedings, and do
other things as are necessary and proper to carry out and enforce
the provisions of this chapter;

(G) Maintain, publish, and make available upon request, for a
fee not to exceed the actual cost of printing and mailing:

(1) The requirements for the issuance of licenses and limited
permits under this chapter and rules adopted by the board;

~~(2) A current register of every person licensed to practice
respiratory care in this state, to include the addresses of the
person's last known place of business and residence, the effective
date and identification number of the license, the name and
location of the institution that granted the person's degree or
certificate of completion of respiratory care educational
requirements, and the date the degree or certificate was issued;~~

~~(3)~~ A list of the names and locations of the institutions 66078
that each year granted degrees or certificates of completion in 66079
respiratory care; 66080

~~(4)~~(3) After the administration of each examination, a list 66081
of persons who passed the examination. 66082

(H) Submit to the governor and to the general assembly each 66083
year a report of all of its official actions during the preceding 66084
year, together with any findings and recommendations with regard 66085
to the improvement of the profession of respiratory care; 66086

~~(I) Administer and enforce Chapter 4752. of the Revised Code.~~ 66087

Sec. 4761.031. The ~~Ohio respiratory care board~~ state medical 66088
board may share any information it receives pursuant to an 66089
investigation conducted under division (E) of section 4761.03 of 66090
the Revised Code, including patient records and patient record 66091
information, with other licensing boards and governmental agencies 66092
that are investigating alleged professional misconduct and with 66093
law enforcement agencies and other governmental agencies that are 66094
investigating or prosecuting alleged criminal offenses. A board or 66095
agency that receives the information shall comply with the same 66096
requirements regarding confidentiality as those with which the 66097
~~Ohio respiratory care board~~ state medical board must comply, 66098
notwithstanding any conflicting provision of the Revised Code or 66099
procedure of the board or agency that applies when the board or 66100
agency is dealing with other information in its possession. The 66101
information may be admitted into evidence in a criminal trial in 66102
accordance with the Rules of Evidence, but the court shall require 66103
that appropriate measures are taken to ensure that confidentiality 66104
is maintained with respect to any part of the information that 66105
contains names or other identifying information about persons 66106
whose confidentiality was protected by the ~~Ohio respiratory care~~ 66107
~~board~~ state medical board when the information was in the board's 66108

possession. Measures to ensure confidentiality that may be taken 66109
by the court include sealing its records or deleting specific 66110
information from its records. 66111

Sec. 4761.032. The state medical board shall appoint a 66112
respiratory care advisory council for the purpose of advising the 66113
board on issues relating to the practice of respiratory care. The 66114
advisory council shall consist of not more than seven individuals 66115
knowledgeable in the area of respiratory care. 66116

Not later than ninety days after the effective date of this 66117
section, the board shall make initial appointments to the council. 66118
Members shall serve three-year staggered terms of office in 66119
accordance with rules adopted by the board. 66120

With approval from the director of administrative services, 66121
members may receive an amount fixed under division (J) of section 66122
124.15 of the Revised Code for each day the member is performing 66123
the member's official duties and be reimbursed for actual and 66124
necessary expenses incurred in performing those duties. 66125

Sec. 4761.04. (A) Except as provided in division (B) of this 66126
section, no person is eligible for licensure as a respiratory care 66127
professional unless the person has shown, to the satisfaction of 66128
the ~~Ohio respiratory care board~~ state medical board, all of the 66129
following: 66130

(1) That the person is of good moral character; 66131

(2) That the person has successfully completed the 66132
requirements of an educational program approved by the board that 66133
includes instruction in the biological and physical sciences, 66134
pharmacology, respiratory care theory, procedures, and clinical 66135
practice, and cardiopulmonary rehabilitation techniques; 66136

(3) That the person has passed an examination administered by 66137
the board that tests the applicant's knowledge of the basic and 66138

clinical sciences relating to respiratory care theory and 66139
practice, professional skills and judgment in the utilization of 66140
respiratory care techniques, and such other subjects as the board 66141
considers useful in determining fitness to practice. 66142

(B) The board may waive the requirements of division (A) of 66143
this section with respect to any applicant who presents proof of 66144
current licensure in another state whose standards for licensure 66145
are at least equal to those in effect in this state on the date of 66146
application. The board may waive the requirements of divisions 66147
(A)(2) and (3) of this section with respect to any applicant who 66148
presents proof of having successfully completed any examination 66149
recognized by the board as meeting the requirements of division 66150
(A)(3) of this section. 66151

Sec. 4761.05. (A) The ~~Ohio respiratory care board~~ state 66152
medical board shall issue a license to any applicant who complies 66153
with the requirements of section 4761.04 of the Revised Code, 66154
files the prescribed application form, and pays the fee or fees 66155
required under section 4761.07 of the Revised Code. The license 66156
entitles the holder to practice respiratory care. The licensee 66157
shall display the license in a conspicuous place at the licensee's 66158
principal place of business. 66159

(B)(1) The board shall issue a limited permit to any 66160
applicant who meets the requirements of division (A)(1) of section 66161
4761.04 of the Revised Code, files the prescribed application 66162
form, pays the fee required under section 4761.07 of the Revised 66163
Code, and meets either of the following requirements: 66164

(a) Is enrolled in and is in good standing in a respiratory 66165
care educational program approved by the board that meets the 66166
requirements of division (A)(2) of section 4761.04 of the Revised 66167
Code leading to a degree or certificate of completion or is a 66168
graduate of the program; 66169

(b) Is employed as a provider of respiratory care in this 66170
state and was employed as a provider of respiratory care in this 66171
state prior to March 14, 1989. 66172

(2) The limited permit authorizes the holder to provide 66173
respiratory care under the supervision of a respiratory care 66174
professional. A person issued a limited permit under division 66175
(B)(1)(a) of this section may practice respiratory care under the 66176
limited permit for not more than the earliest of the following: 66177

(a) Three years after the date the limited permit is issued; 66178

(b) One year following the date of receipt of a certificate 66179
of completion from a board-approved respiratory care education 66180
program; 66181

(c) Until the holder discontinues participation in the 66182
educational program. 66183

The board may extend the term of a limited permit in cases of 66184
unusual hardship. The holder seeking an extension shall petition 66185
the board in the form and manner prescribed by the board in rules 66186
adopted under section 4761.03 of the Revised Code. This division 66187
does not require a student enrolled in an educational program 66188
leading to a degree or certificate of completion in respiratory 66189
care approved by the board to obtain a limited permit to perform 66190
any duties that are part of the required course of study. 66191

(3) A person issued a limited permit under division (B)(1)(b) 66192
of this section may practice under a limited permit for not more 66193
than three years, except that this restriction does not apply to a 66194
permit holder who, on March 14, 1989, has been employed as a 66195
provider of respiratory care for an average of not less than 66196
twenty-five hours per week for a period of not less than five 66197
years by a hospital. 66198

(C) All holders of licenses and limited permits issued under 66199
this section shall display, in a conspicuous place on their 66200

persons, information that identifies the type of authorization 66201
under which they practice. 66202

Sec. 4761.051. (A) As used in this section, "license" and 66203
"applicant for an initial license" have the same meanings as in 66204
section 4776.01 of the Revised Code, except that "license" as used 66205
in both of those terms refers to the types of authorizations 66206
otherwise issued or conferred under this chapter. 66207

(B) In addition to any other eligibility requirement set 66208
forth in this chapter, each applicant for an initial license shall 66209
comply with sections 4776.01 to 4776.04 of the Revised Code. The 66210
~~Ohio respiratory care board~~ state medical board shall not grant a 66211
license to an applicant for an initial license unless the 66212
applicant complies with sections 4776.01 to 4776.04 of the Revised 66213
Code and the board, in its discretion, decides that the results of 66214
the criminal records check do not make the applicant ineligible 66215
for a license issued pursuant to section 4761.05 of the Revised 66216
Code. 66217

Sec. 4761.06. (A) Each license to practice respiratory care 66218
shall be renewed biennially. Each limited permit to practice 66219
respiratory care shall be renewed annually. Each person holding a 66220
license or limited permit to practice respiratory care shall apply 66221
to the ~~Ohio respiratory care board~~ state medical board on the form 66222
and according to the schedule prescribed by the board for renewal 66223
of the license or limited permit. Licenses and limited permits 66224
shall be renewed in accordance with the standard renewal procedure 66225
of Chapter 4745. of the Revised Code. The board shall renew a 66226
license upon the payment of the license renewal fee prescribed 66227
under section 4761.07 of the Revised Code and proof of 66228
satisfactory completion of the continuing education or 66229
reexamination requirements of division (B) of this section. The 66230
board shall renew a limited permit upon payment of the limited 66231

permit renewal fee prescribed under section 4761.07 of the Revised 66232
Code and submission of one of the following: 66233

(1) If the limited permit was issued on the basis of division 66234
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 66235
to the board of enrollment and good standing in an educational 66236
program that meets the requirements of division (A)(2) of section 66237
4761.04 of the Revised Code or of graduation from such a program; 66238

(2) If the limited permit was issued on the basis of division 66239
(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 66240
to the board of employment as a provider of respiratory care. 66241

(B) On and after March 14, 1991, and every year thereafter, 66242
on or before the annual renewal date, the holder of a limited 66243
permit issued under division (B)(1)(b) of section 4761.05 of the 66244
Revised Code shall submit proof to the board that the holder has 66245
satisfactorily completed the number of hours of continuing 66246
education required by the board, which shall not be less than 66247
three nor more than ten hours of continuing education acceptable 66248
to the board. 66249

On or before the biennial renewal date, a license holder 66250
shall submit proof to the board that the license holder has 66251
satisfactorily completed the number of hours of continuing 66252
education required by the board, which shall be not less than six 66253
nor more than twenty hours of continuing education acceptable to 66254
the board, or has passed a reexamination in accordance with the 66255
board's renewal requirements. The board may waive all or part of 66256
the continuing education requirement for a license holder who has 66257
held the license for less than two years. 66258

Sec. 4761.07. (A) The ~~Ohio respiratory care board~~ state 66259
medical board shall charge any license applicant or holder who is 66260
to take an examination required under division (A)(3) of section 66261
4761.04 or a reexamination required under division (B) of section 66262

4761.06 of the Revised Code for license renewal or under section 66263
4761.09 of the Revised Code for license reinstatement, a 66264
nonrefundable examination fee, not to exceed the amount necessary 66265
to cover the expense of administering the examination. The license 66266
applicant or holder shall pay the fee at the time of application 66267
for licensure or renewal. 66268

(B) The board shall establish the following additional 66269
nonrefundable fees and penalty: 66270

(1) An initial license fee, not to exceed seventy-five 66271
dollars; 66272

(2) A biennial license renewal fee, not to exceed one hundred 66273
dollars; 66274

(3) A limited permit fee, not to exceed twenty dollars; 66275

(4) A limited permit renewal fee, not to exceed ten dollars; 66276

(5) A late renewal penalty, not to exceed fifty per cent of 66277
the renewal fee; 66278

(6) A fee for accepting and storing hyperbaric technologist 66279
certifications filed with the board under division (A)(11) of 66280
section 4761.11 of the Revised Code, not to exceed twenty dollars. 66281

(C) Notwithstanding division (B)(4) of this section, after 66282
the third renewal of a limited permit that meets the exception in 66283
division (B)(3) of section 4761.05 of the Revised Code, the 66284
limited permit renewal fee shall be one-half the amount of the 66285
biennial license renewal fee established under division (B)(2) of 66286
this section and section 4761.08 of the Revised Code. 66287

(D) The board shall adjust the fees biennially and within the 66288
limits established by division (B) of this section to provide 66289
sufficient revenues to meet its expenses. 66290

(E) The board may, by rule, provide for the waiver of all or 66291
part of a license fee when the license is issued less than 66292

eighteen months before its expiration date. 66293

(F) All fees received by the board shall be deposited into 66294
the state treasury to the credit of the ~~occupational licensing and~~ 66295
~~regulatory fund~~ state medical board operating fund pursuant to 66296
section 4731.24 of the Revised Code. 66297

Sec. 4761.08. The ~~Ohio respiratory care board~~ state medical 66298
board, subject to the approval of the controlling board, may 66299
establish fees, except fees established at amounts adequate to 66300
cover designated expenses, in excess of the amounts provided in 66301
this chapter. The fees shall not exceed the amounts specified by 66302
more than fifty per cent. 66303

Sec. 4761.09. (A) The ~~Ohio respiratory care board~~ state 66304
medical board may refuse to issue or renew a license or a limited 66305
permit, may issue a reprimand, may suspend or permanently revoke a 66306
license or limited permit, or may place a license or limited 66307
permit holder on probation, on any of the following grounds: 66308

(1) A plea of guilty to, a judicial finding of guilt of, or a 66309
judicial finding of eligibility for intervention in lieu of 66310
conviction for an offense involving moral turpitude or of a 66311
felony, in which case a certified copy of the court record shall 66312
be conclusive evidence of the matter; 66313

(2) Violating any provision of this chapter or an order or 66314
rule of the board; 66315

(3) Assisting another person in that person's violation of 66316
any provision of this chapter or an order or rule of the board; 66317

(4) Obtaining a license or limited permit by means of fraud, 66318
false or misleading representation, or concealment of material 66319
facts or making any other material misrepresentation to the board; 66320

(5) Being guilty of negligence or gross misconduct in the 66321

practice of respiratory care;	66322
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	66323 66324
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	66325 66326 66327
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	66328 66329 66330 66331
(9) Practicing respiratory care while mentally incompetent;	66332
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	66333 66334
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	66335 66336 66337
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	66338 66339 66340
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	66341 66342 66343
(14) Assisting suicide as defined in section 3795.01 of the Revised Code.	66344 66345
Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised	66346 66347 66348 66349 66350 66351

Code, except that in lieu of an adjudication, the board may enter 66352
into a consent agreement to resolve an allegation of a violation 66353
of this chapter or any rule adopted under it. A consent agreement, 66354
when ratified by the board, shall constitute the findings and 66355
order of the board with respect to the matter addressed in the 66356
agreement. If the board refuses to ratify a consent agreement, the 66357
admissions and findings contained in the consent agreement shall 66358
be of no effect. 66359

(B) If the board orders a license or limited permit holder 66360
placed on probation, the order shall be accompanied by a written 66361
statement of the conditions under which the person may be restored 66362
to practice. 66363

The person may reapply to the board for original issuance of 66364
a license after one year following the date the license was 66365
denied. 66366

A Except as otherwise provided in division (D) of this 66367
section, a person may apply to the board for the reinstatement of 66368
a license or limited permit after one year following the date of 66369
suspension or refusal to renew. The board may accept or refuse the 66370
application for reinstatement and may require that the applicant 66371
pass a reexamination as a condition of eligibility for 66372
reinstatement. 66373

(C) If the president and secretary of the board determine 66374
that there is clear and convincing evidence that a license or 66375
limited permit holder has committed an act that is grounds for 66376
board action under division (A) of this section and that continued 66377
practice by the license or permit holder presents a danger of 66378
immediate and serious harm to the public, the president and 66379
secretary may recommend that the board suspend the license or 66380
limited permit without a prior hearing. The president and 66381
secretary shall submit in writing to the board the allegations 66382
causing them to recommend the suspension. 66383

On review of the allegations, the board, by a vote of not less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the board's order of summary suspension pending determination of an appeal filed under that section.

Any order of summary suspension issued under this division shall remain in effect until a final adjudication order issued by the board pursuant to division (A) of this section becomes effective. The board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(8) of this section, if the board

has reason to believe that any individual who holds a license or 66416
permit issued under this chapter or any applicant for a license or 66417
permit suffers such impairment, the board may compel the 66418
individual to submit to a mental or physical examination, or both. 66419
The expense of the examination is the responsibility of the 66420
individual compelled to be examined. Any mental or physical 66421
examination required under this division shall be undertaken by a 66422
treatment provider or physician qualified to conduct such 66423
examination and chosen by the board. 66424

Failure to submit to a mental or physical examination ordered 66425
by the board constitutes an admission of the allegations against 66426
the individual unless the failure is due to circumstances beyond 66427
the individual's control, and a default and final order may be 66428
entered without the taking of testimony or presentation of 66429
evidence. If the board determines that the individual's ability to 66430
practice is impaired, the board shall suspend the individual's 66431
license or permit or deny the individual's application and shall 66432
require the individual, as a condition for initial, continued, 66433
reinstated, or renewed licensure, to submit to treatment. 66434

Before being eligible to apply for reinstatement of a license 66435
or permit suspended under this division, the respiratory care 66436
professional shall demonstrate to the board the ability to resume 66437
practice in compliance with acceptable and prevailing standards of 66438
care. The demonstration shall include the following: 66439

(1) Certification from a treatment provider approved under 66440
section 4731.25 of the Revised Code that the individual has 66441
successfully completed any required inpatient treatment; 66442

(2) Evidence of continuing full compliance with an aftercare 66443
contract or consent agreement; 66444

(3) Two written reports indicating that the individual's 66445
ability to practice has been assessed and that the individual has 66446

been found capable of practicing according to acceptable and 66447
prevailing standards of care. The reports shall be made by 66448
individuals or providers approved by the board for making such 66449
assessments and shall describe the basis for their determination. 66450

The board may reinstate a license or permit suspended under 66451
this division after such demonstration and after the individual 66452
has entered into a written consent agreement. 66453

When the impaired respiratory care professional resumes 66454
practice, the board shall require continued monitoring of the 66455
respiratory care professional. The monitoring shall include 66456
compliance with the written consent agreement entered into before 66457
reinstatement or with conditions imposed by board order after a 66458
hearing, and, upon termination of the consent agreement, 66459
submission to the board for at least two years of annual written 66460
progress reports made under penalty of falsification stating 66461
whether the respiratory care professional has maintained sobriety. 66462

Sec. 4761.10. (A) No person shall offer or render respiratory 66463
care services, or represent that the person is a respiratory care 66464
professional, respiratory therapist, respiratory technologist, 66465
respiratory care technician, respiratory practitioner, inhalation 66466
therapist, inhalation technologist, or inhalation therapy 66467
technician, or to have any similar title or to provide these 66468
services under a similar description, unless the person holds a 66469
license or limited permit issued under this chapter. No 66470
partnership, association, or corporation shall advertise or 66471
otherwise offer to provide or convey the impression that it is 66472
providing respiratory care unless an individual holding a license 66473
or limited permit issued under this chapter is employed by or 66474
under contract with the partnership, association, or corporation 66475
and will be performing the respiratory care services to which 66476
reference is made. 66477

(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the delegation of a registered nurse and the person does not represent that the person is engaged in the practice of respiratory care. The above limited aspects of respiratory care do not include any of the following: the administration of aerosol medication, the maintenance of patients on mechanical ventilators, aspiration, and the application and maintenance of artificial airways.

(2) In the case of a facility, institution, or other setting that exists for a purpose substantially other than the provision of health care, if nursing tasks are delegated by a registered nurse as provided in Chapter 4723. of the Revised Code and the rules adopted under it, respiratory care tasks may be performed under that delegation by persons demonstrating current competence in performing the tasks, as long as the person does not represent that the person is engaged in the practice of respiratory care.

(3) A polysomnographic technologist credentialed by an organization the ~~Ohio respiratory care board~~ state medical board recognizes, a trainee under the direct supervision of a polysomnographic technologist credentialed by an organization the board recognizes, or a person the board recognizes as being eligible to be credentialed as a polysomnographic technologist may perform the respiratory care tasks specified in rules adopted under section 4761.03 of the Revised Code, as long as both of the following apply:

(a) The tasks are performed in the diagnosis and therapeutic intervention of sleep-related breathing disorders and under the

general supervision of a physician. 66510

(b) The person performing the tasks does not represent that 66511
the person is engaged in the practice of respiratory care. 66512

(C) If the ~~Ohio respiratory care board~~ state medical board 66513
finds that any person, including any partnership, association, or 66514
corporation, has engaged or is engaging in any activity or conduct 66515
that is prohibited under division (A) of this section or rules of 66516
the board, or that is grounds for the denial, suspension, or 66517
permanent revocation of a person's license under section 4761.09 66518
of the Revised Code, it may apply to the court of common pleas in 66519
the county in which the violation occurred for an order 66520
restraining the unlawful activity or conduct, including the 66521
continued practice of respiratory care. Upon a showing that the 66522
law or rule has been violated, or the person has engaged in 66523
conduct constituting such grounds, the court may issue an 66524
injunction or other appropriate restraining order. 66525

Sec. 4761.11. (A) Nothing in this chapter shall be construed 66526
to prevent or restrict the practice, services, or activities of 66527
any person who: 66528

(1) Is a health care professional licensed by this state 66529
providing respiratory care services included in the scope of 66530
practice established by the license held, as long as the person 66531
does not represent that the person is engaged in the practice of 66532
respiratory care; 66533

(2) Is employed as a respiratory care professional by an 66534
agency of the United States government and provides respiratory 66535
care solely under the direction or control of the employing 66536
agency; 66537

(3) Is a student enrolled in ~~an Ohio respiratory care~~ 66538
~~board-approved~~ a respiratory care education program approved by 66539

the state medical board leading to a certificate of completion in 66540
respiratory care and is performing duties that are part of a 66541
supervised course of study; 66542

(4) Is a nonresident of this state practicing or offering to 66543
practice respiratory care, if the respiratory care services are 66544
offered for not more than thirty days in a year, services are 66545
provided under the supervision of a respiratory care professional 66546
licensed under this chapter, and the nonresident registers with 66547
the board in accordance with rules adopted by the board under 66548
section 4761.03 of the Revised Code and meets either of the 66549
following requirements: 66550

(a) Qualifies for licensure under this chapter, except for 66551
passage of the examination required under division (A)(3) of 66552
section 4761.04 of the Revised Code; 66553

(b) Holds a valid license issued by a state that has 66554
licensure requirements considered by the board to be comparable to 66555
those of this state and has not been issued a license in another 66556
state that has been revoked or is currently under suspension or on 66557
probation. 66558

(5) Provides respiratory care only to relatives or in medical 66559
emergencies; 66560

(6) Provides gratuitous care to friends or personal family 66561
members; 66562

(7) Provides only self care; 66563

(8) Is employed in the office of a physician and renders 66564
medical assistance under the physician's direct supervision 66565
without representing that the person is engaged in the practice of 66566
respiratory care; 66567

(9) Is employed in a clinical chemistry or arterial blood gas 66568
laboratory and is supervised by a physician without representing 66569

that the person is engaged in the practice of respiratory care; 66570

(10) Is engaged in the practice of respiratory care as an 66571
employee of a person or governmental entity located in another 66572
state and provides respiratory care services for less than 66573
seventy-two hours to patients being transported into, out of, or 66574
through this state; 66575

(11) Is employed as a certified hyperbaric technologist, has 66576
filed with the board a copy of the person's current certification 66577
as a hyperbaric technologist in accordance with the rules adopted 66578
by the board under section 4761.03 of the Revised Code, has paid 66579
the fee established pursuant to section 4761.07 of the Revised 66580
Code, and administers hyperbaric oxygen therapy under the direct 66581
supervision of a physician, a podiatrist acting in compliance with 66582
section 4731.511 of the Revised Code, a physician assistant, or an 66583
advanced practice registered nurse and without representing that 66584
the person is engaged in the practice of respiratory care. 66585

(B) Nothing in this chapter shall be construed to prevent any 66586
person from advertising, describing, or offering to provide 66587
respiratory care or billing for respiratory care when the 66588
respiratory care services are provided by a health care 66589
professional licensed by this state practicing within the scope of 66590
practice established by the license held. Nothing in this chapter 66591
shall be construed to prevent a hospital or nursing facility from 66592
advertising, describing, or offering to provide respiratory care, 66593
or billing for respiratory care rendered by a person licensed 66594
under this chapter or persons who may provide limited aspects of 66595
respiratory care or respiratory care tasks pursuant to division 66596
(B) of section 4761.10 of the Revised Code. 66597

(C) Notwithstanding division (A) of section 4761.10 of the 66598
Revised Code, in a life-threatening situation, in the absence of 66599
licensed personnel, unlicensed persons shall not be prohibited 66600
from taking life-saving measures. 66601

(D) Nothing in this chapter shall be construed as authorizing a respiratory care professional to practice medicine and surgery or osteopathic medicine and surgery. This division does not prohibit a respiratory care professional from administering topical or intradermal medications for the purpose of producing localized decreased sensation as part of a procedure or task that is within the scope of practice of a respiratory care professional.

Sec. 4761.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~respiratory care board~~ state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

Sec. 4761.13. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional or an individual holding a limited permit issued under this chapter shall promptly notify the ~~Ohio respiratory care board~~ state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or

court of, a misdemeanor involving moral turpitude, or a case in 66632
which the trial court issues an order of dismissal upon technical 66633
or procedural grounds of a charge of a misdemeanor involving moral 66634
turpitude. 66635

(C) The report shall include the name and address of the 66636
respiratory care professional or person holding a limited permit, 66637
the nature of the offense for which the action was taken, and the 66638
certified court documents recording the action. The board may 66639
prescribe and provide forms for prosecutors to make reports under 66640
this section. The form may be the same as the form required to be 66641
provided under section 2929.42 of the Revised Code. 66642

Sec. 4761.14. An employer that disciplines or terminates the 66643
employment of a respiratory care professional or individual 66644
holding a limited permit issued under this chapter because of 66645
conduct that would be grounds for disciplinary action under 66646
section 4761.09 of the Revised Code shall report the action to the 66647
~~Ohio respiratory care board~~ state medical board. The report shall 66648
state the name of the respiratory care professional or individual 66649
holding the limited permit and the reason the employer took the 66650
action. If an employer fails to report to the board, the board may 66651
seek an order from a court of competent jurisdiction compelling 66652
submission of the report. 66653

Sec. 4761.18. The ~~Ohio respiratory care board~~ state medical 66654
board shall comply with section 4776.20 of the Revised Code. 66655

Sec. 4765.01. As used in this chapter: 66656

(A) "First responder" means an individual who holds a 66657
current, valid certificate issued under section 4765.30 of the 66658
Revised Code to practice as a first responder. 66659

(B) "Emergency medical technician-basic" or "EMT-basic" means 66660

an individual who holds a current, valid certificate issued under 66661
section 4765.30 of the Revised Code to practice as an emergency 66662
medical technician-basic. 66663

(C) "Emergency medical technician-intermediate" or "EMT-I" 66664
means an individual who holds a current, valid certificate issued 66665
under section 4765.30 of the Revised Code to practice as an 66666
emergency medical technician-intermediate. 66667

(D) "Emergency medical technician-paramedic" or "paramedic" 66668
means an individual who holds a current, valid certificate issued 66669
under section 4765.30 of the Revised Code to practice as an 66670
emergency medical technician-paramedic. 66671

(E) "Ambulance" means any motor vehicle that is used, or is 66672
intended to be used, for the purpose of responding to emergency 66673
medical situations, transporting emergency patients, and 66674
administering emergency medical service to patients before, 66675
during, or after transportation. 66676

(F) "Cardiac monitoring" means a procedure used for the 66677
purpose of observing and documenting the rate and rhythm of a 66678
patient's heart by attaching electrical leads from an 66679
electrocardiograph monitor to certain points on the patient's body 66680
surface. 66681

(G) "Emergency medical service" means any of the services 66682
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 66683
the Revised Code that are performed by first responders, emergency 66684
medical technicians-basic, emergency medical 66685
technicians-intermediate, and paramedics. "Emergency medical 66686
service" includes such services performed before or during any 66687
transport of a patient, including transports between hospitals and 66688
transports to and from helicopters. 66689

(H) "Emergency medical service organization" means a public 66690
or private organization using first responders, EMTs-basic, 66691

EMTs-I, or paramedics, or a combination of first responders, 66692
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 66693
services. 66694

(I) "Physician" means an individual who holds a current, 66695
valid ~~certificate~~ license issued under Chapter 4731. of the 66696
Revised Code authorizing the practice of medicine and surgery or 66697
osteopathic medicine and surgery. 66698

(J) "Registered nurse" means an individual who holds a 66699
current, valid license issued under Chapter 4723. of the Revised 66700
Code authorizing the practice of nursing as a registered nurse. 66701

(K) "Volunteer" means a person who provides services either 66702
for no compensation or for compensation that does not exceed the 66703
actual expenses incurred in providing the services or in training 66704
to provide the services. 66705

(L) "Emergency medical service personnel" means first 66706
responders, emergency medical technicians-basic, emergency medical 66707
technicians-intermediate, emergency medical technicians-paramedic, 66708
and persons who provide medical direction to such persons. 66709

(M) "Hospital" has the same meaning as in section 3727.01 of 66710
the Revised Code. 66711

(N) "Trauma" or "traumatic injury" means severe damage to or 66712
destruction of tissue that satisfies both of the following 66713
conditions: 66714

(1) It creates a significant risk of any of the following: 66715

(a) Loss of life; 66716

(b) Loss of a limb; 66717

(c) Significant, permanent disfigurement; 66718

(d) Significant, permanent disability. 66719

(2) It is caused by any of the following: 66720

(a) Blunt or penetrating injury;	66721
(b) Exposure to electromagnetic, chemical, or radioactive energy;	66722 66723
(c) Drowning, suffocation, or strangulation;	66724
(d) A deficit or excess of heat.	66725
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	66726 66727
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	66728 66729 66730 66731 66732 66733 66734
(Q) "Trauma center" means all of the following:	66735
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	66736 66737
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	66738 66739 66740
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	66741 66742 66743
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	66744 66745 66746 66747
(R) "Pediatric" means involving a patient who is less than sixteen years of age.	66748 66749

(S) "Adult" means involving a patient who is not a pediatric patient.	66750 66751
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	66752 66753 66754
(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.	66755 66756 66757
(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.	66758 66759
(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.	66760 66761 66762 66763
(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.	66764 66765
(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.	66766 66767
(Z) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code.	66768 66769
(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.	66770 66771 66772 66773 66774 66775
(BB) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.	66776 66777 66778

Sec. 4776.01. As used in this chapter: 66779

(A) "License" means an authorization evidenced by a license, 66780
certificate, registration, permit, card, or other authority that 66781
is issued or conferred by a licensing agency to a licensee or to 66782
an applicant for an initial license by which the licensee or 66783
initial license applicant has or claims the privilege to engage in 66784
a profession, occupation, or occupational activity, or, except in 66785
the case of the state dental board, to have control of and operate 66786
certain specific equipment, machinery, or premises, over which the 66787
licensing agency has jurisdiction. 66788

(B) Except as provided in section 4776.20 of the Revised 66789
Code, "licensee" means the person to whom the license is issued by 66790
a licensing agency. 66791

(C) Except as provided in section 4776.20 of the Revised 66792
Code, "licensing agency" means any of the following: 66793

(1) The board authorized by Chapters 4701., 4717., 4725., 66794
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 66795
4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code 66796
to issue a license to engage in a specific profession, occupation, 66797
or occupational activity, or to have charge of and operate certain 66798
specified equipment, machinery, or premises. 66799

(2) The state dental board, relative to its authority to 66800
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 66801
4715.27 of the Revised Code; 66802

(3) The department of commerce or state board of pharmacy, 66803
relative to its authority to issue a license to a person or entity 66804
pursuant to Chapter 3796. of the Revised Code or any rules adopted 66805
under that chapter. 66806

(D) "Applicant for an initial license" includes persons 66807
seeking a license for the first time and persons seeking a license 66808

by reciprocity, endorsement, or similar manner of a license issued 66809
in another state. 66810

(E) "Applicant for a restored license" includes persons 66811
seeking restoration of a certificate under section 4730.14, 66812
4731.281, 4760.06, or 4762.06 of the Revised Code. 66813

(F) "Criminal records check" has the same meaning as in 66814
section 109.572 of the Revised Code. 66815

Sec. 4776.02. (A) An applicant for an initial license or 66816
restored license from a licensing agency, a person seeking to 66817
satisfy the criteria for being a qualified pharmacy technician 66818
that are specified in section 4729.42 of the Revised Code, a 66819
person seeking to satisfy the requirements to be an employee of a 66820
pain management clinic as specified in section 4729.552 of the 66821
Revised Code, or a person seeking employment with an entity 66822
holding a license issued under Chapter 3796. of the Revised Code 66823
shall submit a request to the bureau of criminal identification 66824
and investigation for a criminal records check of the applicant or 66825
person. The request shall be accompanied by a completed copy of 66826
the form prescribed under division (C)(1) of section 109.572 of 66827
the Revised Code, a set of fingerprint impressions obtained as 66828
described in division (C)(2) of that section, and the fee 66829
prescribed under division (C)(3) of that section. The applicant or 66830
person shall ask the superintendent of the bureau of criminal 66831
identification and investigation in the request to obtain from the 66832
federal bureau of investigation any information it has pertaining 66833
to the applicant or person. 66834

An applicant or person requesting a criminal records check 66835
shall provide the bureau of criminal identification and 66836
investigation with the applicant's or person's name and address 66837
and, regarding an applicant, with the licensing agency's name and 66838
address. ~~If the person requesting the criminal records check is a~~ 66839

~~person seeking employment with an entity holding a license under~~ 66840
~~Chapter 3796. of the Revised Code, the person also shall provide~~ 66841
~~the bureau with the name and address of the entity holding the~~ 66842
~~license.~~ 66843

(B) Upon receipt of the completed form, the set of 66844
fingerprint impressions, and the fee provided for in division (A) 66845
of this section, the superintendent of the bureau of criminal 66846
identification and investigation shall conduct a criminal records 66847
check of the applicant or person under division (B) of section 66848
109.572 of the Revised Code. Upon completion of the criminal 66849
records check, the superintendent shall do whichever of the 66850
following is applicable: 66851

(1) If the request was submitted by an applicant for an 66852
initial license or restored license, report the results of the 66853
criminal records check and any information the federal bureau of 66854
investigation provides to the licensing agency identified in the 66855
request for a criminal records check; 66856

(2) If the request was submitted by a person seeking to 66857
satisfy the criteria for being a qualified pharmacy technician 66858
that are specified in section 4729.42 of the Revised Code or a 66859
person seeking to satisfy the requirements to be an employee of a 66860
pain management clinic as specified in section 4729.552 of the 66861
Revised Code, do both of the following: 66862

(a) Report the results of the criminal records check and any 66863
information the federal bureau of investigation provides to the 66864
person who submitted the request; 66865

(b) Report the results of the portion of the criminal records 66866
check performed by the bureau of criminal identification and 66867
investigation under division (B)(1) of section 109.572 of the 66868
Revised Code to the employer or potential employer specified in 66869
the request of the person who submitted the request and send a 66870

letter to that employer or potential employer regarding the 66871
information provided by the federal bureau of investigation that 66872
states either that based on that information there is no record of 66873
any conviction or that based on that information the person who 66874
submitted the request may not meet the criteria that are specified 66875
in section 4729.42 of the Revised Code, whichever is applicable. 66876

~~(3) If the request was submitted by a person seeking 66877
employment with an entity holding a license issued under Chapter 66878
3796. of the Revised Code, report the results of the criminal 66879
records check, including any information the federal bureau of 66880
investigation provides as part of the criminal records check, to 66881
both of the following: 66882~~

~~(a) The person who submitted the request; 66883~~

~~(b) The entity holding a license issued under Chapter 3796. 66884
of the Revised Code from which the person who submitted the 66885
request is seeking employment. 66886~~

Sec. 4776.04. The results of any criminal records check 66887
conducted pursuant to a request made under this chapter and any 66888
report containing those results, including any information the 66889
federal bureau of investigation provides, are not public records 66890
for purposes of section 149.43 of the Revised Code and shall not 66891
be made available to any person or for any purpose other than as 66892
follows: 66893

(A) If the request for the criminal records check was 66894
submitted by an applicant for an initial license or restored 66895
license, as follows: 66896

(1) The superintendent of the bureau of criminal 66897
identification and investigation shall make the results available 66898
to the licensing agency for use in determining, under the agency's 66899
authorizing chapter of the Revised Code, whether the applicant who 66900

is the subject of the criminal records check should be granted a 66901
license under that chapter. 66902

(2) The licensing agency shall make the results available to 66903
the applicant who is the subject of the criminal records check. 66904

(B) If the request for the criminal records check was 66905
submitted by a person seeking to satisfy the criteria for being a 66906
qualified pharmacy technician that are specified in section 66907
4729.42 of the Revised Code or a person seeking to satisfy the 66908
requirements to be an employee of a pain management clinic as 66909
specified in section 4729.552 of the Revised Code, the 66910
superintendent of the bureau of criminal identification and 66911
investigation shall make the results available in accordance with 66912
the following: 66913

(1) The superintendent shall make the results of the criminal 66914
records check, including any information the federal bureau of 66915
investigation provides, available to the person who submitted the 66916
request and is the subject of the criminal records check. 66917

(2) The superintendent shall make the results of the portion 66918
of the criminal records check performed by the bureau of criminal 66919
identification and investigation under division (B)(1) of section 66920
109.572 of the Revised Code available to the employer or potential 66921
employer specified in the request of the person who submitted the 66922
request and shall send a letter of the type described in division 66923
(B)(2) of section 4776.02 of the Revised Code to that employer or 66924
potential employer regarding the information provided by the 66925
federal bureau of investigation that contains one of the types of 66926
statements described in that division. 66927

(C) If the request for the criminal records check was 66928
submitted by an applicant for a trainee license under section 66929
4776.021 of the Revised Code, as follows: 66930

(1) The superintendent of the bureau of criminal 66931

identification and investigation shall make the results available 66932
to the licensing agency or other agency identified in division (B) 66933
of section 4776.021 of the Revised Code for use in determining, 66934
under the agency's authorizing chapter of the Revised Code and 66935
division (D) of section 4776.021 of the Revised Code, whether the 66936
applicant who is the subject of the criminal records check should 66937
be granted a trainee license under that chapter and that division. 66938

(2) The licensing agency or other agency identified in 66939
division (B) of section 4776.021 of the Revised Code shall make 66940
the results available to the applicant who is the subject of the 66941
criminal records check. 66942

~~(D) If the request for the criminal records check was 66943~~
~~submitted by a person seeking employment with an entity holding a 66944~~
~~license issued under Chapter 3796. of the Revised Code, the 66945~~
~~superintendent shall make the results available in accordance with 66946~~
~~division (B)(3) of section 4776.02 of the Revised Code. 66947~~

Sec. 4779.02. (A) Except as provided in division (B) of this 66948
section, no person shall practice or represent that the person is 66949
authorized to practice orthotics, prosthetics, or pedorthics 66950
unless the person holds a current, valid license issued or renewed 66951
under this chapter. 66952

(B) Division (A) of this section does not apply to any of the 66953
following: 66954

(1) An individual who holds a current, valid license, 66955
certificate, or registration issued under Chapter 4723., 4729., 66956
4730., 4731., 4734., or 4755. of the Revised Code and is 66957
practicing within the individual's scope of practice under 66958
statutes and rules regulating the individual's profession; 66959

(2) An individual who practices orthotics, prosthetics, or 66960
pedorthics as an employee of the federal government and is engaged 66961

in the performance of duties prescribed by statutes and 66962
regulations of the United States; 66963

(3) An individual who provides orthotic, prosthetic, or 66964
pedorthic services under the supervision of a licensed orthotist, 66965
prosthetist, or pedorthist in accordance with section 4779.04 of 66966
the Revised Code; 66967

(4) An individual who provides orthotic, prosthetic, or 66968
pedorthic services as part of an educational, certification, or 66969
residency program approved by the state physical health services 66970
~~board of orthotics, prosthetics, and pedorthics~~ under sections 66971
4779.25 to 4779.27 of the Revised Code; 66972

(5) An individual who provides orthotic, prosthetic, or 66973
pedorthic services under the direct supervision of an individual 66974
authorized under Chapter 4731. of the Revised Code to practice 66975
medicine and surgery or osteopathic medicine and surgery. 66976

Sec. 4779.08. (A) The state physical health services board ~~of~~ 66977
~~orthotics, prosthetics, and pedorthics~~ shall adopt rules in 66978
accordance with Chapter 119. of the Revised Code to carry out the 66979
purposes of this chapter, including rules prescribing all of the 66980
following: 66981

(1) The form and manner of filing of applications to be 66982
admitted to examinations and for licensure and license renewal; 66983

(2) Standards and procedures for formulating, evaluating, 66984
approving, and administering licensing examinations or recognizing 66985
other entities that conduct examinations; 66986

(3) The form, scoring, and scheduling of licensing 66987
examinations; 66988

(4) Fees for examinations and applications for licensure and 66989
license renewal; 66990

(5) Fees for approval of continuing education courses; 66991

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	66992 66993
~~(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;~~	66994 66995
~~(8)~~ Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	66996 66997
~~(9)~~ <u>(8)</u> Fines for violations of this chapter;	66998
~~(10)~~ <u>(9)</u> Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	66999 67000 67001
~~(11)~~ <u>(10)</u> Standards for continuing education programs required for license renewal;	67002 67003
~~(12) Provisions for making available the information described in section 4779.22 of the Revised Code;~~	67004 67005
~~(13)~~ <u>(11)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	67006 67007
(B) The board may adopt any other rules necessary for the administration of this chapter.	67008 67009
(C) ~~The~~ <u>All fees prescribed received by the board under this section shall be paid to the treasurer of deposited in the state, who shall deposit the fees in treasury to the credit of the</u> occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	67010 67011 67012 67013 67014
Sec. 4779.09. An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>physical health services</u> board ~~of orthotics, prosthetics, and pedorthics~~ in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a	67015 67016 67017 67018 67019 67020

license to an applicant who is eighteen years of age or older, of 67021
good moral character, and meets either the requirements of 67022
divisions (A) and (B) of this section or the requirements of 67023
section ~~4779.16~~ or 4779.17 of the Revised Code. 67024

(A) The applicant must pass an examination conducted pursuant 67025
to section 4779.15 of the Revised Code; 67026

(B) The applicant must meet the requirements of one of the 67027
following: 67028

(1) In the case of an applicant for a license to practice 67029
orthotics, the requirements of section 4779.10 of the Revised 67030
Code; 67031

(2) In the case of an applicant for a license to practice 67032
prosthetics, the requirements of section 4779.11 of the Revised 67033
Code; 67034

(3) In the case of an applicant for a license to practice 67035
orthotics and prosthetics, the requirements of section 4779.12 of 67036
the Revised Code; 67037

(4) In the case of an applicant for a license to practice 67038
pedorthics, the requirements of section 4779.13 of the Revised 67039
Code. 67040

Sec. 4779.091. (A) As used in this section, "license" and 67041
"applicant for an initial license" have the same meanings as in 67042
section 4776.01 of the Revised Code, except that "license" as used 67043
in both of those terms refers to the types of authorizations 67044
otherwise issued or conferred under this chapter. 67045

(B) In addition to any other eligibility requirement set 67046
forth in this chapter, each applicant for an initial license shall 67047
comply with sections 4776.01 to 4776.04 of the Revised Code. The 67048
state physical health services board of ~~orthotics, prosthetics,~~ 67049
and ~~pedorthics~~ shall not grant a license to an applicant for an 67050

initial license unless the applicant complies with sections 67051
4776.01 to 4776.04 of the Revised Code and the board, in its 67052
discretion, decides that the results of the criminal records check 67053
do not make the applicant ineligible for a license issued pursuant 67054
to section 4779.09, ~~4779.16~~, 4779.17, or 4779.18 of the Revised 67055
Code. 67056

Sec. 4779.10. To be eligible for a license to practice 67057
orthotics, an applicant must meet the following requirements of 67058
~~division (A) of this section, or, if the application is made on or~~ 67059
~~before January 1, 2008, the requirements of either division (A) or~~ 67060
~~(B) of this section:~~ 67061

~~(A) The requirements of this division are met if the~~ 67062
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 67063
~~this section.~~ 67064

~~(1)~~ On the date of application, the applicant has practiced 67065
orthotics for not less than eight months under the supervision of 67066
an individual licensed under this chapter to practice orthotics; ~~1~~ 67067

~~(2)~~(B) The applicant has completed an orthotics residency 67068
program approved by the state physical health services board under 67069
section 4779.27 of the Revised Code; ~~1~~ 67070

~~(3)~~(C) One of the following is the case: 67071

~~(a)~~(1) The applicant holds a bachelor's degree in orthotics 67072
and prosthetics from an accredited college or university whose 67073
orthotics and prosthetics program is recognized by the ~~state~~ board 67074
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 67075
the Revised Code or an equivalent educational credential from a 67076
foreign educational institution recognized by the board; ~~1~~ 67077

~~(b)~~(2) The applicant holds a bachelor's degree in a subject 67078
other than orthotics and prosthetics or an equivalent educational 67079
credential from a foreign educational institution recognized by 67080

the board and has completed a certificate program in orthotics 67081
recognized by the board under section 4779.26 of the Revised Code. 67082

~~(B) This division applies to applications made on or before 67083
January 1, 2008. The requirements of this division are met if the 67084
applicant is in compliance with division (B)(1) or (B)(2)(a) or 67085
(b) of this section: 67086~~

~~(1) If application is made on or before January 1, 2006, the 67087
applicant meets all of the following requirements: 67088~~

~~(a) Holds an associate's degree or higher from an accredited 67089
college or university or an equivalent credential from a foreign 67090
educational institution recognized by the board; 67091~~

~~(b) Has completed a certificate program in orthotics 67092
recognized by the board under section 4779.26 of the Revised Code; 67093~~

~~(c) Has three years of documented, full-time experience 67094
practicing or teaching orthotics. 67095~~

~~(2) If the application is made on or before January 1, 2008, 67096
the applicant meets the requirements of division (B)(2)(a) or (b) 67097
of this section: 67098~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 67099
a nationally accredited college or university or an equivalent 67100
credential from a foreign educational institution recognized by 67101
the board; 67102~~

~~(ii) The applicant holds a valid certificate in orthotics 67103
issued by the American board for certification in orthotics and 67104
prosthetics, the board for orthotist/prosthetist certification, or 67105
an equivalent successor organization recognized by the board; 67106~~

~~(iii) The applicant has completed three years of documented, 67107
full-time experience practicing or teaching orthotics. 67108~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 67109
a nationally accredited college or university or an equivalent 67110~~

~~credential from a foreign educational institution recognized by~~ 67111
~~the board;~~ 67112

~~(ii) The applicant has completed a certificate program in~~ 67113
~~orthotics recognized by the board under section 4779.26 of the~~ 67114
~~Revised Code;~~ 67115

~~(iii) The applicant has completed a residency program in~~ 67116
~~orthotics recognized by the board under section 4779.27 of the~~ 67117
~~Revised Code or has three years of documented, full-time~~ 67118
~~experience practicing or teaching orthotics.~~ 67119

Sec. 4779.11. To be eligible for a license to practice 67120
prosthetics, an applicant must meet the following requirements of 67121
~~division (A) of this section, or, if the application is made on or~~ 67122
~~before January 1, 2008, the requirements of either division (A) or~~ 67123
~~(B) of this section:~~ 67124

~~(A) The requirements of this division are met if the~~ 67125
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 67126
~~this section.~~ 67127

~~(1) On the date of application, the applicant has practiced~~ 67128
~~prosthetics for not less than eight months under the supervision~~ 67129
~~of an individual licensed under this chapter to practice~~ 67130
~~prosthetics.~~ 67131

~~(2)(B) The applicant has completed a prosthetics residency~~ 67132
~~program approved by the state physical health services board under~~ 67133
~~section 4779.27 of the Revised Code.~~ 67134

~~(3)(C) One of the following is the case:~~ 67135

~~(a)(1) The applicant holds a bachelor's degree in orthotics~~ 67136
~~and prosthetics from an accredited college or university whose~~ 67137
~~orthotics and prosthetics program is recognized by the state board~~ 67138
~~of orthotics, prosthetics, and pedorthics under section 4779.25 of~~ 67139
~~the Revised Code or an equivalent educational credential from a~~ 67140

foreign educational institution recognized by the board; 67141

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 67142
other than orthotics and prosthetics or an equivalent educational 67143
credential from a foreign educational institution recognized by 67144
the board and has completed a certificate program in prosthetics 67145
recognized by the board under section 4779.26 of the Revised Code. 67146

~~(B) This division applies to applications made on or before 67147
January 1, 2008. The requirements of this division are met if the 67148
applicant is in compliance with division (B)(1) or (B)(2)(a) or 67149
(b) of this section: 67150~~

~~(1) If application is made on or before January 1, 2006, the 67151
applicant meets all of the following requirements: 67152~~

~~(a) Holds an associate's degree or higher from an accredited 67153
college or university or an equivalent credential from a foreign 67154
educational institution recognized by the board; 67155~~

~~(b) Has completed a certificate program in prosthetics 67156
recognized by the board under section 4779.26 of the Revised Code; 67157~~

~~(c) Has three years of documented, full-time experience 67158
practicing or teaching prosthetics. 67159~~

~~(2) If the application is made on or before January 1, 2008, 67160
the applicant meets the requirements of division (B)(2)(a) or (b) 67161
of this section: 67162~~

~~(a)(i) The applicant holds a bachelor's degree or higher from 67163
a nationally accredited college or university or an equivalent 67164
credential from a foreign educational institution recognized by 67165
the board; 67166~~

~~(ii) The applicant holds a valid certificate in prosthetics 67167
issued by the American board for certification in orthotics and 67168
prosthetics, the board for orthotist/prosthetist certification, or 67169
an equivalent successor organization recognized by the board; 67170~~

~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching prosthetics.~~

~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~

~~(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;~~

~~(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching prosthetics.~~

Sec. 4779.12. To be eligible for a license to practice orthotics and prosthetics, an applicant must meet the following requirements ~~of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:~~

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~

~~(1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics;~~

~~(2)(B) The applicant has completed an orthotics and prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised Code;~~

~~(3)(C) One of the following is the case:~~

~~(a)(1) The applicant holds a bachelor's degree in orthotics~~

and prosthetics from an accredited college or university whose
orthotics and prosthetics program is recognized by the state board
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of
the Revised Code or an equivalent educational credential from a
foreign educational institution recognized by the board;.

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject
other than orthotics and prosthetics or an equivalent educational
credential from a foreign educational institution recognized by
the board and has completed a certificate program in orthotics and
prosthetics recognized by the board under section 4779.26 of the
Revised Code.

~~(B) This division applies to applications made on or before
January 1, 2008. The requirements of this division are met if the
applicant is in compliance with division (B)(1) or (B)(2)(a) or
(b) of this section:~~

~~(1) If application is made on or before January 1, 2006, the
applicant meets all of the following requirements:~~

~~(a) Holds an associate's degree or higher from an accredited
college or university or an equivalent credential from a foreign
educational institution recognized by the board;~~

~~(b) Has completed a certificate program in orthotics and
prosthetics recognized by the board under section 4779.26 of the
Revised Code;~~

~~(c) Has six years of documented, full-time experience
practicing or teaching orthotics or prosthetics.~~

~~(2) If the application is made on or before January 1, 2008,
the applicant meets the requirements of division (B)(2)(a) or (b)
of this section:~~

~~(a)(i) The applicant holds a bachelor's degree or higher from
a nationally accredited college or university or an equivalent~~

~~credential from a foreign educational institution recognized by~~ 67231
~~the board;~~ 67232

~~(ii) The applicant holds a valid certificate in orthotics and~~ 67233
~~prosthetics issued by the American board for certification in~~ 67234
~~orthotics and prosthetics, the board for orthotist/prosthetist~~ 67235
~~certification, or an equivalent successor organization recognized~~ 67236
~~by the board;~~ 67237

~~(iii) The applicant has completed six years of documented,~~ 67238
~~full-time experience practicing or teaching orthotics or~~ 67239
~~prosthetics.~~ 67240

~~(b)(i) The applicant holds a bachelor's degree or higher from~~ 67241
~~a nationally accredited college or university or an equivalent~~ 67242
~~credential from a foreign educational institution recognized by~~ 67243
~~the board;~~ 67244

~~(ii) The applicant has completed a certificate program in~~ 67245
~~orthotics and prosthetics recognized by the board under section~~ 67246
~~4779.26 of the Revised Code;~~ 67247

~~(iii) The applicant has completed a residency program in~~ 67248
~~orthotics and prosthetics recognized by the board under section~~ 67249
~~4779.27 of the Revised Code or has six years of documented,~~ 67250
~~full-time experience practicing or teaching orthotics or~~ 67251
~~prosthetics.~~ 67252

Sec. 4779.13. To be eligible for a license to practice 67253
pedorthics, an applicant must meet all of the following 67254
requirements: 67255

(A) On the date of application, has practiced pedorthics for 67256
not less than eight months under the supervision of an individual 67257
licensed under this chapter to practice pedorthics; 67258

(B) Holds a high school diploma or certificate of high school 67259
equivalence issued by the department of education, or a 67260

primary-secondary education or higher education agency of another 67261
state; 67262

(C) Has completed the education, training, and experience 67263
required to take the certification examination developed by the 67264
state physical health services board for certification in 67265
pedorthics or an equivalent successor organization recognized by 67266
the board. 67267

Sec. 4779.15. Except as provided in ~~sections 4779.16 and~~ 67268
section 4779.17 of the Revised Code, the state physical health 67269
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 67270
examine or cause to be examined each individual who seeks to 67271
practice orthotics, prosthetics, orthotics and prosthetics, or 67272
pedorthics in this state. 67273

To be eligible to take an examination conducted by the board 67274
or an entity recognized by the board for the purpose of this 67275
section, an individual must file an application and pay an 67276
examination fee as specified in rules adopted by the board under 67277
section 4779.08 of the Revised Code and meet all the requirements 67278
of section 4779.09 of the Revised Code other than the requirement 67279
of having passed the examination. 67280

Examinations shall be conducted at least once a year in 67281
accordance with rules adopted by the board under section 4779.08 67282
of the Revised Code. Each applicant shall be examined in such 67283
subjects as the board requires. 67284

The board may use as its examination all or part of a 67285
standard orthotics, prosthetics, orthotics and prosthetics, or 67286
pedorthics licensing examination established for the purpose of 67287
determining the competence of individuals to practice orthotics, 67288
prosthetics, or pedorthics in the United States. In lieu of 67289
conducting examinations, the board may accept the results of 67290
examinations conducted by entities recognized by the board. 67291

Sec. 4779.17. The state physical health services board of 67292
~~orthotics, prosthetics, and pedorthics~~ shall issue a license under 67293
section 4779.09 of the Revised Code to practice orthotics, 67294
prosthetics, orthotics and prosthetics, or pedorthics without 67295
examination to an applicant who meets all of the following 67296
requirements: 67297

(A) Applies to the board in accordance with section 4779.09 67298
of the Revised Code; 67299

(B) Holds a license to practice orthotics, prosthetics, 67300
orthotics and prosthetics, or pedorthics issued by the appropriate 67301
authority of another state; 67302

(C) One of the following applies: 67303

(1) In the case of an applicant for a license to practice 67304
orthotics, the applicant meets the requirements in divisions 67305
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 67306

(2) In the case of an applicant for a license to practice 67307
prosthetics, the applicant meets the requirements in divisions 67308
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 67309

(3) In the case of an applicant for a license to practice 67310
orthotics and prosthetics, the applicant meets the requirements in 67311
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 67312
Code. 67313

(4) In the case of an applicant for a license to practice 67314
pedorthics, the applicant meets the requirements in divisions (B) 67315
and (C) of section 4779.13 of the Revised Code. 67316

(D) ~~The~~ All fees prescribed received by the board under this 67317
section shall be ~~paid to the treasurer of~~ deposited in the state, 67318
~~who shall deposit the fees in treasury to the credit of the~~ 67319
occupational licensing and regulatory fund established in section 67320
4743.05 of the Revised Code. 67321

Sec. 4779.18. (A) The state physical health services board of 67322
~~orthotics, prosthetics, and pedorthics~~ shall issue a temporary 67323
license to an individual who meets all of the following 67324
requirements: 67325

(1) Applies to the board in accordance with rules adopted 67326
under section 4779.08 of the Revised Code and pays the application 67327
fee specified in the rules; 67328

(2) Is eighteen years of age or older; 67329

(3) Is of good moral character; 67330

(4) One of the following applies: 67331

(a) In the case of an applicant for a license to practice 67332
orthotics, the applicant meets the requirements in divisions 67333
~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 67334

(b) In the case of an applicant for a license to practice 67335
prosthetics, the applicant meets the requirements in divisions 67336
~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 67337

(c) In the case of an applicant for a license to practice 67338
orthotics and prosthetics, the applicant meets the requirements in 67339
divisions ~~(A)(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 67340
Code. 67341

(d) In the case of an applicant for a license to practice 67342
pedorthics, the applicant meets the requirements in divisions (B) 67343
and (C) of section 4779.13 of the Revised Code. 67344

(B) A temporary license issued under this section is valid 67345
for one year and may be renewed once in accordance with rules 67346
adopted by the board under section 4779.08 of the Revised Code. 67347

An individual who holds a temporary license may practice 67348
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 67349
only under the supervision of an individual who holds a license 67350

issued under section 4779.09 of the Revised Code in the same area 67351
of practice. 67352

(C) ~~The All fees prescribed received by the board under this~~ 67353
~~section shall be paid to the treasurer of deposited in the state,~~ 67354
~~who shall deposit the fees in treasury to the credit of the~~ 67355
occupational licensing and regulatory fund established in section 67356
4743.05 of the Revised Code. 67357

Sec. 4779.20. (A) An individual seeking to renew a license 67358
issued under section 4779.09 of the Revised Code shall, on or 67359
before the day the license expires pursuant to section 4779.19 of 67360
the Revised Code, apply for renewal. The state physical health 67361
services ~~board of orthotics, prosthetics, and pedorthics~~ shall 67362
send renewal notices at least one month prior to the expiration 67363
date. 67364

Applications shall be submitted to the board on forms the 67365
board prescribes and furnishes. Each application shall be 67366
accompanied by a renewal fee specified in rules adopted by the 67367
board under section 4779.08 of the Revised Code, except that the 67368
board may waive part of the renewal fee for the first renewal of 67369
an initial license that expires one hundred days or less after it 67370
is issued. 67371

(B) Beginning with the fourth renewal and every third renewal 67372
thereafter, a license holder must certify to the board one of the 67373
following: 67374

(1) In the case of an individual licensed as an orthotist or 67375
prosthetist, the individual has completed within the preceding 67376
three years forty-five continuing education units granted by the 67377
board under section 4779.24 of the Revised Code; 67378

(2) In the case of an individual licensed as a prosthetist 67379
and orthotist, the individual has completed within the preceding 67380

three years seventy-five continuing education units granted by the 67381
board under section 4779.24 of the Revised Code; 67382

(3) In the case of an individual licensed as a pedorthist, 67383
the individual has completed within the previous three years the 67384
continuing education courses required by the board for 67385
certification in pedorthics or an equivalent organization 67386
recognized by the board. 67387

Sec. 4779.23. (A) To be eligible for approval by the state 67388
physical health services board ~~of orthotics, prosthetics, and~~ 67389
~~pedorthics~~, a continuing education course must satisfy all of the 67390
following requirements: 67391

(1) Include significant intellectual or practical content and 67392
be designed to improve the professional competence of 67393
participants; 67394

(2) Deal with matters directly related to the practice of 67395
orthotics, prosthetics, or pedorthics, including professional 67396
responsibility, ethical obligations, or similar subjects that the 67397
board considers necessary to maintain and improve the quality of 67398
orthotic and prosthetic services in this state; 67399

(3) Involve in-person instruction, except that a course may 67400
use self-study materials if the materials are prepared and 67401
presented by a group with appropriate practical experience; 67402

(4) Be presented in a setting that is physically suited to 67403
the course; 67404

(5) Include thorough, high-quality written material; 67405

(6) Meet any other requirements the board considers 67406
appropriate. 67407

(B) The board shall, in accordance with the standards in 67408
division (A) of this section, review and approve continuing 67409
education courses. If the board does not approve a course, it 67410

shall provide a written explanation of the reason for the denial 67411
to the person that requested approval. The board may approve 67412
continuing education courses approved by boards of other states 67413
that regulate orthotics, prosthetics, and pedorthics if the other 67414
board's standards for approving continuing education courses are 67415
equivalent to the standards established pursuant to division (A) 67416
of this section. 67417

Sec. 4779.24. The state physical health services board of 67418
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 67419
education units to individuals licensed under this chapter on the 67420
following basis: 67421

(A) For completing a continuing education course approved by 67422
the board under section 4779.23 of the Revised Code, one unit for 67423
each hour of instruction received; 67424

(B) For teaching as a faculty member a course in orthotics, 67425
prosthetics, or pedorthics that is part of the curriculum of an 67426
institution of higher education, one-half unit for each semester 67427
hour of the course, or an equivalent unit for each quarter or 67428
trimester hour of the course; 67429

(C) For teaching other than as a faculty member a course that 67430
is part of an institution of higher education's orthotics, 67431
prosthetics, or pedorthics curriculum, one unit for each hour 67432
teaching the course; 67433

(D) For teaching a continuing education course that is 67434
approved by the board under section 4779.23 of the Revised Code 67435
that is not part of an institution of higher education's 67436
orthotics, prosthetics, or pedorthics curriculum, three units for 67437
each hour teaching the course for the first time and one-half unit 67438
for each hour teaching the course each time thereafter. 67439

Sec. 4779.25. The state physical health services board of 67440

~~orthotics, prosthetics, and pedorthics~~ shall recognize an 67441
institution of higher education's bachelor's degree program in 67442
orthotics and prosthetics if the program satisfies all of the 67443
following requirements: 67444

(A) Provides not less than two semesters or three quarters of 67445
instruction in orthotics and two semesters or three quarters of 67446
instruction in prosthetics; 67447

(B) Requires as a condition of entry a high school diploma or 67448
certificate of high school equivalence; 67449

(C) Includes a written description of the program that 67450
includes learning goals, course objectives, and competencies for 67451
graduation; 67452

(D) Requires frequent, documented evaluation of students to 67453
assess their acquisition of knowledge, problem identification and 67454
solving skills, and psychomotor, behavioral, and clinical 67455
competencies; 67456

(E) Requires as a condition of entry successful completion of 67457
courses in biology, chemistry, physics, psychology, computer 67458
science, algebra or higher math, human anatomy with a laboratory 67459
section, and physiology with a laboratory section; 67460

(F) Requires formal instruction in biomechanics, gait 67461
analysis and pathometrics, kinesiology, pathology, materials 67462
science, research methods, and diagnostic imaging techniques; 67463

(G) Requires students as a condition of graduation to 67464
demonstrate orthotics skills, including measurement, 67465
impression-taking, model rectification, and fitting and alignment 67466
of orthoses for the lower limbs, upper limbs, and spines; 67467

(H) Requires students as a condition of graduation to 67468
complete training in orthotic systems, including foot orthosis, 67469
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, 67470

hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, 67471
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral 67472
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, 67473
standing frames, and seating; 67474

(I) Requires students as a condition of graduation to 67475
demonstrate prosthetic skills that include measurement, 67476
impression-taking, model rectification, diagnostic fitting, 67477
definitive fitting, postoperative management, external power, and 67478
static and dynamic alignment of sockets related to various 67479
amputation levels, including partial foot, Syme's below knee, 67480
above knee, below elbow, above elbow, and the various joint 67481
disarticulations; 67482

(J) Requires as a condition of graduation students to 67483
complete not less than five hundred hours of supervised clinical 67484
experience that focus on patient-related activities, including 67485
recommendation, measurement, impression-taking, model 67486
rectification, fabrication, fitting, and evaluating patients in 67487
the use and function of orthotics and prosthetics; 67488

(K) Provides for the evaluation of the program's compliance 67489
with the requirements of this section through regular, on-site 67490
visits conducted by a team of qualified individuals from a 67491
nationally recognized orthotic, prosthetic, or orthotic and 67492
prosthetic certifying body; 67493

(L) Meets any other standards adopted by the board under 67494
section 4779.08 of the Revised Code. 67495

Sec. 4779.26. The state physical health services board of 67496
~~orthotics, prosthetics, and pedorthics~~ shall recognize a 67497
certificate program in orthotics, prosthetics, or orthotics and 67498
prosthetics if the program satisfies all of the following 67499
requirements: 67500

(A) Meets the requirements in divisions (B), (C), (D), (E),	67501
(F), (K), and (L) of section 4779.25 of the Revised Code;	67502
(B) In the case of a certificate program in orthotics, the	67503
program does all of the following:	67504
(1) Provides not less than two semesters or three quarters of	67505
instruction in orthotics;	67506
(2) Requires students to complete not less than two hundred	67507
fifty hours of supervised clinical experience that focuses on	67508
patient-related activities, recommendation, measurement,	67509
impression-taking, model rectification, fabrication, fitting, and	67510
evaluating patients in the use and function of orthotics;	67511
(3) Meets the requirements in divisions (G) and (H) of	67512
section 4779.25 of the Revised Code.	67513
(C) In the case of a certificate program in prosthetics, the	67514
program does all of the following:	67515
(1) Provides not less than two semesters or three quarters of	67516
instruction in prosthetics;	67517
(2) Requires students to complete not less than two hundred	67518
fifty hours of supervised clinical experience that focuses on	67519
patient-related activities, recommendation, measurement,	67520
impression-taking, model rectification, fabrication, fitting, and	67521
evaluating patients in the use and function of prosthetics;	67522
(3) Meets the requirements in divisions (F) and (I) of	67523
section 4779.25 of the Revised Code.	67524
(D) In the case of a certificate program in orthotics and	67525
prosthetics, the program does both of the following:	67526
(1) Provides not less than two semesters or three quarters of	67527
instruction in orthotics and two semesters or three quarters of	67528
instruction in prosthetics;	67529
(2) Meets the requirements in divisions (H) and (I) of	67530

section 4779.25 of the Revised Code. 67531

Sec. 4779.27. The state physical health services board of 67532
~~orthotics, prosthetics, and pedorthics~~ shall approve a residency 67533
program in orthotics, prosthetics, or orthotics and prosthetics if 67534
the program does all of the following: 67535

(A) Requires a bachelor's degree as a condition of entry; 67536

(B) Does one of the following: 67537

(1) In the case of a residency program in orthotics, provides 67538
two semesters or three quarters of instruction in orthotics; 67539

(2) In the case of a residency program in prosthetics, 67540
provides two semesters or three quarters of instruction in 67541
prosthetics; 67542

(3) In the case of a residency program in orthotics and 67543
prosthetics, provides two semesters or three quarters of 67544
instruction in orthotics and two semesters or three quarters of 67545
instruction in prosthetics. 67546

(C) Meets the requirements in divisions (K) and (L) of 67547
section 4779.25 of the Revised Code; 67548

(D) Provides residents with a sufficient variety and volume 67549
of clinical experiences to give them adequate educational 67550
experience in the acute, rehabilitative, and chronic aspects of 67551
orthotics and prosthetics, including recommendation, measurement, 67552
impression-taking, model rectification, fabrication, fitting, and 67553
evaluating patients in the use and function of orthotics and 67554
prosthetics; 67555

(E) Provides residents with sufficient training in clinical 67556
assessment, patient management, technical implementation, practice 67557
management, and professional responsibility. 67558

Sec. 4779.30. If the state physical health services board of 67559

~~orthotics, prosthetics, and pedorthics~~ has reason to believe that 67560
a person who holds a license issued under this chapter is mentally 67561
ill or mentally incompetent, it may file in the probate court of 67562
the county in which the person has a legal residence an affidavit 67563
in the form prescribed in section 5122.11 of the Revised Code and 67564
signed by the secretary of the board, whereupon the same 67565
proceeding shall be had as provided in Chapter 5122. of the 67566
Revised Code. The attorney general may represent the board in any 67567
proceeding commenced under this section. 67568

If an individual who has been granted a license under this 67569
chapter is adjudicated by a probate court to be mentally ill or 67570
mentally incompetent, the individual's license shall be 67571
automatically suspended until the individual has filed with the 67572
board a certified copy of an adjudication by a probate court of 67573
the individual's subsequent restoration to competency or has 67574
submitted to the board proof, satisfactory to the board, of having 67575
been restored to competency in the manner and form provided in 67576
section 5122.38 of the Revised Code. The judge of the court shall 67577
immediately notify the board of an adjudication of incompetence 67578
and note any suspension of a license in the margin of the court's 67579
record of the certificate. ~~In the absence of fraud or bad faith,~~ 67580
~~neither the board nor any agent, representative, or employee of~~ 67581
~~the board shall be held liable in damages by any person by reason~~ 67582
~~of the filing of the affidavit referred to in this section.~~ 67583

Sec. 4779.32. If any person makes an allegation against an 67584
individual who holds a license issued under this chapter, the 67585
allegation shall be reduced to writing and verified by a person 67586
who is familiar with the facts underlying the allegation. The 67587
person making the allegation shall file ~~three copies of the~~ 67588
allegation with the state physical health services board ~~of~~ 67589
~~orthotics, prosthetics, and pedorthics~~. If a person alleges that a 67590
license holder is engaging or has engaged in conduct described in 67591

division (A) of section 4779.28 of the Revised Code, the board may
proceed with an adjudication hearing under Chapter 119. of the
Revised Code. The board shall retain the information filed under
this section in accordance with rules adopted by the board under
section 4779.08 of the Revised Code.

Sec. 4779.33. The ~~secretary of the state~~ physical health
services board of ~~orthotics, prosthetics, and pedorthics~~ shall
enforce the laws relating to the practice of orthotics,
prosthetics, and pedorthics. If the secretary of the board has
knowledge of a violation, the secretary shall investigate the
violation and notify the prosecuting attorney of the proper
county.

Sec. 4779.34. The state physical health services board of
~~orthotics, prosthetics, and pedorthics~~ shall comply with section
4776.20 of the Revised Code.

Sec. 4781.04. (A) The ~~manufactured homes commission~~
department of commerce, division of industrial compliance shall
adopt rules pursuant to Chapter 119. of the Revised Code to do all
of the following:

(1) Establish uniform standards that govern the installation
of manufactured housing. Not later than one hundred eighty days
after the secretary of the United States department of housing and
urban development adopts model standards for the installation of
manufactured housing or amends those standards, the ~~commission~~
division of industrial compliance shall amend its standards as
necessary to be consistent with, and not less stringent than, the
model standards for the design and installation of manufactured
housing the secretary adopts or any manufacturers' standards that
the secretary determines are equal to or not less stringent than
the model standards.

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the ~~commission~~ division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the ~~commission~~ division of industrial compliance establishes pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the ~~commission~~ division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the ~~commission~~ division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers, ~~manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;~~

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance

with this chapter and the rules adopted pursuant to it, and for 67653
the ~~commission's~~ division's expenses incurred in implementing this 67654
chapter; 67655

(8) Establish conditions under which a licensee may enter 67656
into contracts to fulfill the licensee's responsibilities; 67657

(9) Govern the investigation of complaints concerning any 67658
~~violation of this chapter or the rules adopted pursuant to it or~~ 67659
complaints involving the conduct of any licensed manufactured 67660
housing installer or person installing manufactured housing 67661
without a license, ~~licensed manufactured housing dealer, licensed~~ 67662
~~manufactured housing broker, or manufactured housing salesperson;~~ 67663

(10) Establish a dispute resolution program for the timely 67664
resolution of warranty issues involving new manufactured homes, 67665
disputes regarding responsibility for the correction or repair of 67666
defects in manufactured housing, and the installation of 67667
manufactured housing. The rules shall provide for the timely 67668
resolution of disputes between manufacturers, manufactured housing 67669
dealers, and installers regarding the correction or repair of 67670
defects in manufactured housing that are reported by the purchaser 67671
of the home during the one-year period beginning on the date of 67672
installation of the home. The rules also shall provide that 67673
decisions made regarding the dispute under the program are not 67674
binding upon the purchaser of the home or the other parties 67675
involved in the dispute unless the purchaser so agrees in a 67676
written acknowledgement that the purchaser signs and delivers to 67677
the program within ten business days after the decision is issued. 67678

(11) Establish the requirements and procedures for the 67679
certification of building departments and building department 67680
personnel pursuant to section 4781.07 of the Revised Code; 67681

(12) Establish fees to be charged to building departments and 67682
building department personnel applying for certification and 67683

renewal of certification pursuant to section 4781.07 of the	67684
Revised Code;	67685
(13) Develop a policy regarding the maintenance of records	67686
for any inspection authorized or conducted pursuant to this	67687
chapter. Any record maintained under division (A)(13) of this	67688
section shall be a public record under section 149.43 of the	67689
Revised Code.	67690
~~(14) Carry out any other provision of this chapter.~~	67691
(B) The ~~manufactured homes commission~~ <u>division of industrial</u>	67692
<u>compliance</u> shall do all of the following:	67693
(1) Prepare and administer a licensure examination to	67694
determine an applicant's knowledge of manufactured housing	67695
installation and other aspects of installation the ~~commission~~	67696
<u>division</u> determines appropriate;	67697
(2) Select, provide, or procure appropriate examination	67698
questions and answers for the licensure examination and establish	67699
the criteria for successful completion of the examination;	67700
(3) Prepare and distribute any application form ~~this chapter~~	67701
~~requires~~ <u>sections 4781.01 to 4781.11 of the Revised Code require;</u>	67702
(4) Receive applications for licenses and renewal of licenses	67703
and issue licenses to qualified applicants;	67704
(5) Establish procedures for processing, approving, and	67705
disapproving applications for licensure;	67706
(6) Retain records of applications for licensure, including	67707
all application materials submitted and a written record of the	67708
action taken on each application;	67709
(7) Review the design and plans for manufactured housing	67710
installations, foundations, and support systems;	67711
(8) Inspect a sample of homes at a percentage the ~~commission~~	67712
<u>division</u> determines to evaluate the construction and installation	67713

of manufactured housing installations, foundations, and support 67714
systems to determine compliance with the standards the ~~commission~~ 67715
division adopts; 67716

(9) Investigate complaints concerning violations of this 67717
chapter or the rules adopted pursuant to it, or the conduct of any 67718
manufactured housing installer, ~~manufactured housing dealer,~~ 67719
~~manufactured housing broker, or manufactured housing salesperson;~~ 67720

(10) Determine appropriate disciplinary actions for 67721
violations of this chapter; 67722

(11) Conduct audits and inquiries of manufactured housing 67723
installers, ~~manufactured housing dealers, and manufactured housing~~ 67724
~~brokers~~ as appropriate for the enforcement of this chapter. The 67725
~~commission~~ division, or any person the ~~commission~~ division employs 67726
for the purpose, may review and audit the business records of any 67727
manufactured housing installer, ~~dealer, or broker~~ during normal 67728
business hours. 67729

(12) Approve an installation training course, which may be 67730
offered by the Ohio manufactured homes association or other 67731
entity; 67732

~~(13) Perform any function or duty necessary to administer~~ 67733
~~this chapter and the rules adopted pursuant to it.~~ 67734

(C) Nothing in this section, or in any rule adopted by the 67735
~~manufactured homes commission~~ division, shall be construed to 67736
limit the authority of a board of health to enforce section 67737
3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code 67738
or limit the authority of the department of administrative 67739
services to lease space for the use of a state agency and to group 67740
together state offices in any city in the state as provided in 67741
section 123.01 of the Revised Code. 67742

Sec. 4781.06. (A) The ~~manufactured homes commission~~ division 67743

of industrial compliance may delegate to the ~~executive director~~ 67744
the Ohio construction industry licensing board any of its duties 67745
set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 67746
of the Revised Code. 67747

(B) The ~~commission~~ division may enter into a contract with 67748
the Ohio manufactured homes association or another entity to 67749
administer the dispute resolution program created pursuant to 67750
section 4781.04 of the Revised Code. The contract shall specify 67751
the terms for the administration of the program. 67752

(C)(1) The ~~commission~~ division may enter into a contract with 67753
any private third party, municipal corporation, township, county, 67754
state agency, or the Ohio manufactured homes association, or any 67755
successor entity, to perform any of the ~~commission's~~ division's 67756
functions set forth in ~~division (B) of section~~ sections 4781.04 to 67757
4781.15 of the Revised Code that the ~~commission~~ division has not 67758
delegated to the ~~executive director~~ Ohio construction industry 67759
licensing board. Each contract shall specify the compensation to 67760
be paid to the private third party, municipal corporation, 67761
township, county, state agency, or the Ohio manufactured homes 67762
association, or successor entity, for the performance of the 67763
~~commission's~~ division's functions. 67764

(2) Except as provided in this division, the ~~commission~~ 67765
division shall not enter into any contract with any person or 67766
building department to accept and approve plans and specifications 67767
or to inspect manufactured housing foundations and the 67768
installation of manufactured housing unless that person or 67769
building department is certified pursuant to section 4781.07 of 67770
the Revised Code. The ~~commission~~ division shall require inspectors 67771
the Ohio department of health employs to obtain certification 67772
pursuant to section 4781.07 of the Revised Code. 67773

Sec. 4781.07. (A) Pursuant to rules the ~~manufactured homes~~ 67774

~~commission~~ division of industrial compliance adopts, the 67775
~~commission~~ division may certify municipal, township, and county 67776
building departments and the personnel of those departments, or 67777
any private third party, to exercise the ~~commission's~~ division's 67778
enforcement authority, accept and approve plans and specifications 67779
for foundations, support systems and installations, and inspect 67780
manufactured housing foundations, support systems, and 67781
manufactured housing installations. Any certification is effective 67782
for three years. 67783

(B) Following an investigation and finding of facts that 67784
support its action, the ~~commission~~ division of industrial 67785
compliance may revoke or suspend certification. The ~~commission~~ 67786
division may initiate an investigation on ~~its~~ the division's own 67787
motion or the petition of a person affected by the enforcement or 67788
approval of plans. 67789

Sec. 4781.08. (A) The ~~manufactured homes commission~~ division 67790
of industrial compliance shall issue a manufactured housing 67791
~~installer's~~ installer license to any applicant who is at least 67792
eighteen years of age and meets all of the following requirements: 67793

(1) Submits an application to the ~~commission~~ division on a 67794
form the ~~commission~~ division prescribes and pays the fee the 67795
~~commission~~ division requires; 67796

(2) Completes all training requirements the ~~commission~~ 67797
division prescribes; 67798

(3) Meets the experience requirements the ~~commission~~ division 67799
prescribes by rule; 67800

(4) Has at least one year of experience installing 67801
manufactured housing under the supervision of a licensed 67802
manufactured home installer if applying for licensure after 67803
January 1, 2006; 67804

(5) Has completed an installation training course the ~~commission~~ division approves, which may be offered by the Ohio
manufactured homes association or other entity;

(6) Receives a passing score on the licensure examination the ~~commission~~ division administers;

(7) Provides information the ~~commission~~ division requires to
demonstrate compliance with this chapter and the rules the
~~commission~~ division adopts;

(8) Provides the ~~commission~~ division with three references
from persons who are retailers, manufacturers, or manufactured
home park operators familiar with the person's installation work
experience and competency, with at least two of the three
references provided after January 1, 2006, being from persons who
are licensed manufactured housing installers;

(9) Has liability insurance or a surety bond that is issued
by an insurance or surety company authorized to transact business
in Ohio, in the amount the ~~commission~~ division specifies, and
containing the terms and conditions the ~~commission~~ division
requires;

(10) Is in compliance with section 4123.35 of the Revised
Code.

(B) The ~~commission~~ division of industrial compliance shall
not grant a license to any person who the ~~commission~~ division
finds has engaged in actions during the previous two years that
constitute a ground for denial, suspension, or revocation of a
license or who has had a license revoked or disciplinary action
imposed by the licensing or certification board of another state
or jurisdiction during the previous two years in connection with
the installation of manufactured housing.

(C) Any person who is licensed, certified, or otherwise
approved under the laws of another state to perform functions

substantially similar to those of a manufactured housing installer 67836
may apply to the ~~commission~~ division for licensure on a form the 67837
~~commission~~ division prescribes. The ~~commission~~ division shall 67838
issue a license if the standards for licensure, certification, or 67839
approval in the state in which the applicant is licensed, 67840
certified, or approved are substantially similar to or exceed the 67841
requirements set forth in this chapter and the rules adopted 67842
pursuant to it. The ~~commission~~ division may require the applicant 67843
to pass the ~~commission's~~ division's licensure examination. 67844

(D) Any license issued pursuant to this section shall bear 67845
the licensee's name and post-office address, the issue date, a 67846
serial number the ~~commission~~ division designates, and the 67847
signature of the ~~commission chairperson or a person the commission~~ 67848
division designates pursuant to rules. 67849

(E) A manufactured housing ~~installers~~ installer license 67850
expires two years after it is issued. The ~~commission~~ division of 67851
industrial compliance shall renew a license if the applicant does 67852
all of the following: 67853

(1) Meets the requirements of division (A) of this section; 67854

(2) Demonstrates compliance with the requirements of this 67855
chapter and the rules adopted pursuant to it; 67856

(3) Meets the ~~commission's~~ division's continuing education 67857
requirements. 67858

(F) No manufactured housing ~~installer's~~ installer license may 67859
be transferred to another person. 67860

Sec. 4781.09. (A) The ~~manufactured homes commission~~ division 67861
of industrial compliance may deny, suspend, revoke, or refuse to 67862
renew the license of any manufactured home installer for any of 67863
the following reasons: 67864

(1) Failure to satisfy the requirements of section 4781.08 or 67865

4781.10 of the Revised Code;	67866
(2) Violation of this chapter or any rule adopted pursuant to it;	67867 67868
(3) Making a material misstatement in an application for a license;	67869 67870
(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;	67871 67872 67873
(5) Failure to appear for a hearing before the ~~commission~~ <u>division</u> or to comply with any final adjudication order of the ~~commission~~ <u>division</u> issued pursuant to this chapter;	67874 67875 67876
(6) Conviction of a felony or a crime involving moral turpitude;	67877 67878
(7) Having had a license revoked, suspended, or denied by the ~~commission~~ <u>division</u> during the preceding two years;	67879 67880
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	67881 67882
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	67883 67884
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	67885 67886 67887
(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	67888 67889 67890 67891 67892 67893
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in	67894 67895

section 119.12 of the Revised Code. 67896

(C) A person whose license is suspended, revoked, or not 67897
renewed may apply for a new license two years after the date on 67898
which the license was suspended, revoked, or not renewed. 67899

Sec. 4781.10. (A) The ~~manufactured homes commission~~ division 67900
of industrial compliance may establish programs and requirements 67901
for continuing education for manufactured housing installers. The 67902
~~commission~~ division shall not require licensees to complete more 67903
than eight credit hours of continuing education during each 67904
license period. If the ~~commission~~ division establishes a program 67905
of continuing education, it shall require that only courses that 67906
the ~~commission~~ division preapproves be accepted for licensure 67907
credit, and unless an extension is granted pursuant to division 67908
(D) of this section, that all credit hours be successfully 67909
completed prior to the expiration of the installer's license. 67910

(B) To provide the resources to administer continuing 67911
education programs, the ~~commission~~ division may establish 67912
nonrefundable fees, including any of the following: 67913

(1) An application fee not to exceed one hundred fifty 67914
dollars charged to the sponsor of each proposed course; 67915

(2) A renewal fee not to exceed seventy-five dollars, charged 67916
to the sponsor of each course, for the annual renewal of course 67917
approval; 67918

(3) A course fee charged to the sponsor of each course 67919
offered, not to exceed five dollars per credit hour, for each 67920
person completing an approved course; 67921

(4) A student fee charged to licensees, not to exceed fifty 67922
dollars, for each course or activity a student submits to the 67923
~~commission~~ division for approval. 67924

(C) The ~~commission~~ division may adopt reasonable rules not 67925

inconsistent with this chapter to carry out any continuing	67926
education program, including rules that govern the following:	67927
(1) The content and subject matter of continuing education	67928
courses;	67929
(2) The criteria, standards, and procedures for the approval	67930
of courses, course sponsors, and course instructors;	67931
(3) The methods of instruction;	67932
(4) The computation of course credit;	67933
(5) The ability to carry forward course credit from one year	67934
to another;	67935
(6) Conditions under which the ~~commission~~ <u>division</u> may grant	67936
a waiver or variance from continuing education requirements on the	67937
basis of hardship or other reasons;	67938
(7) Procedures for compliance with the continuing education	67939
requirements and sanctions for noncompliance.	67940
(D) The ~~commission~~ <u>division</u> shall not renew the license of	67941
any person who fails to satisfy any continuing education	67942
requirement that the ~~commission~~ <u>division</u> establishes. The	67943
~~commission~~ <u>division</u> may, for good cause, grant an extension of	67944
time to comply with the continuing education requirements. Any	67945
installer who is granted an extension and completes the continuing	67946
education requirements within the time the ~~commission~~ <u>division</u>	67947
establishes is deemed in compliance with the education	67948
requirements. The license of any person who is granted an	67949
extension shall remain in effect during the period of the	67950
extension.	67951
 Sec. 4781.11. (A)(1) Except as provided in division (B) of	67952
this section, no person shall install manufactured housing unless	67953
that person is licensed as a manufactured housing installer	67954
pursuant to this chapter or unless a licensed manufactured housing	67955

installer is present during the installation and supervises the 67956
person who is not licensed. 67957

(2) A licensed manufactured housing installer who supervises 67958
the work of an unlicensed person is responsible for all 67959
installation work that the unlicensed person performs under the 67960
licensed person's supervision. 67961

(3) A person who is not a licensed manufactured housing 67962
installer may perform foundation or base support system 67963
construction if supervised by a licensed installer. The licensed 67964
installer need not be present during the construction of the 67965
foundation or base support system but is responsible for the 67966
construction of the foundation or base support system. 67967

(B)(1) Nothing in this chapter requires a person to obtain a 67968
manufactured housing installer license to install manufactured 67969
housing for the person's own occupancy if the manufactured housing 67970
is located on property that the person owns and is not located in 67971
a manufactured home park. 67972

(2) A person who installs manufactured housing in the manner 67973
described in division (B)(1) of this section is not entitled to 67974
claim any right or remedy or to bring a cause of action under this 67975
chapter. 67976

(C) No person shall install any manufactured housing 67977
foundation or manufactured housing support system unless that 67978
foundation or support system complies with the standards the 67979
~~manufactured homes commission~~ division of industrial compliance 67980
establishes and receives all approvals and inspections that the 67981
~~commission~~ division requires. 67982

(D) Within fourteen days after the installation, a 67983
manufactured housing installer who performs or supervises a 67984
manufactured housing installation shall provide to both the 67985
treasurer and the auditor of the county in which the installation 67986

is being performed a written notice containing all of the 67987
following information: 67988

(1) The address or location of the installation; 67989

(2) The date of the installation; 67990

(3) The make and model of the installed manufactured housing 67991
unit; 67992

(4) The name of the owner of the installed manufactured 67993
housing unit. 67994

(E) It is a violation of this chapter to do any of the 67995
following: 67996

(1) Represent another person's license as a manufactured 67997
housing installer as one's own; 67998

(2) Intentionally give false or materially misleading 67999
information of any kind to the ~~commission or to a commission~~ 68000
~~member~~ division of industrial compliance in connection with 68001
licensing matters; 68002

(3) Impersonate another manufactured housing installer; 68003

(4) Use an expired, suspended, or revoked license. 68004

Sec. 4781.12. (A) The ~~manufactured homes commission~~ division 68005
of industrial compliance may apply to an appropriate court to 68006
enjoin any violation of this chapter or the rules adopted pursuant 68007
to it. The court shall grant any appropriate relief, including an 68008
injunction, restraining order, or any combination thereof, upon a 68009
showing that a person has violated or is about to violate this 68010
chapter or a rule adopted pursuant to it. 68011

(B) The prosecuting attorney of a county, a city director of 68012
law, or the attorney general may, upon the complaint of the 68013
~~commission~~ division, prosecute to termination or bring an action 68014
for injunction against any person violating this chapter or the 68015

rules adopted pursuant to it. 68016

(C) Any other party adversely affected by an order of the 68017
~~commission~~ division may appeal the order to the court of common 68018
pleas of the county in which the party adversely affected is a 68019
resident or has a place of business, except that if that party is 68020
not a resident of this state and has no place of business in this 68021
state, the party shall appeal to the court of common pleas in 68022
Franklin county. 68023

Sec. 4781.121. (A) The ~~manufactured homes commission~~ division 68024
of industrial compliance, pursuant to section 4781.04 of the 68025
Revised Code, may investigate any person who allegedly has 68026
committed a violation. If, after an investigation the ~~commission~~ 68027
division determines that reasonable evidence exists that a person 68028
has committed a violation, within seven days after that 68029
determination, the ~~commission~~ division shall send a written notice 68030
to that person in the same manner as prescribed in section 119.07 68031
of the Revised Code for licensees, except that the notice shall 68032
specify that a hearing will be held and specify the date, time, 68033
and place of the hearing. 68034

(B) The ~~commission~~ division of industrial compliance shall 68035
hold a hearing regarding the alleged violation in the same manner 68036
prescribed for an adjudication hearing under section 119.09 of the 68037
Revised Code. If the ~~commission~~ division, after the hearing, 68038
determines that a violation has occurred, the ~~commission, upon an~~ 68039
~~affirmative vote of five of its members,~~ division may impose a 68040
fine not exceeding one thousand dollars per violation per day. The 68041
~~commission's~~ division's determination is an order that the person 68042
may appeal in accordance with section 119.12 of the Revised Code. 68043

(C) If the person who allegedly committed a violation fails 68044
to appear for a hearing, the ~~commission~~ division of industrial 68045
compliance may request the court of common pleas of the county 68046

where the alleged violation occurred to compel the person to 68047
appear before the ~~commission~~ division for a hearing. 68048

(D) If the ~~commission~~ division assesses a person a civil 68049
penalty for a violation and the person fails to pay that civil 68050
penalty within the time period prescribed by the ~~commission~~ 68051
division pursuant to section 131.02 of the Revised Code, the 68052
~~commission~~ division shall forward to the attorney general the name 68053
of the person and the amount of the civil penalty for the purpose 68054
of collecting that civil penalty. In addition to the civil penalty 68055
assessed pursuant to this section, the person also shall pay any 68056
fee assessed by the attorney general for collection of the civil 68057
penalty. 68058

(E) The authority provided to the ~~commission~~ division of 68059
industrial compliance pursuant to this section, and any fine 68060
imposed under this section, shall be in addition to, and not in 68061
lieu of, all penalties and other remedies provided in this 68062
chapter. Any fines collected pursuant to this section shall be 68063
used solely to administer and enforce this chapter and rules 68064
adopted under it. Any fees collected pursuant to this section 68065
shall be transmitted to the treasurer of state and shall be 68066
credited to the ~~manufactured homes commission regulatory~~ 68067
industrial compliance operating fund created in section ~~4781.54~~ 68068
121.084 of the Revised Code and the rules adopted thereunder. The 68069
fees shall be used only for the purpose of administering and 68070
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 68071
rules adopted thereunder. 68072

(F) As used in this section, "violation" means a violation of 68073
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 68074
to section 4781.04, of the Revised Code. 68075

Sec. 4781.14. (A) The ~~manufactured homes commission,~~ division 68076
of industrial compliance has exclusive authority to regulate 68077

manufactured home installers, the installation of manufactured 68078
housing, and manufactured housing foundations and support systems 68079
in this state. ~~By enacting this chapter, it~~ It is the intent of 68080
the general assembly to preempt municipal corporations and other 68081
political subdivisions from regulating and licensing manufactured 68082
housing installers and regulating and inspecting the installation 68083
of manufactured housing and manufactured housing foundations and 68084
support systems. 68085

(B) The ~~manufactured homes commission~~ division has exclusive 68086
power to adopt rules of uniform application throughout the state 68087
governing installation of manufactured housing, the inspection of 68088
manufactured housing foundations and support systems, the 68089
inspection of the installation of manufactured housing, the 68090
training and licensing of manufactured housing installers, and the 68091
investigation of complaints concerning manufactured housing 68092
installers. 68093

(C) The rules the ~~commission~~ division adopts pursuant to this 68094
chapter are the exclusive rules governing the installation of 68095
manufactured housing, the design, construction, and approval of 68096
foundations for manufactured housing, the licensure of 68097
manufactured home installers, and the fees charged for licensure 68098
of manufactured home installers. No political subdivision of the 68099
state or any department or agency of the state may establish any 68100
other standards governing the installation of manufactured 68101
housing, manufactured housing foundations and support systems, the 68102
licensure of manufactured housing installers, or fees charged for 68103
the licensure of manufactured housing installers. 68104

(D) Nothing in this section limits the authority of the 68105
attorney general to enforce Chapter 1345. of the Revised Code or 68106
to take any action permitted by the Revised Code against 68107
manufactured housing installers, retailers, or manufacturers. 68108

Sec. 4781.17. (A) Each person applying for a manufactured 68109
housing dealer's license or manufactured housing broker's license 68110
shall complete and deliver to the ~~manufactured homes commission~~ 68111
department of commerce, division of real estate, before the first 68112
day of April, a separate application for license for each county 68113
in which the business of selling or brokering manufactured or 68114
mobile homes is to be conducted. The application shall be in the 68115
form prescribed by the ~~commission~~ division of real estate and 68116
accompanied by the fee established by the ~~commission~~ division of 68117
real estate. The applicant shall sign and swear to the application 68118
that shall include all of the following: 68119

(1) Name of applicant and location of principal place of 68120
business; 68121

(2) Name or style under which business is to be conducted 68122
and, if a corporation, the state of incorporation; 68123

(3) Name and address of each owner or partner and, if a 68124
corporation, the names of the officers and directors; 68125

(4) The county in which the business is to be conducted and 68126
the address of each place of business therein; 68127

(5) A statement of the previous history, record, and 68128
association of the applicant and of each owner, partner, officer, 68129
and director, that is sufficient to establish to the satisfaction 68130
of the ~~commission~~ division of real estate the reputation in 68131
business of the applicant; 68132

(6) A statement showing whether the applicant has previously 68133
applied for a manufactured housing dealer's license, manufactured 68134
housing broker's license, manufactured housing salesperson's 68135
license, or, prior to July 1, 2010, a motor vehicle dealer's 68136
license, manufactured home broker's license, or motor vehicle 68137
salesperson's license, and the result of the application, and 68138

whether the applicant has ever been the holder of any such license 68139
that was revoked or suspended; 68140

(7) If the applicant is a corporation or partnership, a 68141
statement showing whether any partner, employee, officer, or 68142
director has been refused a manufactured housing dealer's license, 68143
manufactured housing broker's license, manufactured housing 68144
salesperson's license, or, prior to July 1, 2010, a motor vehicle 68145
dealer's license, manufactured home broker's license, or motor 68146
vehicle salesperson's license, or has been the holder of any such 68147
license that was revoked or suspended; 68148

(8) Any other information required by the ~~commission~~ division 68149
of real estate. 68150

(B) Each person applying for a manufactured housing 68151
salesperson's license shall complete and deliver to the 68152
~~manufactured homes commission~~ division of real estate before the 68153
first day of July an application for license. The application 68154
shall be in the form prescribed by the ~~commission~~ division of real 68155
estate and shall be accompanied by the fee established by the 68156
~~commission~~ division. The applicant shall sign and swear to the 68157
application that shall include all of the following: 68158

(1) Name and post-office address of the applicant; 68159

(2) Name and post-office address of the manufactured housing 68160
dealer or manufactured housing broker for whom the applicant 68161
intends to act as salesperson; 68162

(3) A statement of the applicant's previous history, record, 68163
and association, that is sufficient to establish to the 68164
satisfaction of the ~~commission~~ division of real estate the 68165
applicant's reputation in business; 68166

(4) A statement as to whether the applicant intends to engage 68167
in any occupation or business other than that of a manufactured 68168
housing salesperson; 68169

(5) A statement as to whether the applicant has ever had any 68170
previous application for a manufactured housing salesperson 68171
license refused or, prior to July 1, 2010, any application for a 68172
motor vehicle salesperson license refused, and whether the 68173
applicant has previously had a manufactured housing salesperson or 68174
motor vehicle salesperson license revoked or suspended; 68175

(6) A statement as to whether the applicant was an employee 68176
of or salesperson for a manufactured housing dealer or 68177
manufactured housing broker whose license was suspended or 68178
revoked; 68179

(7) A statement of the manufactured housing dealer or 68180
manufactured housing broker named therein, designating the 68181
applicant as the dealer's or broker's salesperson; 68182

(8) Any other information required by the ~~commission~~ division 68183
of real estate. 68184

(C) Any application for a manufactured housing dealer or 68185
manufactured housing broker delivered to the ~~commission~~ division 68186
of real estate under this section also shall be accompanied by a 68187
photograph, as prescribed by the ~~commission~~ division, of each 68188
place of business operated, or to be operated, by the applicant. 68189

(D) The ~~manufactured homes commission~~ division of real estate 68190
shall deposit all license fees into the state treasury to the 68191
credit of the ~~occupational licensing and~~ manufactured homes 68192
regulatory fund. 68193

Sec. 4781.18. (A) The ~~manufactured homes commission~~ division 68194
of real estate shall deny the application of any person for a 68195
license as a manufactured housing dealer or manufactured housing 68196
broker and refuse to issue the license if the ~~commission~~ division 68197
finds that any of the following is true of the applicant: 68198

(1) The applicant has made any false statement of a material 68199

fact in the application. 68200

(2) The applicant has not complied with this chapter or the 68201
rules adopted by the ~~commission~~ division of real estate under this 68202
chapter. 68203

(3) The applicant is of bad business repute or has habitually 68204
defaulted on financial obligations. 68205

(4) The applicant has been guilty of a fraudulent act in 68206
connection with selling or otherwise dealing in manufactured 68207
housing or in connection with brokering manufactured housing. 68208

(5) The applicant has entered into or is about to enter into 68209
a contract or agreement with a manufacturer or distributor of 68210
manufactured homes that is contrary to the requirements of this 68211
chapter. 68212

(6) The applicant is insolvent. 68213

(7) The applicant is of insufficient responsibility to ensure 68214
the prompt payment of any final judgments that might reasonably be 68215
entered against the applicant because of the transaction of 68216
business as a manufactured housing dealer or manufactured housing 68217
broker during the period of the license applied for, or has failed 68218
to satisfy any such judgment. 68219

(8) The applicant has no established place of business that, 68220
where applicable, is used or will be used for the purpose of 68221
selling, displaying, offering for sale or dealing in manufactured 68222
housing at the location for which application is made. 68223

(9) Within less than twelve months prior to making 68224
application, the applicant has been denied a manufactured housing 68225
dealer's license or manufactured housing broker's license, or has 68226
any such license revoked. 68227

(B) The ~~commission~~ division of real estate shall deny the 68228
application of any person for a license as a salesperson and 68229

refuse to issue the license if the ~~commission~~ division finds that 68230
any of the following is true of the applicant: 68231

(1) The applicant has made any false statement of a material 68232
fact in the application. 68233

(2) The applicant has not complied with this chapter or the 68234
rules adopted by the ~~commission~~ division of real estate under this 68235
chapter. 68236

(3) The applicant is of bad business repute or has habitually 68237
defaulted on financial obligations. 68238

(4) The applicant has been guilty of a fraudulent act in 68239
connection with selling or otherwise dealing in manufactured 68240
housing. 68241

(5) The applicant has not been designated to act as 68242
salesperson for a manufactured housing dealer or manufactured 68243
housing broker licensed to do business in this state under this 68244
chapter, or intends to act as salesperson for more than one 68245
licensed manufactured housing dealer or manufactured housing 68246
broker at the same time, unless the licensed dealership is owned 68247
or operated by the same corporation, regardless of the county in 68248
which the dealership's facility is located. 68249

(6) The applicant holds a current manufactured housing 68250
dealer's or manufactured housing broker's license issued under 68251
this chapter, and intends to act as salesperson for another 68252
licensed manufactured housing dealer or manufactured housing 68253
broker. 68254

(7) Within less than twelve months prior to making 68255
application, the applicant has been denied a salesperson's license 68256
or had a salesperson's license revoked. 68257

(8) The applicant was salesperson for, or in the employ of, a 68258
manufactured housing dealer or manufactured housing broker at the 68259

time the dealer's or broker's license was revoked. 68260

(C) If an applicant for a manufactured housing dealer or 68261
manufactured housing broker's license is a corporation or 68262
partnership, the ~~commission~~ division of real estate may refuse to 68263
issue a license if any officer, director, or partner of the 68264
applicant has been guilty of any act or omission that would be 68265
cause for refusing or revoking a license issued to such officer, 68266
director, or partner as an individual. The ~~commission's~~ division's 68267
finding may be based upon facts contained in the application or 68268
upon any other information the ~~commission~~ division of real estate 68269
may have. 68270

(D) Notwithstanding division (A)(4) of this section, the 68271
~~commission~~ division of real estate shall not deny the application 68272
of any person and refuse to issue a license if the ~~commission~~ 68273
division finds that the applicant is engaged or will engage in the 68274
business of selling at retail any new manufactured homes and 68275
demonstrates that the applicant has posted a bond, surety, or 68276
certificate of deposit with the ~~commission~~ division of real estate 68277
in an amount not less than one hundred thousand dollars for the 68278
protection and benefit of the applicant's customers. 68279

(E) A decision made by the ~~commission~~ division of real estate 68280
under this section may be based upon any statement contained in 68281
the application or upon any facts within the ~~commission's~~ 68282
division's knowledge. 68283

(F) Immediately upon denying an application for any of the 68284
reasons in this section, the ~~commission~~ division of real estate 68285
shall enter a final order together with the ~~commission's~~ 68286
division's findings. If the application is denied by the ~~executive~~ 68287
~~director of the commission under authority of section 4781.05 of~~ 68288
~~the Revised Code~~ division of real estate, the ~~executive director~~ 68289
division of real estate shall enter a final order ~~together with~~ 68290
~~the director's findings and certify the same to the commission.~~ 68291

~~The commission~~ and shall issue to the applicant a written notice 68292
of refusal to grant a license that shall disclose the reason for 68293
refusal. 68294

Sec. 4781.19. (A) At the time the ~~manufactured homes~~ 68295
~~commission~~ division of real estate grants the application of any 68296
person for a license as a manufactured housing dealer, 68297
manufactured housing broker, or manufactured housing salesperson, 68298
the ~~commission~~ division shall issue to the person a license that 68299
includes the name and ~~post-office~~ business and mailing address of 68300
the person licensed. If a manufactured housing dealer or 68301
manufactured housing broker has more than one place of business in 68302
a county, the dealer or broker shall make application, in such 68303
form as the ~~commission~~ division prescribes, for a certified copy 68304
of the license issued to the dealer or broker for each place of 68305
business in the county. 68306

(B) The ~~commission~~ division of real estate may require each 68307
applicant for a manufactured housing dealer's license, 68308
manufactured housing broker's license, and manufactured housing 68309
salesperson's license issued under this chapter to pay an 68310
additional fee, which shall be used by the ~~commission~~ division to 68311
pay the costs of obtaining a record of any arrests and convictions 68312
of the applicant from the bureau of identification and 68313
investigation. The amount of the fee shall be equal to that paid 68314
by the ~~commission~~ division to obtain such record. 68315

(C) In the event of the loss, mutilation, or destruction of a 68316
manufactured housing dealer's license, manufactured housing 68317
broker's license, or manufactured housing salesperson's license, 68318
any licensee may make application to the ~~commission~~ division of 68319
real estate, in the form prescribed by the ~~commission~~ division, 68320
for a duplicate copy thereof and pay a fee established by the 68321
~~commission~~ division of real estate. 68322

(D) All manufactured housing dealers' licenses, all 68323
manufactured housing brokers' licenses, and all manufactured 68324
housing salespersons' licenses issued or renewed shall expire 68325
biennially on a day within the two-year cycle that is prescribed 68326
by the ~~manufactured homes commission~~ division of real estate, 68327
unless sooner suspended or revoked. Before the first day after the 68328
day prescribed by the ~~commission~~ division in the year that the 68329
license expires, each licensed manufactured housing dealer, 68330
manufactured housing broker, and manufactured housing salesperson, 68331
in the year in which the license will expire, shall file an 68332
application, in such form as the ~~commission~~ division of real 68333
estate prescribes, for the renewal of such license. The fee 68334
required by this section for the original license shall accompany 68335
the application. 68336

(E) Each manufactured housing dealer and manufactured housing 68337
broker shall keep the license or a certified copy thereof and a 68338
current list of the dealer's or the broker's licensed 68339
salespersons, showing the names, addresses, and serial numbers of 68340
their licenses, posted in a conspicuous place in each place of 68341
business. Each salesperson shall carry the salesperson's license 68342
or a certified copy thereof and shall exhibit such license or copy 68343
upon demand to any inspector of the ~~commission~~ division of real 68344
estate, state highway patrol trooper, police officer, or person 68345
with whom the salesperson seeks to transact business as a 68346
manufactured housing salesperson. 68347

Sec. 4781.20. The applications for licenses submitted under 68348
section 4781.17 of the Revised Code are not part of the public 68349
records but are confidential information for the use of the 68350
~~manufactured homes commission~~ division of real estate. No person 68351
shall divulge any information contained in such applications and 68352
acquired by the person in the person's capacity as an official or 68353
employee of the ~~manufactured homes commission~~ division of real 68354

estate, except in a report to the ~~commission~~ division, or when 68355
called upon to testify in any court or proceeding. 68356

Sec. 4781.21. (A) The ~~manufactured homes commission~~ division 68357
of real estate may make rules governing ~~its~~ actions relative to 68358
the suspension and revocation of manufactured housing dealers', 68359
manufactured housing brokers', and manufactured housing 68360
salespersons' licenses, and may, upon its own motion, and shall, 68361
upon the verified complaint in writing of any person, investigate 68362
the conduct of any licensee under this chapter. The ~~commission~~ 68363
division shall suspend, revoke, or refuse to renew any 68364
manufactured housing dealer's, manufactured housing broker's, or 68365
manufactured housing salesperson's license, if any ground existed 68366
upon which the license might have been refused, or if a ground 68367
exists that would be cause for refusal to issue a license. 68368

The ~~commission~~ division of real estate may suspend or revoke 68369
any license if the licensee has in any manner violated the rules 68370
adopted by the ~~commission~~ division under this chapter, or has been 68371
convicted of committing a felony or violating any law that in any 68372
way relates to the selling, taxing, licensing, or regulation of 68373
sales of manufactured or mobile homes. 68374

(B) Any salesperson's license shall be suspended upon the 68375
termination, suspension, or revocation of the license of the 68376
manufactured housing dealer or manufactured housing broker for 68377
whom the salesperson is acting, or upon the salesperson leaving 68378
the service of the manufactured housing dealer or manufactured 68379
housing broker. Upon the termination, suspension, or revocation of 68380
the license of the manufactured housing dealer or manufactured 68381
housing broker for whom the salesperson is acting, or upon the 68382
salesperson leaving the service of a licensed manufactured housing 68383
or manufactured housing broker, the licensed salesperson may make 68384
application to the ~~commission~~ division of real estate, in such 68385

form as the ~~commission~~ division prescribes, to have the 68386
salesperson's license reinstated, transferred, and registered as a 68387
salesperson for another dealer or broker. If the information 68388
contained in the application is satisfactory to the ~~commission~~ 68389
division of real estate, the ~~commission~~ division shall reinstate, 68390
transfer, or register the salesperson's license as a salesperson 68391
for other dealer or broker. The ~~commission~~ division shall 68392
establish the fee for the reinstatement and transfer of license. 68393
No license issued to a dealer, broker, or salesperson under this 68394
chapter may be transferred to any other person. 68395

(C) Any person whose manufactured housing dealer's license, 68396
manufactured housing broker's license, or manufactured housing 68397
salesperson's license is revoked, suspended, denied, or not 68398
renewed may request an adjudication hearing on the matter within 68399
thirty days after receipt of the notice of the action. If no 68400
appeal is taken within thirty days after receipt of the order, the 68401
order is final and conclusive. All appeals must be by petition in 68402
writing and verified under oath by the applicant whose application 68403
for license has been revoked, suspended, denied, or not renewed 68404
and must set forth the reason for the appeal and the reason why, 68405
in the petitioner's opinion, the order is not correct. ~~In such~~ 68406
~~appeals the board may make investigation to determine the~~ 68407
~~correctness and legality of the appealed order.~~ The hearing shall 68408
be held in accordance with Chapter 119. of the Revised Code. 68409

Sec. 4781.22. No manufactured housing dealer licensed under 68410
this chapter shall do any of the following: 68411

(A) Directly or indirectly, solicit the sale of a 68412
manufactured home or mobile home through an interested person 68413
other than a salesperson licensed in the employ of a licensed 68414
dealer; 68415

(B) Pay any commission or compensation in any form to any 68416

person in connection with the sale of a manufactured home or 68417
mobile home unless the person is licensed as a salesperson in the 68418
employ of the dealer; 68419

(C) Fail to immediately notify the ~~manufactured homes~~ 68420
~~commission~~ division of real estate upon termination of the 68421
employment of any person licensed as a salesperson to sell, 68422
display, offer for sale, or deal in manufactured homes or mobile 68423
homes for the dealer. 68424

Sec. 4781.23. (A) Each licensed manufactured housing dealer 68425
and manufactured housing broker shall notify the ~~manufactured~~ 68426
~~homes commission~~ division of real estate of any change in status 68427
as a manufactured housing dealer or manufactured housing broker 68428
during the period for which the dealer or broker is licensed, if 68429
the change of status concerns either of the following: 68430

(1) Personnel of owners, partners, officers, or directors; 68431

(2) Location of an office or principal place of business. 68432

(B) The notification required by division (A) of this section 68433
shall be made by filing with the ~~commission~~ division of real 68434
estate, within fifteen days after the change of status, a 68435
supplemental statement in a form prescribed by the ~~commission~~ 68436
division of real estate showing in what respect the status has 68437
been changed. 68438

The ~~commission~~ division of real estate may adopt a rule 68439
exempting from the notification requirement of division (A)(1) of 68440
this section any dealer if stock in the dealer or its parent 68441
company is publicly traded and if there are public records filed 68442
with and in the possession of state or federal agencies that 68443
provide the information required by division (A)(1) of this 68444
section. 68445

Sec. 4781.25. The ~~manufactured homes commission~~ division of 68446

real estate shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the ~~commission~~ division of real estate. The rules also shall require each person licensed as a manufactured housing broker to maintain at all times a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. In a form determined by the ~~commission~~ division, a manufactured housing broker shall submit written proof to the ~~commission~~ division of the continued maintenance of the special or trust account. A depository where special or trust accounts are maintained in accordance with this section shall be located in this state.

Sec. 4781.26. (A) The ~~manufactured homes commission~~ division of industrial compliance, subject to Chapter 119. of the Revised Code, shall adopt, and has the exclusive power to adopt, rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to flood plain management shall be consistent with and not less stringent than the flood plain management criteria of the national flood insurance program adopted under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to the construction, erection, or manufacture of

any building to which section 3781.06 of the Revised Code is 68478
applicable. 68479

(B) The rules pertaining to manufactured home parks 68480
constructed after June 30, 1971, shall specify that each home must 68481
be placed on its lot to provide not less than fifteen feet between 68482
the side of one home and the side of another home, ten feet 68483
between the end of one home and the side of another home, and five 68484
feet between the ends of two homes placed end to end. 68485

(C) The ~~manufactured homes commission~~ division of industrial 68486
compliance shall determine compliance with the installation, 68487
blocking, tiedown, foundation, and base support system standards 68488
for manufactured housing located in manufactured home parks 68489
adopted by the ~~commission~~ division pursuant to section 4781.04 of 68490
the Revised Code. All inspections of the installation, blocking, 68491
tiedown, foundation, and base support systems of manufactured 68492
housing in a manufactured home park that the ~~commission~~ division 68493
of industrial compliance conducts shall be conducted by a person 68494
the ~~manufactured homes commission~~ division of industrial 68495
compliance certifies pursuant to section 4781.07 of the Revised 68496
Code. 68497

(D) The ~~manufactured homes commission~~ division of industrial 68498
compliance may enter into contracts for the purpose of fulfilling 68499
the ~~commission's~~ division of industrial compliance's annual 68500
inspection responsibilities for manufactured home parks under this 68501
chapter. Boards of health of city or general health districts 68502
shall have the right of first refusal for those contracts. 68503

Sec. 4781.27. (A)(1) On or after the first day of December, 68504
but before the first day of January of the next year, every person 68505
who intends to operate a manufactured home park shall procure a 68506
license to operate the park for the next year from the 68507
~~manufactured homes commission~~ division of industrial compliance. 68508

If the applicable license fee prescribed under section 4781.28 of the Revised Code is not received by the ~~commission~~ division by the close of business on the last day of December, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of December is not a business day, the penalty attaches upon the close of business on the next business day.

(2) No manufactured home park shall be maintained or operated in this state without a license.

(3) No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new operator. A person shall obtain a separate license to operate each manufactured home park.

(B) Before a license is initially issued and annually thereafter, or more often if necessary, the ~~commission~~ division of industrial compliance shall cause each manufactured home park to be inspected for compliance with sections 4781.26 to 4781.35 of the Revised Code and the rules adopted under those sections. A record shall be made of each inspection on a form prescribed by the ~~commission~~ division.

(C) Each person applying for an initial license to operate a manufactured home park shall provide acceptable proof to the ~~commission~~ division of industrial compliance that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park.

Sec. 4781.28. The ~~manufactured homes commission~~ division of industrial compliance may charge a fee for an annual license to operate a manufactured home park. The fee for a license shall be determined in accordance with section 4781.27 of the Revised Code and shall include the cost of licensing and all inspections.

Any fees collected shall be transmitted to the treasurer of 68540
state and shall be credited to the ~~manufactured homes commission~~ 68541
~~regulatory~~ industrial compliance operating fund created in section 68542
~~4781.54~~ 121.084 of the Revised Code and used only for the purpose 68543
of administering and enforcing sections 4781.26 to 4781.35 of the 68544
Revised Code and the rules adopted thereunder. 68545

Sec. 4781.29. The ~~manufactured homes commission~~ division of 68546
industrial compliance may refuse to grant, may suspend, or may 68547
revoke any license granted to any person for failure to comply 68548
with sections 4781.26 to 4781.35 of the Revised Code or with any 68549
rule adopted under section 4781.26 of the Revised Code. 68550

Sec. 4781.31. (A) No person shall cause development to occur 68551
within any portion of a manufactured home park until the plans for 68552
the development have been submitted to and reviewed and approved 68553
by the ~~manufactured homes commission~~ division of industrial 68554
compliance. This division does not require that plans be submitted 68555
to the ~~commission~~ division of industrial compliance for approval 68556
for the replacement of manufactured or mobile homes on previously 68557
approved lots in a manufactured home park when no development is 68558
to occur in connection with the replacement. Within thirty days 68559
after receipt of the plans, all supporting documents and materials 68560
required to complete the review, and the applicable plan review 68561
fee established under division (D) of this section, the ~~commission~~ 68562
division of industrial compliance shall approve or disapprove the 68563
plans. 68564

(B) Any person aggrieved by the ~~commission's~~ division's 68565
disapproval of a set of plans under division (A) of this section 68566
may request a hearing on the matter within thirty days after 68567
receipt of the ~~commission's~~ division's notice of the disapproval. 68568
The hearing shall be held in accordance with Chapter 119. of the 68569
Revised Code. Thereafter, the disapproval may be appealed in the 68570

manner provided in section 119.12 of the Revised Code. 68571

(C) The ~~commission~~ division of industrial compliance shall 68572
establish a system by which development occurring within a 68573
manufactured home park is inspected or verified in accordance with 68574
rules adopted under section 4781.26 of the Revised Code to ensure 68575
that the development complies with the plans approved under 68576
division (A) of this section. 68577

(D) The ~~commission~~ division of industrial compliance shall 68578
establish fees for reviewing plans under division (A) of this 68579
section and conducting inspections under division (C) of this 68580
section. 68581

(E) The ~~commission~~ division of industrial compliance shall 68582
charge the appropriate fees established under division (D) of this 68583
section for reviewing plans under division (A) of this section and 68584
conducting inspections under division (C) of this section. All 68585
such plan review and inspection fees received by the ~~commission~~ 68586
division shall be transmitted to the treasurer of state and shall 68587
be credited to the ~~occupational licensing and regulatory~~ 68588
industrial compliance operating fund created in section ~~4743.05~~ 68589
121.084 of the Revised Code. Moneys so credited to the fund shall 68590
be used only for the purpose of administering and enforcing 68591
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 68592
under those sections. 68593

(F) Plan approvals issued under this section do not 68594
constitute an exemption from the land use and building 68595
requirements of the political subdivision in which the 68596
manufactured home park is or is to be located. 68597

Sec. 4781.32. (A) No person shall cause development to occur 68598
or cause the replacement of a mobile or manufactured home within 68599
any portion of a manufactured home park that is located within a 68600
one-hundred-year flood plain unless the person first obtains a 68601

permit from the ~~manufactured homes commission~~ division of 68602
industrial compliance. If the development for which a permit is 68603
required under this division is to occur on a lot where a mobile 68604
or manufactured home is or is to be located, the owner of the home 68605
and the operator of the manufactured home park shall jointly 68606
obtain the permit. Each of the persons to whom a permit is jointly 68607
issued is responsible for compliance with the provisions of the 68608
approved permit that are applicable to that person. 68609

The ~~commission~~ division of industrial compliance shall 68610
disapprove an application for a permit required under this 68611
division unless the ~~commission~~ division finds that the proposed 68612
development or replacement of a mobile or manufactured home 68613
complies with the rules adopted under section 4781.26 of the 68614
Revised Code. No permit is required under this division for the 68615
construction, erection, or manufacture of any building to which 68616
section 3781.06 of the Revised Code applies. 68617

The ~~commission~~ division of industrial compliance may suspend 68618
or revoke a permit issued under this division for failure to 68619
comply with the rules adopted under section 4781.26 of the Revised 68620
Code pertaining to flood plain management or for failure to comply 68621
with the approved permit. 68622

Any person aggrieved by the disapproval, suspension, or 68623
revocation of a permit under this division by the ~~commission~~ 68624
division of industrial compliance may request a hearing on the 68625
matter within thirty days after receipt of the notice of the 68626
disapproval, suspension, or revocation. The hearing shall be held 68627
in accordance with Chapter 119. of the Revised Code. Thereafter, 68628
an appeal of the disapproval, suspension, or revocation may be 68629
taken in the manner provided in section 119.12 of the Revised 68630
Code. 68631

(B) The ~~commission~~ division of industrial compliance shall 68632
establish fees for the issuance of permits under division (A) of 68633

this section and for necessary inspections conducted to determine 68634
compliance with those permits. 68635

(C) The ~~commission~~ division of industrial compliance shall 68636
charge the appropriate fee established under division (B) of this 68637
section for the issuance of a permit under division (A) of this 68638
section or for conducting any necessary inspection to determine 68639
compliance with the permit. If the ~~commission~~ division issues such 68640
a permit or conducts such an inspection, the fee for the permit or 68641
inspection shall be transmitted to the treasurer of state and 68642
shall be credited to the ~~occupational licensing and regulatory~~ 68643
industrial compliance operating fund created in section ~~4743.05~~ 68644
121.084 of the Revised Code. Moneys so credited to the fund shall 68645
be used only for the purpose of administering and enforcing 68646
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 68647
under those sections. 68648

Sec. 4781.33. When a flood event affects a manufactured home 68649
park, the operator of the manufactured home park, in accordance 68650
with rules adopted under section 4781.26 of the Revised Code, 68651
shall notify the ~~manufactured homes commission~~ division of 68652
industrial compliance and the board of health having jurisdiction 68653
where the flood event occurred within forty-eight hours after the 68654
end of the flood event. The ~~commission~~ division, after receiving 68655
notification, shall immediately notify the board of health. 68656

After being notified of such a flood event, the board of 68657
health shall cause an inspection to be made of the manufactured 68658
home park named in the notice. The board of health shall issue a 68659
report of the inspection to the ~~commission~~ division of industrial 68660
compliance within ten days after the inspection is completed. 68661

Sec. 4781.34. (A) If a mobile or manufactured home that is 68662
located in a flood plain is substantially damaged, the owner of 68663

the home shall make all alterations, repairs, or changes to the 68664
home, and the operator of the manufactured home park shall make 68665
all alterations, repairs, or changes to the lot on which the home 68666
is located, that are necessary to ensure compliance with the flood 68667
plain management rules adopted under section 4781.26 of the 68668
Revised Code. Such alterations, repairs, or changes may include, 68669
without limitation, removal of the home or other structures. 68670

No person shall fail to comply with this division. 68671

(B) No person shall cause to be performed any alteration, 68672
repair, or change required by division (A) of this section unless 68673
the person first obtains a permit from the ~~manufactured homes~~ 68674
~~commission~~ division of industrial compliance. 68675

The ~~commission~~ division of industrial compliance shall 68676
disapprove an application for a permit required under this 68677
division unless the ~~commission~~ division finds that the proposed 68678
alteration, repair, or change complies with the rules adopted 68679
under section 4781.26 of the Revised Code. No permit is required 68680
under this division for the construction, erection, or manufacture 68681
of any building to which section 3781.06 of the Revised Code 68682
applies. 68683

The ~~commission~~ division of industrial compliance may suspend 68684
or revoke a permit issued under this division for failure to 68685
comply with the rules adopted under section 4781.26 of the Revised 68686
Code pertaining to flood plain management or for failure to comply 68687
with the approved permit for making alterations, repairs, or 68688
changes to the lot on which the manufactured home is located. 68689

Any person aggrieved by the disapproval, suspension, or 68690
revocation of a permit under this division by the ~~commission~~ 68691
division of industrial compliance may request a hearing on the 68692
matter within thirty days after receipt of the notice of the 68693
disapproval, suspension, or revocation. The hearing shall be held 68694

in accordance with Chapter 119. of the Revised Code. Thereafter, 68695
an appeal of the disapproval, suspension, or revocation may be 68696
taken in the manner provided in section 119.12 of the Revised Code 68697
and for necessary inspections conducted to determine compliance 68698
with those permits. 68699

(C) The ~~commission~~ division of industrial compliance shall 68700
establish fees for the issuance of permits under division (B) of 68701
this section and for necessary inspections conducted to determine 68702
compliance with those permits for making alterations, repairs, or 68703
changes to the lot on which the manufactured home is located. 68704

(D) The ~~commission~~ division of industrial compliance shall 68705
charge the appropriate fee established under division (C) of this 68706
section for the issuance of a permit under division (B) of this 68707
section or for conducting any necessary inspection to determine 68708
compliance with the permit. If the ~~commission~~ division of 68709
industrial compliance issues such a permit or conducts such an 68710
inspection, the fee for the permit or inspection shall be 68711
transmitted to the treasurer of state and shall be credited to the 68712
~~occupational licensing and regulatory~~ industrial compliance 68713
operating fund created in section ~~4743.05~~ 121.084 of the Revised 68714
Code. Moneys so credited to the fund shall be used only for the 68715
purpose of administering and enforcing sections 4781.26 to 4781.35 68716
of the Revised Code and rules adopted under those sections. 68717

Sec. 4781.35. (A) No person shall violate sections 4781.26 to 68718
4781.35 of the Revised Code or the rules adopted thereunder. 68719

(B) The prosecuting attorney of the county, the city director 68720
of law, or the attorney general, upon complaint of the 68721
~~manufactured homes commission~~ division of industrial compliance, 68722
shall prosecute to termination or bring an action for injunction 68723
against any person violating sections 4781.26 to 4781.35 of the 68724
Revised Code or the rules adopted thereunder. 68725

Sec. 4781.37. (A) Notwithstanding section 4781.36 of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the ~~manufactured homes commission~~ division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~commission~~ division.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code.

Sec. 4781.38. (A) A park operator who is a party to a rental agreement shall:

(1) Comply with the requirements of all applicable building, 68755
housing, health, and safety codes which materially affect health 68756
and safety, and comply with rules of the ~~manufactured homes~~ 68757
~~commission~~ division of industrial compliance; 68758

(2) Make all repairs and do whatever is reasonably necessary 68759
to put and keep the premises in a fit and habitable condition; 68760

(3) Keep all common areas of the premises in a safe and 68761
sanitary condition; 68762

(4) Maintain in good and safe working order and condition all 68763
electrical and plumbing fixtures and appliances, and septic 68764
systems, sanitary and storm sewers, refuse receptacles, and well 68765
and water systems that are supplied or required to be supplied by 68766
the park operator; 68767

(5) Not abuse the right of access conferred by division (B) 68768
of section 4781.39 of the Revised Code; 68769

(6) Except in the case of emergency or if it is impracticable 68770
to do so, give the resident reasonable notice of the park 68771
operator's intent to enter onto the residential premises and enter 68772
only at reasonable times. Twenty-four hours' notice shall be 68773
presumed to be a reasonable notice in the absence of evidence to 68774
the contrary. 68775

(B) If the park operator violates any provision of this 68776
section, makes a lawful entry onto the residential premises in an 68777
unreasonable manner, or makes repeated demands for entry otherwise 68778
lawful which demands have the effect of harassing the resident, 68779
the resident may recover actual damages resulting from the 68780
violation, entry, or demands and injunctive relief to prevent the 68781
recurrence of the conduct, and if the resident obtains a judgment, 68782
reasonable attorneys' fees, or terminate the rental agreement. 68783

Sec. 4781.39. (A) A resident who is a party to a rental 68784

agreement shall: 68785

(1) Keep that part of the premises that the resident occupies 68786
and uses safe and sanitary; 68787

(2) Dispose of all rubbish, garbage, and other waste in a 68788
clean, safe, and sanitary manner; 68789

(3) Comply with the requirements imposed on residents by all 68790
applicable state and local housing, health, and safety codes, 68791
rules of the ~~manufactured homes commission~~ division of industrial 68792
compliance, and rules of the manufactured home park; 68793

(4) Personally refrain, and forbid any other person who is on 68794
the premises with the resident's permission, from intentionally or 68795
negligently destroying, defacing, damaging, or removing any 68796
fixture, appliance, or other part of the residential premises; 68797

(5) Conduct self and require other persons on the premises 68798
with the resident's consent to conduct themselves in a manner that 68799
will not disturb the resident's neighbors' peaceful enjoyment of 68800
the manufactured home park. 68801

(B) The resident shall not unreasonably withhold consent for 68802
the park operator to enter the home to inspect utility 68803
connections, or enter onto the premises in order to inspect the 68804
premises, make ordinary, necessary, or agreed repairs, 68805
decorations, alterations, or improvements, deliver parcels which 68806
are too large for the resident's mail facilities, or supply 68807
necessary or agreed services. 68808

(C) If the resident violates any provision of this section, 68809
the park operator may recover any actual damages which result from 68810
the violation and reasonable attorneys' fees. This remedy is in 68811
addition to any right of the park operator to terminate the rental 68812
agreement, to maintain an action for the possession of the 68813
premises, or injunctive relief to compel access under division (B) 68814
of this section. 68815

Sec. 4781.45. If a resident commits a material violation of the rules of the manufactured home park, of the ~~manufactured homes commission~~ department of commerce division of industrial compliance, or of applicable state and local health and safety codes, the park operator may deliver a written notification of the violation to the resident. The notification shall contain all of the following:

(A) A description of the violation;

(B) A statement that the rental agreement will terminate upon a date specified in the written notice not less than thirty days after receipt of the notice unless the resident remedies the violation;

(C) A statement that the violation was material and that if a second material violation of any park or ~~commission~~ division rule, or any health and safety code, occurs within six months after the date of this notice, the rental agreement will terminate immediately;

(D) A statement that a defense available to termination of the rental agreement for two material violations of park or ~~commission~~ division rules, or of health and safety codes, is that the park rule is unreasonable, or that the park or ~~commission~~ division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or ~~commission~~ division rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that

the park or ~~commission~~ division rule, or health or safety code, is 68847
not being enforced against other manufactured home park residents, 68848
or that the two violations were not willful and not committed in 68849
bad faith. 68850

Sec. 4781.54. (A) The division of real estate shall deposit 68851
all the fees collected in the administration and enforcement 68852
sections 4781.16 to 4781.25 of the Revised Code into the 68853
manufactured homes regulatory fund, which is hereby created. All 68854
money deposited into the fund shall be used to pay the operating 68855
expenses of the division or as otherwise described in those 68856
sections. 68857

(B) The division of industrial compliance shall deposit all 68858
fees collected in the administration and enforcement sections of 68859
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 68860
Code into the industrial compliance operating fund created in 68861
section 121.084 of the Revised Code. All money deposited into the 68862
fund shall be used to pay the operating expenses of the division 68863
or as otherwise described in those sections. 68864

Sec. 4783.03. (A) The state behavioral health and social work 68865
board of psychology shall administer and enforce this chapter. The 68866
board shall adopt rules under Chapter 119. of the Revised Code 68867
establishing all of the following: 68868

(1) Procedures and requirements for applying for a 68869
certificate issued under section 4783.04 of the Revised Code; 68870

(2) Fees for issuance of a certificate; 68871

(3) Reductions of the hours of continuing education required 68872
by section 4783.05 of the Revised Code for persons in their first 68873
certificate period. 68874

(B) The board may adopt additional rules in accordance with 68875
Chapter 119. of the Revised Code as the board determines are 68876

necessary to implement and enforce this chapter. 68877

Sec. 4783.04. (A) An individual seeking a certificate to 68878
practice as a certified Ohio behavior analyst shall file with the 68879
state behavioral health and social work board ~~of psychology~~ a 68880
~~written~~ an application on a form prescribed and supplied by the 68881
board. To be eligible for a certificate, the individual shall do 68882
all of the following: 68883

(1) Demonstrate that the applicant is of good moral character 68884
and conducts the applicant's professional activities in accordance 68885
with accepted professional and ethical standards; 68886

(2) Comply with sections 4776.01 to 4776.04 of the Revised 68887
Code; 68888

(3) Demonstrate an understanding of the law regarding 68889
behavioral health practice; 68890

(4) Demonstrate current certification as a board certified 68891
behavior analyst by the behavior analyst certification board or 68892
its successor organization or demonstrate completion of equivalent 68893
requirements and passage of a psychometrically valid examination 68894
administered by a nationally accredited credentialing 68895
organization; 68896

(5) Pay the fee established by the state behavioral health 68897
and social work board ~~of psychology~~. 68898

(B) The state behavioral health and social work board ~~of~~ 68899
~~psychology~~ shall review all applications received under this 68900
section. The state behavioral health and social work board ~~of~~ 68901
~~psychology~~ shall not grant a certificate to an applicant for an 68902
initial certificate unless the applicant complies with sections 68903
4776.01 to 4776.04 of the Revised Code and the state behavioral 68904
health and social work board ~~of psychology~~, in its discretion, 68905
decides that the results of the criminal records check do not make 68906

the applicant ineligible for a certificate issued pursuant to 68907
section 4783.09 of the Revised Code. If the state behavioral 68908
health and social work board of ~~psychology~~ determines that an 68909
applicant satisfies the requirements for a certificate to practice 68910
as a certified Ohio behavior analyst, the state behavioral health 68911
and social work board of ~~psychology~~ shall issue the applicant a 68912
certificate. 68913

Sec. 4783.05. (A)(1) Except as otherwise provided in this 68914
division, a certificate issued under this chapter is valid for a 68915
period of two years. On or before the thirty-first day of August 68916
of each even-numbered year, each certified Ohio behavior analyst 68917
shall do both of the following: 68918

(a) Register with the state behavioral health and social work 68919
board of ~~psychology~~ on a form prescribed by the board, giving the 68920
certified Ohio behavior analyst's name, address, certificate 68921
number, the continuing education information required under 68922
division (B) of this section, and any other reasonable information 68923
as the board requires; 68924

(b) Pay to the board secretary a biennial registration fee in 68925
an amount of one hundred fifty dollars. 68926

(2) An individual who is issued a certificate under section 68927
4783.04 of the Revised Code for the first time on or before the 68928
thirty-first day of August of an even-numbered year shall next be 68929
required to register on or before the thirty-first day of August 68930
of the next even-numbered year. 68931

(B) Every two years a certified Ohio behavior analyst who 68932
wishes to renew the certified Ohio behavior analyst's certificate 68933
issued under this chapter shall produce proof of not less than 68934
twenty-three hours of continuing education, including not less 68935
than four hours in ethics, professional conduct, or cultural 68936
competency. Continuing education hours may be earned through 68937

providers of continuing education approved by the behavior analyst 68938
certification board or its successor organization or other 68939
organizations approved by the state behavioral health and social 68940
work board of ~~psychology~~ as providers of continuing education. 68941

Sec. 4783.09. (A) The state behavioral health and social work 68942
board of ~~psychology~~ may refuse to issue a certificate to any 68943
applicant, may issue a reprimand, or suspend or revoke the 68944
certificate of any certified Ohio behavior analyst, on any of the 68945
following grounds: 68946

(1) Conviction of a felony, or of any offense involving moral 68947
turpitude, in a court of this or any other state or in a federal 68948
court; 68949

(2) Using fraud or deceit in the procurement of the 68950
certificate to practice applied behavior analysis or knowingly 68951
assisting another in the procurement of such a certificate through 68952
fraud or deceit; 68953

(3) Accepting commissions or rebates or other forms of 68954
remuneration for referring persons to other professionals; 68955

(4) Willful, unauthorized communication of information 68956
received in professional confidence; 68957

(5) Being negligent in the practice of applied behavior 68958
analysis; 68959

(6) Using any controlled substance or alcoholic beverage to 68960
an extent that such use impairs the person's ability to perform 68961
the work of a certified Ohio behavior analyst with safety to the 68962
public; 68963

(7) Violating any rule of professional conduct promulgated by 68964
the board; 68965

(8) Practicing in an area of applied behavior analysis for 68966
which the person is clearly untrained or incompetent; 68967

(9) An adjudication by a court, as provided in section 68968
5122.301 of the Revised Code, that the person is incompetent for 68969
the purpose of holding the certificate; 68970

(10) Waiving the payment of all or any part of a deductible 68971
or copayment that a patient, pursuant to a health insurance or 68972
health care policy, contract, or plan that covers applied behavior 68973
analysis services, would otherwise be required to pay if the 68974
waiver is used as an enticement to a patient or group of patients 68975
to receive health care services from that provider; 68976

(11) Advertising that the person will waive the payment of 68977
all or any part of a deductible or copayment that a patient, 68978
pursuant to a health insurance or health care policy, contract, or 68979
plan that covers applied behavior analysis services, would 68980
otherwise be required to pay. 68981

(B) For purposes of division (A)(9) of this section, a person 68982
may have the person's certificate issued or restored only upon 68983
determination by a court that the person is competent for the 68984
purpose of holding the certificate and upon the decision by the 68985
board that the certificate be issued or restored. The board may 68986
require an examination prior to such issuance or restoration. 68987

(C) Notwithstanding divisions (A)(10) and (11) of this 68988
section, sanctions shall not be imposed against any certificate 68989
holder who waives deductibles and copayments: 68990

(1) In compliance with the health benefit plan that expressly 68991
allows such a practice. Waiver of the deductibles or copays shall 68992
be made only with the full knowledge and consent of the plan 68993
purchaser, payer, and third-party administrator. Such consent 68994
shall be made available to the board upon request. 68995

(2) For professional services rendered to any other person 68996
holding a certificate issued pursuant to this chapter to the 68997
extent allowed by this chapter and the rules of the board. 68998

(D) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

Sec. 4783.10. On receipt of a complaint that any of the grounds listed in division (A) of section 4783.09 of the Revised Code exist, the state behavioral health and social work board of ~~psychology~~ may suspend the certificate of the certified Ohio behavior analyst prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that an immediate threat to the public exists.

After suspending a certificate pursuant to this section, the board shall notify the certified Ohio behavior analyst of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose certificate is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate.

Sec. 4783.11. (A) Except as provided in division (B) of this section, if, at the conclusion of a hearing required by section 4783.09 of the Revised Code, the state behavioral health and social work board of ~~psychology~~ determines that a certified Ohio behavior analyst has engaged in sexual conduct or had sexual contact with the certified Ohio behavior analyst's patient or client in violation of any prohibition contained in Chapter 2907. of the Revised Code, the board shall do one of the following:

(1) Suspend the certified Ohio behavior analyst's certificate;

(2) Permanently revoke the certified Ohio behavior analyst's certificate. 69029
69030

(B) If the board determines at the conclusion of the hearing 69031
that neither of the sanctions described in division (A) of this 69032
section is appropriate, the board shall impose another sanction it 69033
considers appropriate and issue a written finding setting forth 69034
the reasons for the sanction imposed and the reason that neither 69035
of the sanctions described in division (A) of this section is 69036
appropriate. 69037

Sec. 4783.12. On receipt of a notice pursuant to section 69038
3123.43 of the Revised Code, the state behavioral health and 69039
social work board of ~~psychology~~ shall comply with sections 3123.41 69040
to 3123.50 of the Revised Code and any applicable rules adopted 69041
under section 3123.63 of the Revised Code with respect to a 69042
certificate issued pursuant to this chapter. 69043

Sec. 4783.13. The state behavioral health and social work 69044
board of ~~psychology~~ shall comply with section 4776.20 of the 69045
Revised Code. 69046

Sec. 4905.02. (A) As used in this chapter, "public utility" 69047
includes every corporation, company, copartnership, person, or 69048
association, the lessees, trustees, or receivers of the foregoing, 69049
defined in section 4905.03 of the Revised Code, including any 69050
public utility that operates its utility not for profit, except 69051
the following: 69052

(1) An electric light company that operates its utility not 69053
for profit; 69054

(2) A public utility, other than a telephone company, that is 69055
owned and operated exclusively by and solely for the utility's 69056
customers, including any consumer or group of consumers 69057

purchasing, delivering, storing, or transporting, or seeking to 69058
purchase, deliver, store, or transport, natural gas exclusively by 69059
and solely for the consumer's or consumers' own intended use as 69060
the end user or end users and not for profit; 69061

(3) A public utility that is owned or operated by any 69062
municipal corporation; 69063

(4) A railroad as defined in sections 4907.02 and 4907.03 of 69064
the Revised Code; 69065

(5) Any provider, including a telephone company, with respect 69066
to its provision of any of the following: 69067

(a) Advanced services as defined in 47 C.F.R. 51.5; 69068

(b) Broadband service, however defined or classified by the 69069
federal communications commission; 69070

(c) Information service as defined in the "Telecommunications 69071
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 69072

(d) Subject to division (A) of section 4927.03 of the Revised 69073
Code, internet protocol-enabled services as defined in section 69074
4927.01 of the Revised Code; 69075

(e) Subject to division (A) of section 4927.03 of the Revised 69076
Code, any telecommunications service as defined in section 4927.01 69077
of the Revised Code to which both of the following apply: 69078

(i) The service was not commercially available on September 69079
13, 2010, the effective date of the amendment of this section by 69080
S.B. 162 of the 128th general assembly. 69081

(ii) The service employs technology that became available for 69082
commercial use only after September 13, 2010, the effective date 69083
of the amendment of this section by S.B. 162 of the 128th general 69084
assembly. 69085

(B)(1) "Public utility" includes a for-hire motor carrier 69086
even if the carrier is operated in connection with an entity 69087

described in division (A)(1), (2), (4), or (5) of this section. 69088

(2) Division (A) of this section shall not be construed to 69089
relieve a private motor carrier, operated in connection with an 69090
entity described in division (A)(1), (2), (4), or (5) of this 69091
section, from compliance with ~~any~~ either of the following: 69092

(a) Chapter 4923. of the Revised Code; 69093

(b) ~~Hazardous material regulation under section 4921.15 of~~ 69094
~~the Revised Code and division (H) of section 4921.19 of the~~ 69095
~~Revised Code, or rules adopted thereunder;~~ 69096

~~(c)~~ Rules governing unified carrier registration adopted 69097
under section 4921.11 of the Revised Code. 69098

Sec. 4906.01. As used in Chapter 4906. of the Revised Code: 69099

(A) "Person" means an individual, corporation, business 69100
trust, association, estate, trust, or partnership or any officer, 69101
board, commission, department, division, or bureau of the state or 69102
a political subdivision of the state, or any other entity. 69103

(B)(1) "Major utility facility" means: 69104

(a) Electric generating plant and associated facilities 69105
designed for, or capable of, operation at a capacity of fifty 69106
megawatts or more; 69107

(b) An electric transmission line and associated facilities 69108
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 69109

(c) A gas pipeline that is greater than five hundred feet in 69110
length, and its associated facilities, is more than nine inches in 69111
outside diameter and is designed for transporting gas at a maximum 69112
allowable operating pressure in excess of one hundred twenty-five 69113
pounds per square inch. 69114

(2) "Major utility facility" does not include any of the 69115
following: 69116

(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;	69117 69118
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;	69119 69120
(c) Electric distributing lines and associated facilities as defined by the power siting board;	69121 69122
(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;	69123 69124 69125
(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;	69126 69127 69128
(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;	69129 69130
(g) Natural gas liquids finished product pipelines;	69131
(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;	69132 69133 69134 69135
(i) Any natural gas liquids fractionation plant;	69136
(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;	69137 69138 69139
(k) Any compressor stations used by the following:	69140
(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;	69141 69142 69143
(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream	69144 69145

of a natural gas liquids fractionation plant; or 69146

(iii) A production operation as defined in section 1509.01 of 69147
the Revised Code. 69148

(C) "Commence to construct" means any clearing of land, 69149
excavation, or other action that would adversely affect the 69150
natural environment of the site or route of a major utility 69151
facility, but does not include surveying changes needed for 69152
temporary use of sites or routes for nonutility purposes, or uses 69153
in securing geological data, including necessary borings to 69154
ascertain foundation conditions. 69155

(D) "Certificate" means a certificate of environmental 69156
compatibility and public need issued by the power siting board 69157
under section 4906.10 of the Revised Code or a construction 69158
certificate issued by the board under rules adopted under division 69159
(E) or (F) of section 4906.03 of the Revised Code. 69160

(E) "Gas" means natural gas, flammable gas, or gas that is 69161
toxic or corrosive. 69162

(F) "Natural gas liquids finished product pipeline" means a 69163
pipeline that carries finished product natural gas liquids to the 69164
inlet of an interstate or intrastate finished product natural gas 69165
liquid transmission pipeline, rail loading facility, or other 69166
petrochemical or refinery facility. 69167

(G) "Natural gas liquids fractionation plant" means a 69168
facility that takes a feed of raw natural gas liquids and produces 69169
finished product natural gas liquids. 69170

(H) "Raw natural gas" means hydrocarbons that are produced in 69171
a gaseous state from gas wells and that generally include methane, 69172
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 69173
nonanes, and decanes, plus other naturally occurring impurities 69174
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 69175
and helium. 69176

(I) "Raw natural gas liquids" means naturally occurring 69177
hydrocarbons contained in raw natural gas that are extracted in a 69178
gas processing plant and liquefied and generally include mixtures 69179
of ethane, propane, butanes, and natural gasoline. 69180

(J) "Finished product natural gas liquids" means an 69181
individual finished product produced by a natural gas liquids 69182
fractionation plant as a liquid that meets the specifications for 69183
commercial products as defined by the gas processors association. 69184
Those products include ethane, propane, iso-butane, normal butane, 69185
and natural gasoline. 69186

Sec. 4906.10. (A) The power siting board shall render a 69187
decision upon the record either granting or denying the 69188
application as filed, or granting it upon such terms, conditions, 69189
or modifications of the construction, operation, or maintenance of 69190
the major utility facility as the board considers appropriate. The 69191
certificate shall be conditioned upon the facility being in 69192
compliance with standards and rules adopted under sections 69193
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 69194
of the Revised Code. An applicant may withdraw an application if 69195
the board grants a certificate on terms, conditions, or 69196
modifications other than those proposed by the applicant in the 69197
application. ~~The period of initial operation under a certificate~~ 69198
~~shall expire two years after the date on which electric power is~~ 69199
~~first generated by the facility. During the period of initial~~ 69200
~~operation, the facility shall be subject to the enforcement and~~ 69201
~~monitoring powers of the director of environmental protection~~ 69202
~~under Chapters 3704., 3734., and 6111. of the Revised Code and to~~ 69203
~~the emergency provisions under those chapters. If a major utility~~ 69204
~~facility constructed in accordance with the terms and conditions~~ 69205
~~of its certificate is unable to operate in compliance with all~~ 69206
~~applicable requirements of state laws, rules, and standards~~ 69207
~~pertaining to air pollution, the facility may apply to the~~ 69208

~~director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.~~

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

(1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;

(2) The nature of the probable environmental impact;

(3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;

(4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;

(5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility

will comply with all rules and standards adopted under section 69240
4561.32 of the Revised Code, the board shall consult with the 69241
office of aviation ~~of the division of multi-modal planning and~~ 69242
~~programs~~ of the department of transportation under section 69243
4561.341 of the Revised Code. 69244

(6) That the facility will serve the public interest, 69245
convenience, and necessity; 69246

(7) In addition to the provisions contained in divisions 69247
(A)(1) to (6) of this section and rules adopted under those 69248
divisions, what its impact will be on the viability as 69249
agricultural land of any land in an existing agricultural district 69250
established under Chapter 929. of the Revised Code that is located 69251
within the site and alternative site of the proposed major utility 69252
facility. Rules adopted to evaluate impact under division (A)(7) 69253
of this section shall not require the compilation, creation, 69254
submission, or production of any information, document, or other 69255
data pertaining to land not located within the site and 69256
alternative site. 69257

(8) That the facility incorporates maximum feasible water 69258
conservation practices as determined by the board, considering 69259
available technology and the nature and economics of the various 69260
alternatives. 69261

(B) If the board determines that the location of all or a 69262
part of the proposed facility should be modified, it may condition 69263
its certificate upon that modification, provided that the 69264
municipal corporations and counties, and persons residing therein, 69265
affected by the modification shall have been given reasonable 69266
notice thereof. 69267

(C) A copy of the decision and any opinion issued therewith 69268
shall be served upon each party. 69269

Sec. 4906.13. (A) As used in this section and sections 69270
4906.20 and 4906.98 of the Revised Code, "economically significant 69271
wind farm" means wind turbines and associated facilities with a 69272
single interconnection to the electrical grid and designed for, or 69273
capable of, operation at an aggregate capacity of five or more 69274
megawatts but less than fifty megawatts. The term excludes any 69275
such wind farm in operation on ~~the effective date of this section~~ 69276
June 24, 2008. 69277

(B) No public agency or political subdivision of this state 69278
may require any approval, consent, permit, certificate, or other 69279
condition for the construction or ~~initial~~ operation of a major 69280
utility facility or economically significant wind farm authorized 69281
by a certificate issued pursuant to Chapter 4906. of the Revised 69282
Code. Nothing herein shall prevent the application of state laws 69283
for the protection of employees engaged in the construction of 69284
such facility or wind farm nor of municipal regulations that do 69285
not pertain to the location or design of, or pollution control and 69286
abatement standards for, a major utility facility or economically 69287
significant wind farm for which a certificate has been granted 69288
under this chapter. 69289

Sec. 4921.01. As used in this chapter: 69290

(A) "Ambulance" has the same meaning as in section 4766.01 of 69291
the Revised Code. 69292

(B) "For-hire motor carrier" means a person engaged in the 69293
business of transporting persons or property by motor vehicle for 69294
compensation, except when engaged in any of the following in 69295
intrastate commerce: 69296

(1) The transportation of persons in taxicabs in the usual 69297
taxicab service; 69298

(2) The transportation of pupils in school ~~busses~~ buses 69299

operating to or from school sessions or school events;	69300
(3) The transportation of farm supplies to the farm or farm	69301
products from farm to market or to food fabricating plants;	69302
(4) The distribution of newspapers;	69303
(5) The transportation of crude petroleum incidental to	69304
gathering from wells and delivery to destination by ~~pipe line~~	69305
<u>pipeline</u> ;	69306
(6) The transportation of injured, ill, or deceased persons	69307
by hearse or ambulance;	69308
(7) The transportation of compost (a combination of manure	69309
and sand or shredded bark mulch) or shredded bark mulch;	69310
(8) The transportation of persons in a ridesharing	69311
arrangement when any fee charged each person so transported is in	69312
such amount as to recover only the person's share of the costs of	69313
operating the motor vehicle for such purpose;	69314
(9) The operation of motor vehicles for contractors on public	69315
road work.	69316
"For-hire motor carrier" includes the carrier's agents,	69317
officers, and representatives, as well as employees responsible	69318
for hiring, supervising, training, assigning, or dispatching	69319
drivers and employees concerned with the installation, inspection,	69320
and maintenance of motor-vehicle equipment and accessories.	69321
Divisions (B)(1) to (9) of this section shall not be	69322
construed to relieve a person from compliance with	69323
~~hazardous material regulation under section 4921.15 of the Revised~~	69324
~~Code and division (H) of section 4921.19 of the Revised Code, or~~	69325
~~rules adopted thereunder, or from compliance with rules governing~~	69326
unified carrier registration adopted under section 4921.11 of the	69327
Revised Code.	69328
(C) "Household goods" means personal effects and property	69329

used or to be used in a dwelling, excluding property moving from a 69330
factory or store. 69331

(D) "Interstate commerce" means trade, traffic, or 69332
transportation in the United States that is any of the following: 69333

(1) Between a place in a state and a place outside of that 69334
state (including a place outside of the United States); 69335

(2) Between two places in a state through another state or a 69336
place outside of the United States; 69337

(3) Between two places in a state as part of trade, traffic, 69338
or transportation originating or terminating outside the state or 69339
the United States. 69340

(E) "Intrastate commerce" means any trade, traffic, or 69341
transportation in any state which is not described in the term 69342
"interstate commerce." 69343

(F) "Motor vehicle" means any vehicle, machine, tractor, 69344
trailer, or semitrailer propelled or drawn by mechanical power and 69345
used upon the highways in the transportation of persons or 69346
property, or any combination thereof, but does not include any 69347
vehicle, locomotive, or car operated exclusively on a rail or 69348
rails, or a trolley bus operated by electric power derived from a 69349
fixed overhead wire, furnishing local passenger transportation 69350
similar to street-railway service. 69351

(G) "Public highway" means any public street, road, or 69352
highway in this state, whether within or without the corporate 69353
limits of a municipal corporation. 69354

(H) "Ridesharing arrangement" means the transportation of 69355
persons in a motor vehicle where such transportation is incidental 69356
to another purpose of a volunteer driver, and includes ridesharing 69357
arrangements known as carpools, vanpools, and buspools. 69358

(I) "School bus" has the same meaning as in section 4511.01 69359

of the Revised Code. 69360

(J) "Trailer" means any vehicle without motive power designed 69361
or used for carrying persons or property and for being drawn by a 69362
separate motor vehicle, including any vehicle of the trailer type, 69363
whether designed or used for carrying persons or property wholly 69364
on its own structure, or so designed or used that a part of its 69365
own weight or the weight of its load rests upon and is carried by 69366
such motor vehicle. 69367

Sec. 4921.19. (A) Every for-hire motor carrier operating in 69368
this state shall, at the time of the issuance of a certificate of 69369
public convenience and necessity under section 4921.03 of the 69370
Revised Code, pay to the public utilities commission, for and on 69371
behalf of the treasurer of state, the following taxes: 69372

(1) For each motor vehicle used for transporting persons, 69373
thirty dollars; 69374

(2) For each commercial tractor, as defined in section 69375
4501.01 of the Revised Code, used for transporting property, 69376
thirty dollars; 69377

(3) For each other motor vehicle transporting property, 69378
twenty dollars. 69379

(B) Every for-hire motor carrier operating in this state 69380
solely in intrastate commerce shall, annually between the first 69381
day of May and the thirtieth day of June, pay to the commission, 69382
for and on behalf of the treasurer of state, the following taxes: 69383

(1) For each motor vehicle used for transporting persons, 69384
thirty dollars; 69385

(2) For each commercial tractor, as defined in section 69386
4501.01 of the Revised Code, used for transporting property, 69387
thirty dollars; 69388

(3) For each other motor vehicle transporting property, 69389

twenty dollars. 69390

(C) After a for-hire motor carrier has paid the applicable 69391
taxes under division (A) or (B) of this section and met all 69392
applicable requirements under section 4921.03 or division (C) of 69393
section 4921.13 of the Revised Code, the commission shall issue 69394
the carrier a tax receipt for each motor vehicle for which a tax 69395
has been paid under this section. The carrier shall keep the 69396
appropriate tax receipt in each motor vehicle operated by the 69397
carrier. The carrier shall maintain tax receipt records that 69398
specify to which motor vehicle each tax receipt is assigned. 69399

(D) A trailer used by a for-hire motor carrier shall not be 69400
taxed under this section. 69401

(E) The annual tax levied by division (B) of this section 69402
does not apply in those cases where the commission finds that the 69403
movement of agricultural commodities or foodstuffs produced 69404
therefrom requires a temporary and seasonal use of vehicular 69405
equipment for a period of not more than ninety days. In such 69406
event, the tax on the vehicular equipment shall be twenty-five per 69407
cent of the annual tax levied by division (B) of this section. If 69408
any vehicular equipment is used in excess of the ninety-day 69409
period, the annual tax levied by this section shall be paid. 69410

(F) All taxes levied by division (B) of this section shall be 69411
reckoned as from the beginning of the quarter in which the tax 69412
receipt is issued or as from when the use of equipment under any 69413
existing tax receipt began. 69414

(G) The fees for unified carrier registration pursuant to 69415
section 4921.11 of the Revised Code shall be identical to those 69416
established by the unified carrier registration act board as 69417
approved by the federal motor carrier safety administration for 69418
each year. 69419

~~(H)(1) The fees for uniform registration and a uniform permit~~ 69420

~~as a carrier of hazardous materials pursuant to section 4921.15 of~~ 69421
~~the Revised Code shall consist of the following:~~ 69422

~~(a) A processing fee of fifty dollars;~~ 69423

~~(b) An apportioned per-truck registration fee, which shall be~~ 69424
~~calculated by multiplying the percentage of a registrant's~~ 69425
~~activity in this state times the percentage of the registrant's~~ 69426
~~business that is hazardous-materials-related, times the number of~~ 69427
~~vehicles owned or operated by the registrant, times a per-truck~~ 69428
~~fee determined by order of the commission following public notice~~ 69429
~~and an opportunity for comment.~~ 69430

~~(i) The percentage of a registrant's activity in this state~~ 69431
~~shall be calculated by dividing the number of miles that the~~ 69432
~~registrant travels in this state under the international~~ 69433
~~registration plan, pursuant to section 4503.61 of the Revised~~ 69434
~~Code, by the number of miles that the registrant travels~~ 69435
~~nationwide under the international registration plan. Registrants~~ 69436
~~that operate solely within this state shall use one hundred per~~ 69437
~~cent as their percentage of activity. Registrants that do not~~ 69438
~~register their vehicles through the international registration~~ 69439
~~plan shall calculate activity in the state in the same manner as~~ 69440
~~that required by the international registration plan.~~ 69441

~~(ii) The percentage of a registrant's business that is~~ 69442
~~hazardous-materials-related shall be calculated, for~~ 69443
~~less-than-truckload shipments, by dividing the weight of all the~~ 69444
~~registrant's hazardous materials shipments by the total weight of~~ 69445
~~all shipments in the previous year. The percentage of a~~ 69446
~~registrant's business that is hazardous-materials-related shall be~~ 69447
~~calculated, for truckload shipments, by dividing the number of~~ 69448
~~shipments for which placarding, marking of the vehicle, or~~ 69449
~~manifesting, as appropriate, was required by regulations adopted~~ 69450
~~under sections 4 to 6 of the "Hazardous Materials Transportation~~ 69451
~~Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804,~~ 69452

~~by the total number of the registrant's shipments that transported
any kind of goods in the previous year. A registrant that
transports both less than truckload and truckload shipments of
hazardous materials shall calculate the percentage of business
that is hazardous materials related on a proportional basis.~~

~~(iii) A registrant may utilize fiscal year, or calendar year,
or other current company accounting data, or other publicly
available information, in calculating the percentages required by
divisions (H)(1)(b)(i) and (ii) of this section.~~

~~(2) The commission, after notice and opportunity for a
hearing, may assess each carrier a fee for any background
investigation required for the issuance, for the purpose of
section 3734.15 of the Revised Code, of a uniform permit as a
carrier of hazardous wastes and fees related to investigations and
proceedings for the denial, suspension, or revocation of a uniform
permit as a carrier of hazardous materials. The fees shall not
exceed the reasonable costs of the investigations and proceedings.
The fee for a background investigation for a uniform permit as a
carrier of hazardous wastes shall be six hundred dollars plus the
costs of obtaining any necessary information not included in the
permit application, to be calculated at the rate of thirty dollars
per hour, not exceeding six hundred dollars, plus any fees payable
to obtain necessary information.~~

~~(I) The application fee for a certificate for the
transportation of household goods issued pursuant to sections
4921.30 to 4921.38 of the Revised Code shall be based on the
certificate holder's gross revenue, in the prior year, for the
intrastate transportation of household goods. The commission shall
establish, by order, ranges of gross revenue and the fee for each
range. The fees shall be set in amounts sufficient to carry out
the purposes of sections 4921.30 to 4921.38 and 4923.99 of the
Revised Code and, to the extent necessary, the commission shall~~

~~make changes to the fee structure to ensure that neither over nor~~ 69485
~~under collection of the fees occurs. The fees shall also take into~~ 69486
~~consideration the revenue generated from the assessment of~~ 69487
~~forfeitures under section 4923.99 of the Revised Code regarding~~ 69488
~~the consumer protection provisions applicable to for hire motor~~ 69489
~~carriers engaged in the transportation of household goods.~~ 69490

~~(J)~~(I) The fees and taxes provided under this section shall 69491
be in addition to taxes, fees, and charges fixed and exacted by 69492
other sections of the Revised Code, except the assessments 69493
required by section 4905.10 of the Revised Code, but all fees, 69494
license fees, annual payments, license taxes, or taxes or other 69495
money exactions, except the general property tax, assessed, 69496
charged, fixed, or exacted by local authorities such as municipal 69497
corporations, townships, counties, or other local boards, or the 69498
officers of such subdivisions are illegal and, are superseded by 69499
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 69500
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 69501
4921. of the Revised Code, all local ordinances, resolutions, 69502
bylaws, and rules in force shall cease to be operative as to the 69503
persons in compliance, except that such local subdivisions may 69504
make reasonable local police regulations within their respective 69505
boundaries not inconsistent with sections 4503.04 and 4905.03 and 69506
Chapter 4921. of the Revised Code. 69507

Sec. 4921.21. (A) As used in this section, "adjusted credit 69508
amount" means the aggregate amount credited to the public 69509
utilities transportation safety fund, less the sum of ~~all~~ both of 69510
the following: 69511

(1) The fees collected by the public utilities commission, in 69512
accordance with the unified carrier registration plan under 69513
section 4921.11 of the Revised Code, that exceed the federal 69514
certification of revenue for each year of the plan; 69515

~~(2) The fees collected by the commission on behalf of other states under division (C) of section 4921.15 of the Revised Code;~~ 69516
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~~(3) The forfeitures collected by the commission under section 4923.99 of the Revised Code for violations of rules adopted under division (A)(2) of section 4923.04 of the Revised Code.~~ 69518
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(B)(1) There is hereby created in the state treasury the public utilities transportation safety fund. The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, ~~the fees collected under section 4921.15 of the Revised Code,~~ the taxes and fees remitted under section 4921.19 of the Revised Code, the forfeitures imposed under section 4923.99 of the Revised Code, except as provided in division (B)(2) of this section, and the fines collected under section 4163.07 of the Revised Code shall be deposited into the state treasury to the credit of the public utilities transportation safety fund, until the adjusted credit amount in a fiscal year is equal to the total amount appropriated from the fund for the fiscal year. Once this point of parity is reached, any additional fees, taxes, forfeitures, or fines received during the fiscal year shall be credited to the general revenue fund, except as provided in division (B)(2) of this section, and except for ~~both of the following:~~ 69521
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~~(a) The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, that exceed the federal certification of revenue for each year of the plan;~~ 69538
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~~(b) The fees collected on behalf of other states under division (C) of section 4921.15 of the Revised Code.~~ 69542
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(2) The first eight hundred thousand dollars of forfeitures collected under section 4923.99 of the Revised Code, for violations of rules adopted under division (A)(2) of section 69544
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4923.04 of the Revised Code, during each fiscal year shall be 69547
credited to the public utilities transportation safety fund. Any 69548
forfeitures in excess of that amount shall be deposited into the 69549
general revenue fund. In each fiscal year, the commission shall 69550
distribute moneys from these forfeitures credited to the public 69551
utilities transportation safety fund for the purposes of emergency 69552
response planning and the training of safety, enforcement, and 69553
emergency services personnel in proper techniques for the 69554
management of hazardous materials releases that occur during 69555
transportation or otherwise. For these purposes, fifty per cent of 69556
all such moneys credited to the public utilities transportation 69557
safety fund shall be distributed to Cleveland state university, 69558
forty-five per cent shall be distributed to other educational 69559
institutions, state agencies, regional planning commissions, and 69560
political subdivisions, and five per cent shall be retained by the 69561
commission for the administration of this section and for training 69562
employees. However, if, in any such period, moneys from these 69563
forfeitures credited to the public utilities transportation safety 69564
fund equal an amount less than four hundred thousand dollars, the 69565
commission shall distribute, to the extent of the aggregate amount 69566
of those moneys, two hundred thousand dollars to Cleveland state 69567
university and the remainder to other educational institutions, 69568
state agencies, regional planning commissions, and political 69569
subdivisions. 69570

(C) The purpose of the public utilities transportation safety 69571
fund shall be for defraying all expenses incident to maintaining 69572
the nonrailroad transportation activities of the commission. 69573

(D) There is hereby created in the state treasury the federal 69574
commercial vehicle transportation systems fund. The fund shall 69575
consist of money received from the United States department of 69576
transportation's commercial vehicle intelligent transportation 69577
systems infrastructure deployment program. The public utilities 69578

commission shall use the fund to deploy the Ohio commercial 69579
vehicle information systems networks project and to improve safety 69580
of motor carrier operations through electronic exchange of data. 69581

(E) There is hereby created in the state treasury the motor 69582
carrier safety fund. The fund shall consist of money received from 69583
the United States department of transportation for motor carrier 69584
safety. The commission shall use the fund to administer the 69585
state's motor carrier safety assistance program and associated 69586
grants, including the motor carrier safety assistance program 69587
basic grant, the incentive grant, the high priority grants, the 69588
new entrant safety assurance grant, the safety data improvement 69589
grant, or their equivalents. 69590

(F) If the director of budget and management determines there 69591
is not sufficient money in the public utilities transportation 69592
safety fund, the director shall transfer money from the general 69593
revenue fund to the public utilities transportation safety fund in 69594
an amount up to the difference between the balance of the public 69595
utilities transportation safety fund and the appropriations from 69596
that fund. If the director subsequently determines during the 69597
fiscal year that the balance of the public utilities 69598
transportation safety fund exceeds the amount needed to support 69599
the appropriations from the fund, the director shall transfer the 69600
excess money, up to the amount of the original transfer, to the 69601
general revenue fund. 69602

Sec. 4923.02. (A) As used in this chapter, "private motor 69603
carrier" does not include a person when engaged in any of the 69604
following in intrastate commerce: 69605

(1) The transportation of persons in taxicabs in the usual 69606
taxicab service; 69607

(2) The transportation of pupils in school busses operating 69608
to or from school sessions or school events; 69609

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	69610 69611
(4) The distribution of newspapers;	69612
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;	69613 69614
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	69615 69616
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	69617 69618
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	69619 69620 69621 69622
(9) The operation of motor vehicles for contractors on public road work.	69623 69624
(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:	69625 69626 69627 69628
(1) The governor of this state has declared an emergency.	69629
(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.	69630 69631
(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.	69632 69633 69634 69635 69636
(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:	69637 69638

(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;

(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;

~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, or rules adopted thereunder, is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities commission, after providing reasonable notice and the opportunity for a hearing in accordance with the procedural rules adopted under section 4901.13 of the Revised Code, shall assess, by order, a forfeiture upon a person whom the commission determines, by a preponderance of the evidence, committed the violation. In determining the amount of the forfeiture for a violation discovered during a driver or motor-vehicle inspection under section 4923.06 of the Revised Code, or discovered during a compliance review under section 4923.07 of the Revised Code, the commission shall, ~~to the extent practicable,~~ not act in a manner incompatible with the applicable requirements of the United States department of transportation, ~~and, to the extent practicable,~~ ~~shall utilize a system comparable to the recommended civil penalty procedure adopted by the commercial vehicle safety alliance.~~ In determining the amount of the forfeiture for a violation discovered during a compliance review of a motor carrier under section 4923.07 of the Revised Code, the commission shall, to the

~~extent practicable, not act in a manner incompatible with the~~ 69670
~~civil penalty guidelines of the United States department of~~ 69671
~~transportation.~~ 69672

The attorney general, upon the written request of the 69673
commission, shall bring a civil action in the court of common 69674
pleas of Franklin county to collect a forfeiture assessed under 69675
this section. The commission shall account for the forfeitures 69676
collected under this section and pay them to the treasurer of 69677
state under section 4921.21 of the Revised Code. 69678

(2) The attorney general, upon the written request of the 69679
commission, shall bring an action for injunctive relief in the 69680
court of common pleas of Franklin county against any person who 69681
has violated or is violating any order issued by the commission to 69682
secure compliance with any provision of Chapter 4921. or 4923. of 69683
the Revised Code. The court of common pleas of Franklin county has 69684
jurisdiction to and may grant preliminary and permanent injunctive 69685
relief upon a showing that the person against whom the action is 69686
brought has violated or is violating any such order. The court 69687
shall give precedence to such an action over all other cases. 69688

(B) The amount of any forfeiture may be compromised at any 69689
time prior to collection of the forfeiture. The commission shall 69690
adopt rules governing the manner in which the amount of a 69691
forfeiture may be established by agreement prior to the hearing on 69692
the forfeiture before the commission. 69693

(C) The proceedings of the commission specified in division 69694
(A) of this section are subject to and governed by Chapter 4903. 69695
of the Revised Code, except as otherwise specifically provided in 69696
this section. The court of appeals of Franklin county has 69697
exclusive, original jurisdiction to review, modify, or vacate an 69698
order of the commission issued to secure compliance with any 69699
provision of Chapter 4921. or 4923. of the Revised Code. The court 69700
of appeals shall hear and determine those appeals in the same 69701

manner, and under the same standards, as the supreme court hears 69702
and determines appeals under Chapter 4903. of the Revised Code. 69703
The judgment of the court of appeals is final and conclusive 69704
unless reversed, vacated, or modified on appeal. Such appeals may 69705
be taken either by the commission or the person to whom the 69706
compliance order or forfeiture assessment was issued and shall 69707
proceed as in the case of appeals in civil actions as provided in 69708
the rules of appellate procedure and Chapter 2505. of the Revised 69709
Code. 69710

(D) Section 4903.11 of the Revised Code does not apply to an 69711
appeal of an order issued to secure compliance with Chapter 4921. 69712
or 4923. of the Revised Code or an order issued under division 69713
(A)(1) of this section assessing a forfeiture. Any person to whom 69714
any such order is issued who wishes to contest a compliance order, 69715
the fact of the violation, or the amount of the forfeiture shall 69716
file a notice of appeal, setting forth the order appealed from and 69717
the errors complained of, within sixty days after the entry of the 69718
order upon the journal of the commission. The notice of appeal 69719
shall be served, unless waived, upon the chairperson of the 69720
commission or, in the event of the chairperson's absence, upon any 69721
public utilities commissioner, or by leaving a copy at the office 69722
of the commission at Columbus. An order issued by the commission 69723
to secure compliance with Chapter 4921. or 4923. of the Revised 69724
Code or an order issued under division (A)(1) of this section 69725
assessing a forfeiture shall be reversed, vacated, or modified on 69726
appeal if, upon consideration of the record, the court is of the 69727
opinion that the order was unlawful or unreasonable. 69728

(E) Only for such violations that constitute violations of 69729
the "Hazardous Materials Transportation Uniform Safety Act of 69730
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 69731
regulations adopted under the act, the commission, in determining 69732
liability, shall use the same standard of culpability for civil 69733

forfeitures under this section as that set forth for civil 69734
penalties under section 12 of the "Hazardous Materials 69735
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 69736
U.S.C.A. App. 1809. The commission shall consider the assessment 69737
considerations for civil penalties specified in regulations 69738
adopted under the "Hazardous Materials Transportation Act," 88 69739
Stat. 2156 (1975), 49 U.S.C. 1801. 69740

Sec. 4927.13. (A) An incumbent local exchange carrier that is 69741
an eligible telecommunications carrier under 47 C.F.R. 54.201 69742
shall implement lifeline service throughout the carrier's 69743
traditional service area for its eligible residential customers. 69744

(1) Lifeline service shall consist of all of the following: 69745

(a) ~~Flat-rate, monthly, primary~~ Monthly access line service 69746
~~with touch-tone service,~~ at a recurring discount to the monthly 69747
basic local exchange service rate that provides for the maximum 69748
contribution of federally available assistance; 69749

(b) Not more than once per customer at a single address in a 69750
twelve-month period, a waiver of all nonrecurring service order 69751
charges for establishing service; 69752

(c) Free blocking of toll service, 900 service, and 976 69753
service. 69754

The carrier may offer to lifeline service customers any other 69755
services and bundles or packages of services at the prevailing 69756
prices, less the lifeline discount. 69757

(2) The carrier also shall offer special payment arrangements 69758
to lifeline service customers that have past due bills for 69759
regulated local service charges, with the initial payment not to 69760
exceed twenty-five dollars before service is installed, and the 69761
balance for regulated local service charges to be paid over six, 69762
equal, monthly payments. Lifeline service customers with past due 69763

bills for toll service charges shall have toll restricted service 69764
until the past due toll service charges have been paid or until 69765
the customer establishes service with another toll service 69766
provider. 69767

(3)(a) Every incumbent local exchange carrier required to 69768
implement lifeline service under division (A) of this section 69769
shall establish an annual marketing budget for promoting lifeline 69770
service and performing outreach regarding lifeline service. All 69771
funds allocated to this budget shall be spent for the promotion 69772
and marketing of lifeline service and outreach regarding lifeline 69773
service and only for those purposes and not for any administrative 69774
costs of implementing lifeline service. All activities relating to 69775
the promotion of, marketing of, and outreach regarding lifeline 69776
service shall be coordinated through a single advisory board 69777
composed of staff of the public utilities commission, the office 69778
of the consumers' counsel, consumer groups representing low-income 69779
constituents, two representatives from the Ohio association of 69780
community action agencies, and, except as provided in division 69781
(A)(3)(b) of this section, every incumbent local exchange carrier 69782
required to implement lifeline service under division (A) of this 69783
section. The public utilities commission may review and approve 69784
decisions of the advisory board in accordance with commission 69785
rules, including decisions on how the lifeline marketing, 69786
promotion, and outreach activities are implemented. 69787

(b) Division (A)(3)(a) of this section does not apply to an 69788
incumbent local exchange carrier with fewer than fifty thousand 69789
access lines. 69790

(4) All other aspects of the carrier's state-specific 69791
lifeline service shall be consistent with federal requirements. 69792

(B) The rates, terms, and conditions for the carrier's 69793
lifeline service shall be tariffed in the manner prescribed by 69794
rule adopted by the public utilities commission. 69795

(C)(1) Eligibility for lifeline service under division (A) of this section shall be based on either of the following criteria: 69796
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(a) An individual's verifiable participation in any federal or state low-income assistance program, specified in rules adopted by the commission, that limits assistance based on household income; 69798
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(b) Other verification that an individual's household income is ~~at or below one hundred fifty per cent of the federal poverty level~~ consistent with the income eligibility threshold in 47 C.F.R. 409(a)(1). 69802
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The public utilities commission shall adopt rules establishing requirements for the implementation of automatic enrollment of eligible individuals for lifeline assistance. The public utilities commission shall work with the appropriate state agencies that administer federal or state low-income assistance programs and with carriers to negotiate and acquire information necessary to verify an individual's eligibility and the data necessary to automatically enroll eligible individuals for lifeline service. Every incumbent local exchange carrier required to implement lifeline service under division (A) of this section shall implement automatic enrollment in accordance with the applicable rules of the public utilities commission and to the extent that appropriate state agencies are able to accommodate the automatic enrollment. 69806
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(2) The carrier shall provide written notification if the carrier determines that an individual is not eligible for lifeline service and shall provide the individual an additional thirty days to prove eligibility. 69820
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(3) The carrier shall provide written customer notification if a customer's lifeline service is to be terminated due to failure to submit acceptable documentation for continued 69824
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eligibility for that assistance and shall provide the customer an 69827
additional ~~sixty~~ thirty days to submit acceptable documentation of 69828
continued eligibility or dispute the carrier's findings regarding 69829
termination of the lifeline service. 69830

(D) An incumbent local exchange carrier required to implement 69831
lifeline service under division (A) of this section may recover 69832
from end users of the carrier's telecommunications service other 69833
than lifeline service customers, by a method approved by the 69834
public utilities commission, any lifeline service discounts and 69835
any other lifeline service expenses that the public utilities 69836
commission prescribes by rule and that are not recovered through 69837
federal or state funding, except for expenses incurred under 69838
division (A)(3)(a) of this section. A carrier seeking recovery of 69839
discounts or expenses shall, in accordance with rules adopted by 69840
the public utilities commission, apply to the public utilities 69841
commission for approval of the method of recovery. If the method 69842
of recovery includes a customer billing surcharge, the public 69843
utilities commission shall prescribe by rule how the surcharge is 69844
to be identified on customer bills. 69845

(E) Every incumbent local exchange carrier required to 69846
implement lifeline service under division (A) of this section 69847
shall annually file with the public utilities commission a report 69848
that identifies the number of its customers who receive, at the 69849
time of the filing of the report, lifeline service. 69850

Sec. 4928.02. It is the policy of this state to do the 69851
following throughout this state: 69852

(A) Ensure the availability to consumers of adequate, 69853
reliable, safe, efficient, nondiscriminatory, and reasonably 69854
priced retail electric service; 69855

(B) Ensure the availability of unbundled and comparable 69856
retail electric service that provides consumers with the supplier, 69857

price, terms, conditions, and quality options they elect to meet 69858
their respective needs; 69859

(C) Ensure diversity of electricity supplies and suppliers, 69860
by giving consumers effective choices over the selection of those 69861
supplies and suppliers and by encouraging the development of 69862
distributed and small generation facilities; 69863

(D) Encourage innovation and market access for cost-effective 69864
supply- and demand-side retail electric service including, but not 69865
limited to, demand-side management, time-differentiated pricing, 69866
waste energy recovery systems, smart grid programs, and 69867
implementation of advanced metering infrastructure; 69868

(E) Encourage cost-effective and efficient access to 69869
information regarding the operation of the transmission and 69870
distribution systems of electric utilities in order to promote 69871
both effective customer choice of retail electric service and the 69872
development of performance standards and targets for service 69873
quality for all consumers, including annual achievement reports 69874
written in plain language; 69875

(F) Ensure that an electric utility's transmission and 69876
distribution systems are available to a customer-generator or 69877
owner of distributed generation, so that the customer-generator or 69878
owner can market and deliver the electricity it produces; 69879

(G) Recognize the continuing emergence of competitive 69880
electricity markets through the development and implementation of 69881
flexible regulatory treatment; 69882

(H) Ensure effective competition in the provision of retail 69883
electric service by avoiding anticompetitive subsidies flowing 69884
from a noncompetitive retail electric service to a competitive 69885
retail electric service or to a product or service other than 69886
retail electric service, and vice versa, including by prohibiting 69887
the recovery of any generation-related costs through distribution 69888

or transmission rates; 69889

(I) Ensure retail electric service consumers protection 69890
against unreasonable sales practices, market deficiencies, and 69891
market power; 69892

(J) Provide coherent, transparent means of giving appropriate 69893
incentives to technologies that can adapt successfully to 69894
potential environmental mandates; 69895

(K) Encourage implementation of distributed generation across 69896
customer classes through regular review and updating of 69897
administrative rules governing critical issues such as, but not 69898
limited to, interconnection standards, standby charges, and net 69899
metering; 69900

(L) Protect at-risk populations, including, but not limited 69901
to, when considering the implementation of any new advanced energy 69902
or renewable energy resource; 69903

(M) Research and implement technological and regulatory 69904
innovations in the electric distribution system, which may include 69905
distributed energy resources, such as battery storage; advanced 69906
metering infrastructure; distribution automation; sensors; 69907
controls; data exchange and use; and associated electric rate 69908
design; 69909

(N) Encourage the education of small business owners in this 69910
state regarding the use of, and encourage the use of, energy 69911
efficiency programs and alternative energy resources in their 69912
businesses; 69913

~~(N)~~(O) Facilitate the state's effectiveness in the global 69914
economy. 69915

In carrying out this policy, the commission shall consider 69916
rules as they apply to the costs of electric distribution 69917
infrastructure, including, but not limited to, line extensions, 69918

for the purpose of development in this state. 69919

Sec. 5101.074. If the department of job and family services 69920
receives money from a refund or reconciliation related to the 69921
medicaid program, the department shall transfer the money to the 69922
department of medicaid for deposit into the refunds and 69923
reconciliation fund created under section 5162.65 of the Revised 69924
Code. 69925

Sec. 5101.09. (A) When the director of job and family 69926
services is authorized by the Revised Code to adopt a rule, the 69927
director shall adopt the rule in accordance with the following: 69928

(1) Chapter 119. of the Revised Code if any of the following 69929
apply: 69930

(a) The rule concerns the administration or enforcement of 69931
Chapter 4141. of the Revised Code; 69932

(b) The rule concerns a program administered by the 69933
department of job and family services, unless the statute 69934
authorizing the rule requires that it be adopted in accordance 69935
with section 111.15 of the Revised Code; 69936

(c) The statute authorizing the rule requires that the rule 69937
be adopted in accordance with Chapter 119. of the Revised Code. 69938

(2) Section 111.15 of the Revised Code, excluding division 69939
(D) of that section, if either of the following apply: 69940

(a) The rule concerns the day-to-day staff procedures and 69941
operations of the department or financial and operational matters 69942
between the department and another government entity or a private 69943
entity receiving a grant from the department, unless the statute 69944
authorizing the rule requires that it be adopted in accordance 69945
with Chapter 119. of the Revised Code; 69946

(b) The statute authorizing the rule requires that the rule 69947

be adopted in accordance with section 111.15 of the Revised Code 69948
and, by the terms of division (D) of that section, division (D) of 69949
that section does not apply to the rule. 69950

(3) Section 111.15 of the Revised Code, including division 69951
(D) of that section, if the statute authorizing the rule requires 69952
that the rule be adopted in accordance with that section and the 69953
rule is not exempt from the application of division (D) of that 69954
section. 69955

(B) Except as otherwise required by the Revised Code, the 69956
adoption of a rule in accordance with Chapter 119. of the Revised 69957
Code does not make the department of job and family services, a 69958
county family services agency, or a ~~workforce development agency~~ 69959
local board subject to the notice, hearing, or other requirements 69960
of sections 119.06 to 119.13 of the Revised Code. As used in this 69961
division, "~~workforce development agency~~ local board" has the same 69962
meaning as in section 6301.01 of the Revised Code. 69963

Sec. 5101.16. (A) As used in this section and sections 69964
5101.161 and 5101.162 of the Revised Code: 69965

(1) "Disability financial assistance" means the financial 69966
assistance program established under former Chapter 5115. of the 69967
Revised Code. 69968

(2) "Supplemental nutrition assistance program" means the 69969
program administered by the department of job and family services 69970
pursuant to section 5101.54 of the Revised Code. 69971

(3) "Ohio works first" means the program established by 69972
Chapter 5107. of the Revised Code. 69973

(4) "Prevention, retention, and contingency" means the 69974
program established by Chapter 5108. of the Revised Code. 69975

(5) "Public assistance expenditures" means expenditures for 69976
all of the following: 69977

(a) Ohio works first;	69978
(b) County administration of Ohio works first;	69979
(c) Prevention, retention, and contingency;	69980
(d) County administration of prevention, retention, and contingency;	69981 69982
(e) Disability financial assistance;	69983
(f) County administration of disability financial assistance;	69984
(g) County administration of the supplemental nutrition assistance program;	69985 69986
(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.	69987 69988 69989
~~(7)~~ (6) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	69990 69991
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	69992 69993 69994 69995 69996 69997
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	69998 69999 70000 70001 70002
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by	70003 70004 70005 70006 70007

the medicaid program) during the state fiscal year ending in the 70008
previous calendar year that the department determines are 70009
allowable, less the amount of federal reimbursement credited to 70010
the county under division (E) of this section for the state fiscal 70011
year ending in the previous calendar year; 70012

(3) A percentage of the actual amount of the county share of 70013
program and administrative expenditures during federal fiscal year 70014
1994 for assistance and services, other than child care, provided 70015
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 70016
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 70017
enactment of the "Personal Responsibility and Work Opportunity 70018
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 70019
and family services shall determine the actual amount of the 70020
county share from expenditure reports submitted to the United 70021
States department of health and human services. The percentage 70022
shall be the percentage established in rules adopted under 70023
division (F) of this section. 70024

(C)(1) If a county's share of public assistance expenditures 70025
determined under division (B) of this section for a state fiscal 70026
year exceeds one hundred five per cent of the county's share for 70027
those expenditures for the immediately preceding state fiscal 70028
year, the department of job and family services shall reduce the 70029
county's share for expenditures under divisions (B)(1) and (2) of 70030
this section so that the total of the county's share for 70031
expenditures under division (B) of this section equals one hundred 70032
five per cent of the county's share of those expenditures for the 70033
immediately preceding state fiscal year. 70034

(2) A county's share of public assistance expenditures 70035
determined under division (B) of this section may be increased 70036
pursuant to section 5101.163 of the Revised Code and a sanction 70037
under section 5101.24 of the Revised Code. An increase made 70038
pursuant to section 5101.163 of the Revised Code may cause the 70039

county's share to exceed the limit established by division (C)(1) 70040
of this section. 70041

(D)(1) If the per capita tax duplicate of a county is less 70042
than the per capita tax duplicate of the state as a whole and 70043
division (D)(2) of this section does not apply to the county, the 70044
percentage to be used for the purpose of division (B)(2) of this 70045
section is the product of ten multiplied by a fraction of which 70046
the numerator is the per capita tax duplicate of the county and 70047
the denominator is the per capita tax duplicate of the state as a 70048
whole. The department of job and family services shall compute the 70049
per capita tax duplicate for the state and for each county by 70050
dividing the tax duplicate for the most recent available year by 70051
the current estimate of population prepared by the development 70052
services agency. 70053

(2) If the percentage of families in a county with an annual 70054
income of less than three thousand dollars is greater than the 70055
percentage of such families in the state and division (D)(1) of 70056
this section does not apply to the county, the percentage to be 70057
used for the purpose of division (B)(2) of this section is the 70058
product of ten multiplied by a fraction of which the numerator is 70059
the percentage of families in the state with an annual income of 70060
less than three thousand dollars a year and the denominator is the 70061
percentage of such families in the county. The department of job 70062
and family services shall compute the percentage of families with 70063
an annual income of less than three thousand dollars for the state 70064
and for each county by multiplying the most recent estimate of 70065
such families published by the development services agency, by a 70066
fraction, the numerator of which is the estimate of average annual 70067
personal income published by the bureau of economic analysis of 70068
the United States department of commerce for the year on which the 70069
census estimate is based and the denominator of which is the most 70070
recent such estimate published by the bureau. 70071

(3) If the per capita tax duplicate of a county is less than 70072
the per capita tax duplicate of the state as a whole and the 70073
percentage of families in the county with an annual income of less 70074
than three thousand dollars is greater than the percentage of such 70075
families in the state, the percentage to be used for the purpose 70076
of division (B)(2) of this section shall be determined as follows: 70077

(a) Multiply ten by the fraction determined under division 70078
(D)(1) of this section; 70079

(b) Multiply the product determined under division (D)(3)(a) 70080
of this section by the fraction determined under division (D)(2) 70081
of this section. 70082

(4) The department of job and family services shall 70083
determine, for each county, the percentage to be used for the 70084
purpose of division (B)(2) of this section not later than the 70085
first day of July of the year preceding the state fiscal year for 70086
which the percentage is used. 70087

(E) The department of job and family services shall credit to 70088
a county the amount of federal reimbursement the department 70089
receives from the United States departments of agriculture and 70090
health and human services for the county's expenditures for 70091
administration of the supplemental nutrition assistance program 70092
and medicaid (excluding administrative expenditures for 70093
transportation services covered by the medicaid program) that the 70094
department determines are allowable administrative expenditures. 70095

(F)(1) The director of job and family services shall adopt 70096
rules in accordance with section 111.15 of the Revised Code to 70097
establish all of the following: 70098

(a) The method the department is to use to change a county's 70099
share of public assistance expenditures determined under division 70100
(B) of this section as provided in division (C) of this section; 70101

(b) The allocation methodology and formula the department 70102

will use to determine the amount of funds to credit to a county 70103
under this section; 70104

(c) The method the department will use to change the payment 70105
of the county share of public assistance expenditures from a 70106
calendar-year basis to a state fiscal year basis; 70107

(d) The percentage to be used for the purpose of division 70108
(B)(3) of this section, which shall, except as provided in section 70109
5101.163 of the Revised Code, meet both of the following 70110
requirements: 70111

(i) The percentage shall not be less than seventy-five per 70112
cent nor more than eighty-two per cent; 70113

(ii) The percentage shall not exceed the percentage that the 70114
state's qualified state expenditures is of the state's historic 70115
state expenditures as those terms are defined in 42 U.S.C. 70116
609(a)(7). 70117

(e) Other procedures and requirements necessary to implement 70118
this section. 70119

(2) The director of job and family services may amend the 70120
rule adopted under division (F)(1)(d) of this section to modify 70121
the percentage on determination that the amount the general 70122
assembly appropriates for Title IV-A programs makes the 70123
modification necessary. The rule shall be adopted and amended as 70124
if an internal management rule and in consultation with the 70125
director of budget and management. 70126

Sec. 5101.17. In determining the need of any person under 70127
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 70128
dollars plus one-half of the excess over eighty-five dollars of 70129
payments made to or in behalf of any person for or with respect to 70130
any month under Title I or II of the "Economic Opportunity Act of 70131
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 70132

regarded as income or resources. No payments made under such 70133
titles shall be regarded as income or resources of another 70134
individual except to the extent that they are made available to 70135
the other individual. No grant made to any family under Title III 70136
of such act shall be regarded as income or resources in 70137
determining the need of any member of such family under Chapter 70138
5107. ~~or 5115.~~ of the Revised Code. 70139

Sec. 5101.18. When the director of job and family services 70140
adopts rules under section 5107.05 of the Revised Code regarding 70141
income requirements for the Ohio works first program ~~and under~~ 70142
~~section 5115.03 of the Revised Code regarding income and resource~~ 70143
~~requirements for the disability financial assistance program,~~ the 70144
director shall determine what payments shall be regarded or 70145
disregarded. In making this determination, the director shall 70146
consider: 70147

(A) The source of the payment; 70148

(B) The amount of the payment; 70149

(C) The purpose for which the payment was made; 70150

(D) Whether regarding the payment as income would be in the 70151
public interest; 70152

(E) Whether treating the payment as income would be 70153
detrimental to any of the programs administered in whole or in 70154
part by the department of job and family services and whether such 70155
determination would jeopardize the receipt of any federal grant or 70156
payment by the state or any receipt of aid under Chapter 5107. of 70157
the Revised Code. 70158

Sec. 5101.181. (A) As used in this section and section 70159
5101.182 of the Revised Code, "public assistance" means any or all 70160
of the following: 70161

(1) Ohio works first; 70162

(2) Prevention, retention, and contingency; 70163

(3) Disability financial assistance provided prior to 70164
December 31, 2017, under former Chapter 5115. of the Revised Code; 70165

(4) General assistance provided prior to July 17, 1995, under 70166
former Chapter 5113. of the Revised Code. 70167

(B) As part of the procedure for the determination of 70168
overpayment to a recipient of public assistance under Chapter 70169
5107.7 or 5108., or former Chapter 5115. of the Revised Code, the 70170
director of job and family services may furnish quarterly the name 70171
and social security number of each individual who receives public 70172
assistance to the director of administrative services, the 70173
administrator of the bureau of workers' compensation, and each of 70174
the state's retirement boards. Within fourteen days after 70175
receiving the name and social security number of an individual who 70176
receives public assistance, the director of administrative 70177
services, administrator, or board shall inform the auditor of 70178
state as to whether such individual is receiving wages or 70179
benefits, the amount of any wages or benefits being received, the 70180
social security number, and the address of the individual. The 70181
director of administrative services, administrator, boards, and 70182
any agent or employee of those officials and boards shall comply 70183
with the rules of the director of job and family services 70184
restricting the disclosure of information regarding recipients of 70185
public assistance. Any person who violates this provision shall 70186
thereafter be disqualified from acting as an agent or employee or 70187
in any other capacity under appointment or employment of any state 70188
board, commission, or agency. 70189

(C) The auditor of state may enter into a reciprocal 70190
agreement with the director of job and family services or 70191
comparable officer of any other state for the exchange of names, 70192

current or most recent addresses, or social security numbers of 70193
persons receiving public assistance under Title IV-A of the 70194
"Social Security Act," 42 U.S.C. 601 et seq. 70195

(D) The auditor of state shall retain, for not less than two 70196
years, at least one copy of all information received under this 70197
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 70198
5101.182, and 5505.04 of the Revised Code. 70199

(E) The auditor shall review the information described in 70200
division (D) of this section to determine whether overpayments 70201
were made to recipients of public assistance under Chapters 5107.7 70202
or 5108.7 and former Chapter 5115. of the Revised Code. The 70203
auditor of state shall initiate action leading to prosecution, 70204
where warranted, of recipients who received overpayments by 70205
forwarding the name of each recipient who received overpayment, 70206
together with other pertinent information, to the director of job 70207
and family services, the attorney general, and the county director 70208
of job and family services and county prosecutor of the county 70209
through which public assistance was received. 70210

(F) The auditor of state and the attorney general or their 70211
designees may examine any records, whether in computer or printed 70212
format, in the possession of the director of job and family 70213
services or any county director of job and family services. They 70214
shall provide safeguards which restrict access to such records to 70215
purposes directly connected with an audit or investigation, 70216
prosecution, or criminal or civil proceeding conducted in 70217
connection with the administration of the programs and shall 70218
comply with section 5101.27 of the Revised Code and rules adopted 70219
by the director of job and family services restricting the 70220
disclosure of information regarding recipients of public 70221
assistance. Any person who violates this provision shall 70222
thereafter be disqualified from acting as an agent or employee or 70223
in any other capacity under appointment or employment of any state 70224

board, commission, or agency. 70225

(G) Costs incurred by the auditor of state in carrying out 70226
the auditor of state's duties under this section shall be borne by 70227
the auditor of state. 70228

Sec. 5101.184. (A) The director of job and family services 70229
shall work with the tax commissioner to collect overpayments of 70230
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 70231
Chapter 5113., or section 5101.54 of the Revised Code from refunds 70232
of state income taxes for taxable year 1992 and thereafter that 70233
are payable to the recipients of such overpayments. 70234

Any overpayment of assistance, whether obtained by fraud or 70235
misrepresentation, as the result of an error by the recipient or 70236
by the agency making the payment, or in any other manner, may be 70237
collected under this section. Any reduction under section 5747.12 70238
or 5747.121 of the Revised Code to an income tax refund shall be 70239
made before a reduction under this section. No reduction shall be 70240
made under this section if the amount of the refund is less than 70241
twenty-five dollars after any reduction under section 5747.12 of 70242
the Revised Code. A reduction under this section shall be made 70243
before any part of the refund is contributed under section 70244
5747.113 of the Revised Code, or is credited under section 5747.12 70245
of the Revised Code against tax due in any subsequent year. 70246

The director and the tax commissioner, by rules adopted in 70247
accordance with Chapter 119. of the Revised Code, shall establish 70248
procedures to implement this division. The procedures shall 70249
provide for notice to a recipient of assistance and an opportunity 70250
for the recipient to be heard before the recipient's income tax 70251
refund is reduced. 70252

(B) The director of job and family services may enter into 70253
agreements with the federal government to collect overpayments of 70254
assistance from refunds of federal income taxes that are payable 70255

to recipients of the overpayments. 70256

Sec. 5101.20. (A) As used in this section of the Revised 70257
Code: 70258

(1) "Local area" has the same meaning as in section ~~101 of~~ 70259
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 70260
~~2801, as amended, and division (A) of section 6301.01 of the~~ 70261
Revised Code~~;~~. 70262

(2) "Chief elected official" has the same meaning as in 70263
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 70264
~~936, 29 U.S.C. 2801, as amended, and division (F) of "chief~~ 70265
~~elected official or officials" as defined in section 6301.01 of~~ 70266
the Revised Code~~;~~. 70267

(3) "Grantee" means the chief elected officials of a local 70268
area. 70269

(4) "Local board" has the same meaning as in section 6301.01 70270
of the Revised Code. 70271

(5) "Planning region" has the same meaning as in section 70272
6301.01 of the Revised Code. 70273

(B) The director of job and family services shall enter into 70274
one or more written grant agreements with each local area under 70275
which ~~financial assistance is~~ allocated funds are awarded for 70276
workforce development activities included in the agreements. A 70277
grant agreement shall establish the terms and conditions governing 70278
the accountability for and use of grants provided by the 70279
department of job and family services to the grantee for the 70280
administration of workforce development activities funded under 70281
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 70282
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 70283
U.S.C. 3101 et seq. 70284

(C) The director may award grants to local areas only through 70285

grant agreements entered into under this section. 70286

(D) In the case of a local area comprised of multiple 70287
political subdivisions, nothing in this section shall preclude the 70288
chief elected officials of a local area from entering into an 70289
agreement among themselves to distribute any liability for 70290
activities of the local area, but such an agreement shall not be 70291
binding on the department of job and family services. 70292

~~(D)~~(E) The written grant agreement entered into under 70293
division (B) of this section shall comply with all applicable 70294
federal and state laws governing workforce development activities 70295
and related funding. ~~All~~ Each local area is subject to all federal 70296
conditions and restrictions that apply to the use of ~~grants~~ 70297
~~received by funds allotted to~~ the department of job and family 70298
services ~~shall apply to the use of the grants received by the~~ and 70299
allocated to local areas from the department for workforce 70300
development activities. 70301

~~(E)~~(F) A written grant agreement entered into under division 70302
(B) of this section shall: 70303

(1) Identify as parties to the agreement the ~~chief elected~~ 70304
~~officials~~ representatives for the local area, including the chief 70305
elected official or officials, the local board, and the fiscal 70306
agent; 70307

(2) Provide for the incorporation of the planning region and 70308
local ~~workforce development~~ plan; 70309

(3) Include the chief elected official's or officials' 70310
assurance that the local area and any subgrantee or contractor of 70311
the local area will do all of the following: 70312

(a) Ensure that the ~~financial assistance awarded funds~~ 70313
allocated under the grant agreement ~~is~~ are used, and the workforce 70314
development duties included in the agreement are performed, in 70315
accordance with ~~requirements established by the department or any~~ 70316

~~of the following:~~ federal ~~or~~ and state law, the state plan for 70317
receipt of federal financial participation, grant agreements 70318
between the department and a federal agency, ~~or~~ executive orders, ~~and~~ 70319
and policies and guidance issued by the department; 70320

(b) ~~Ensure that the chief elected officials and any~~ 70321
~~subgrantee or contractor of the local area utilize that the~~ 70322
implementation and use of a financial management system and other 70323
accountability mechanisms ~~that~~ meet the requirements of federal 70324
and state law and are in accordance with the policies and 70325
procedures that the department establishes; 70326

(c) Require the chief elected officials and any subgrantee or 70327
contractor of the local area to do both of the following: 70328

(i) Monitor all private and government entities that receive 70329
~~a payment from financial assistance awarded~~ funds allocated under 70330
the grant agreement to ensure that ~~each entity uses the payment~~ 70331
funds are utilized in accordance with ~~requirements for the~~ 70332
~~workforce development duties included in the~~ all applicable 70333
federal and state laws, policies, and guidance, and with the terms 70334
and conditions of the grant agreement; 70335

(ii) Take action to recover ~~payments that are not used in~~ 70336
~~accordance with the requirements for the workforce development~~ 70337
~~duties that are included in the~~ funds for expenditures that are 70338
unallowable under federal or state law or under the terms of the 70339
grant agreement. 70340

(d) ~~Require the chief elected officials of a local area to~~ 70341
~~promptly reimburse the department the amount that represents the~~ 70342
~~amount a local area is responsible for of funds the department~~ 70343
~~pays to any entity~~ Promptly remit funds to the department that are 70344
payable to the state or federal government because of an adverse 70345
audit finding, adverse quality control finding, final disallowance 70346
of federal financial participation, or other sanction or penalty; 70347

(e) ~~Require chief elected officials of a local area to take~~ 70348
~~Take~~ prompt corrective action if the department, auditor of state, 70349
~~federal agency, or other entity authorized by federal or state law~~ 70350
~~to determine compliance with requirements for a workforce~~ 70351
~~development duty included in the agreement state or a federal~~ 70352
agency determines ~~compliance has not been achieved; noncompliance~~ 70353
with state or federal law. 70354

(4) Provide that the ~~award of financial assistance allocation~~ 70355
is subject to the availability of federal funds and appropriations 70356
made by the general assembly; 70357

(5) Provide for annual financial, administrative, or other 70358
incentive awards, if any, to be provided in accordance with 70359
section 5101.23 of the Revised Code. 70360

(6) Establish the ~~method of~~ terms and conditions for amending 70361
or terminating the grant agreement and an expedited process for 70362
correcting terms or conditions of the agreement that the director 70363
and the chief elected officials agree are erroneous. 70364

(7) ~~Provide for Permit~~ the department of job and family 70365
services to ~~award financial assistance~~ allocate funds for the 70366
workforce development duties included in the agreement in 70367
accordance with a methodology for determining the amount of the 70368
award established by rules adopted under division ~~(F)~~(G) of this 70369
section. 70370

(8) Determine the dates that the grant agreement begins and 70371
ends. 70372

~~(F)~~(G)(1) The director shall adopt rules in accordance with 70373
section 111.15 of the Revised Code governing grant agreements. The 70374
director shall adopt the rules as if they were internal management 70375
rules. The rules shall establish methodologies to be used to 70376
determine the amount of ~~financial assistance~~ funds to be awarded 70377
under the agreements and may do any of the following: 70378

(a) Govern the establishment of consolidated funding allocations and other allocations;	70379 70380
(b) Specify allowable uses of ~~financial assistance awarded funds allocated~~ under the agreements;	70381 70382
(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of ~~financial assistance awarded funds allocated~~ under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order.	70383 70384 70385 70386 70387 70388 70389 70390
(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement.	70391 70392 70393
Sec. 5101.201. ~~The~~ <u>As the director of the state agency for the implementation of several workforce programs, the director of job and family services may enter into agreements with one-stop operators local boards, as defined in section 6301.01 of the Revised Code, and one-stop other OhioMeansJobs center partners for the purpose of implementing the requirements of section 121 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801</u>	70394 70395 70396 70397 70398 70399 70400
<u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151.</u>	70401
Sec. 5101.214. The director of job and family services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the family services duties of a county family services agency or the workforce development activities of a ~~workforce development agency~~ <u>local board, as</u>	70402 70403 70404 70405 70406 70407 70408

defined in section 6301.01 of the Revised Code. The director also 70409
may enter into written agreements or contracts with, or issue 70410
grants to, private and government entities under which funds are 70411
provided for the enhancement or innovation of family services 70412
duties or workforce development activities on the state or local 70413
level. 70414

The director may adopt internal management rules in 70415
accordance with section 111.15 of the Revised Code to implement 70416
this section. 70417

Sec. 5101.23. Subject to the availability of funds, the 70418
department of job and family services may provide annual 70419
financial, administrative, or other incentive awards to county 70420
family services agencies and ~~workforce development agencies~~ local 70421
areas as defined in section 6301.01 of the Revised Code. A county 70422
family services agency or ~~workforce development agency~~ local area 70423
may spend ~~funds provided as a financial~~ an incentive award awarded 70424
under this section only for the purpose for which the funds are 70425
appropriated. The department may adopt internal management rules 70426
in accordance with section 111.15 of the Revised Code to establish 70427
the amounts of awards, methodology for distributing the awards, 70428
types of awards, and standards for administration ~~by the~~ 70429
~~department.~~ 70430

There is hereby created in the state treasury the social 70431
services incentive fund. The director of job and family services 70432
may request that the director of budget and management transfer 70433
funds in the Title IV-A reserve fund created under section 5101.82 70434
of the Revised Code and other funds appropriated for family 70435
services duties or workforce investment activities into the fund. 70436
If the director of budget and management determines that the funds 70437
identified by the director of job and family services are 70438
available and appropriate for transfer, the director of budget and 70439

management shall make the transfer. Money in the fund shall be 70440
used to provide incentive awards under this section. 70441

Sec. 5101.241. (A) As used in this section: 70442

(1) "Local area" and "chief elected official" have the same 70443
meaning as in section 5101.20 of the Revised Code. 70444

(2) "Responsible entity" means the chief elected officials of 70445
a local area. 70446

(B) The department of job and family services may take action 70447
under division (C) of this section against the responsible entity, 70448
regardless of who performs the workforce development activity, if 70449
the department determines any of the following are the case: 70450

(1) ~~A requirement~~ An entity has failed to comply with the 70451
terms and conditions of a grant agreement ~~entered into~~ executed 70452
between the department and a local area under section 5101.20 of 70453
the Revised Code ~~that includes the workforce development activity,~~ 70454
~~including a requirement for grant agreements established by rules~~ 70455
~~adopted under that section, is not complied with;.~~ 70456

(2) A performance standard for the workforce development 70457
activity established by the federal government or the department 70458
is not met;.

(3) ~~A~~ An entity has failed to comply with a workforce 70460
development activity requirement ~~for the workforce development~~ 70461
~~activity~~ established by the department ~~or any of the following is~~ 70462
~~not complied with;.~~ a federal or state law, a state plan for 70463
receipt of federal financial participation, a grant agreement 70464
between the department and a federal agency, or an executive 70465
order;.

(4) The responsible entity is solely or partially 70467
responsible, as determined by the director of job and family 70468
services, for an adverse audit finding, adverse quality control 70469

finding, final disallowance of federal financial participation, or 70470
other sanction or penalty regarding the workforce development 70471
activity. 70472

(C) The department may take one or more of the following 70473
actions against the responsible entity when authorized by division 70474
(B)(1), (2), (3), or (4) of this section: 70475

(1) Require the responsible entity to submit to and comply 70476
with a corrective action plan, established or approved by the 70477
department, pursuant to a time schedule specified by the 70478
department; 70479

(2) Require the responsible entity to do one of the 70480
following: 70481

(a) Share with the department a final disallowance of federal 70482
financial participation or other sanction or penalty; 70483

(b) Reimburse the department the amount the department pays 70484
to the federal government or another entity that represents the 70485
amount the responsible entity is responsible for of an adverse 70486
audit finding, adverse quality control finding, final disallowance 70487
of federal financial participation, or other sanction or penalty 70488
issued by the federal government, auditor of state, or other 70489
entity; 70490

(c) Pay the federal government or another entity the amount 70491
that represents the amount the responsible entity is responsible 70492
for of an adverse audit finding, adverse quality control finding, 70493
final disallowance of federal financial participation, or other 70494
sanction or penalty issued by the federal government, auditor of 70495
state, or other entity; 70496

(d) Pay the department the amount that represents the amount 70497
the responsible entity is responsible for of an adverse audit 70498
finding, adverse quality control finding, or other sanction or 70499
penalty issued by the department. 70500

(3) Impose a financial or administrative sanction or adverse 70501
audit finding issued by the department against the responsible 70502
entity, which may be increased with each subsequent action taken 70503
against the responsible entity; 70504

(4) Perform or contract with a government or private entity 70505
for the entity to perform the workforce development activity until 70506
the department is satisfied that the responsible entity ensures 70507
that the activity will be performed to the department's 70508
satisfaction. If the department performs or contracts with an 70509
entity to perform the workforce development activity under 70510
division (C)(4) of this section, the department may withhold funds 70511
allocated to or reimbursements due to the responsible entity for 70512
the activity and use those funds to implement division (C)(4) of 70513
this section. 70514

(5) Request the attorney general to bring mandamus 70515
proceedings to compel the responsible entity to take or cease the 70516
actions listed in division (B) of this section. The attorney 70517
general shall bring any mandamus proceedings in the Franklin 70518
county court of appeals at the department's request. 70519

(6) If the department takes action under this division 70520
because of division (B)(3) of this section, withhold funds 70521
allocated or reimbursement due to the responsible entity until the 70522
department determines that the responsible entity is in compliance 70523
with the requirement. The department shall release the funds when 70524
the department determines that compliance has been achieved. 70525

(7) Issue a notice of intent to revoke approval of all or 70526
part of the local plan effected that conflicts with state or 70527
federal law and effectuate the revocation. 70528

(D) The department shall notify the responsible entity and 70529
the appropriate county auditor ~~when the department proposes to~~ 70530
~~take~~ before taking action under division (C) of this section. The 70531

notice shall be in writing and specify the proposed action ~~the~~ 70532
~~department proposes to take~~. The department shall send the notice 70533
by regular United States mail. Except as provided in division (E) 70534
of this section, the responsible entity may request an 70535
administrative review of a proposed action in accordance with 70536
administrative review procedures the department shall establish. 70537
The administrative review procedures shall comply with all of the 70538
following: 70539

(1) A request for an administrative review shall state 70540
specifically all of the following: 70541

(a) The proposed action specified in the notice from the 70542
department for which the review is requested; 70543

(b) The reason why the responsible entity believes the 70544
proposed action is inappropriate; 70545

(c) All facts and legal arguments that the responsible entity 70546
wants the department to consider; 70547

(d) The name of the person who will serve as the responsible 70548
entity's representative in the review. 70549

(2) If the department's notice specifies more than one 70550
proposed action and the responsible entity does not specify all of 70551
the proposed actions in its request pursuant to division (D)(1)(a) 70552
of this section, the proposed actions not specified in the request 70553
shall not be subject to administrative review and the parts of the 70554
notice regarding those proposed actions shall be final and binding 70555
on the responsible entity. 70556

(3) The responsible entity shall have fifteen calendar days 70557
after the department mails the notice to the responsible entity to 70558
send a written request to the department for an administrative 70559
review. The responsible entity and the department shall attempt to 70560
resolve informally any dispute and may develop a written 70561
resolution to the dispute at any time prior to submitting the 70562

written report described in division (D)(7) of this section to the 70563
director. 70564

(4) In the case of a proposed action under division (C)(2) of 70565
this section, the responsible entity may not include in its 70566
request disputes over a finding, final disallowance of federal 70567
financial participation, or other sanction or penalty issued by 70568
the federal government, auditor of state, or other entity other 70569
than the department. 70570

(5) If the responsible entity fails to request an 70571
administrative review within the required time, the responsible 70572
entity loses the right to request an administrative review of the 70573
proposed actions specified in the notice and the notice becomes 70574
final and binding on the responsible entity. 70575

(6) The director of job and family services shall appoint an 70576
administrative review panel to conduct the administrative review. 70577
The review panel shall consist of department employees who are not 70578
involved in the department's proposal to take action against the 70579
responsible entity. The review panel shall review the responsible 70580
entity's request. The review panel may require that the department 70581
or responsible entity submit additional information and schedule 70582
and conduct an informal hearing to obtain testimony or additional 70583
evidence. A review of a proposal to take action under division 70584
(C)(2) of this section shall be limited solely to the issue of the 70585
amount the responsible entity shall share with the department, 70586
reimburse the department, or pay to the federal government, 70587
department, or other entity under division (C)(2) of this section. 70588
The review panel is not required to make a stenographic record of 70589
its hearing or other proceedings. 70590

(7) After finishing an administrative review, an 70591
administrative review panel appointed under division (D)(6) of 70592
this section shall submit a written report to the director setting 70593
forth its findings of fact, conclusions of law, and 70594

recommendations for action. The director may approve, modify, or
disapprove the recommendations.

(8) The director's approval, modification, or disapproval
under division (D)(7) of this section shall be final and binding
on the responsible entity and shall not be subject to further
review.

(E) The responsible entity is not entitled to an
administrative review under division (D) of this section for any
of the following:

(1) An action taken under division (C)(5) or (6) of this
section;

(2) An action taken under section 5101.242 of the Revised
Code;

(3) An action taken under division (C)(2) of this section if
the federal government, auditor of state, or entity other than the
department has identified the responsible entity as being solely
or partially responsible for an adverse audit finding, adverse
quality control finding, final disallowance of federal financial
participation, or other sanction or penalty;

(4) An adjustment to an allocation, cash draw, advance, or
reimbursement to the responsible entity's local area that the
department determines necessary for budgetary reasons;

(5) Withholding of a cash draw or reimbursement due to
noncompliance with a reporting requirement established in rules
adopted under section 5101.243 of the Revised Code.

(F) This section does not apply to other actions the
department takes against the responsible entity pursuant to
authority granted by another state law unless the other state law
requires the department to take the action in accordance with this
section.

(G) The director of job and family services may adopt rules 70625
in accordance with Chapter 119. of the Revised Code as necessary 70626
to implement this section. 70627

(H) The governor may decertify a local ~~workforce development~~ 70628
board for any of the following reasons in accordance with 70629
subsection ~~(e) of section 117 of the "Workforce Investment Act of~~ 70630
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 70631
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 70632
3122: 70633

(1) Fraud or abuse; 70634

(2) Failure to carry out the requirements of the federal 70635
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 70636
~~amended, including failure to meet performance standards~~ 70637
~~established by the federal government for two consecutive years~~ 70638
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 70639
seq.; 70640

(3) Failure to meet local performance accountability measures 70641
for the local area for two consecutive program years, as specified 70642
in subsection (c)(3)(B) of section 107 of the "Workforce 70643
Innovation and Opportunity Act," 29 U.S.C. 3122. 70644

~~(I)(1) If the governor finds that access to basic "Workforce~~ 70645
~~Investment Act" services is not being provided in a local area,~~ 70646
~~the governor may declare an emergency and, in consultation with~~ 70647
~~the chief elected officials of the local area affected, arrange~~ 70648
~~for provision of these services through an alternative entity~~ 70649
~~during the time period in which resolution of the problem~~ 70650
~~preventing service delivery in the local area is pending~~ 70651
determines that there has been a substantial violation of a 70652
specific provision of the "Workforce Innovation and Opportunity 70653
Act," 29 U.S.C. 3101 et seq., and that corrective action has not 70654
been taken, the governor shall take one of the following actions: 70655

<u>(a) Issue a notice of intent to revoke approval of all or</u>	70656
<u>part of a local plan affected by the violation;</u>	70657
<u>(b) Impose a reorganization plan.</u>	70658
<u>(2) A reorganization plan imposed under division (I)(1) of</u>	70659
<u>this section may include any of the following:</u>	70660
<u>(a) Decertifying the local board involved in the violation;</u>	70661
<u>(b) Prohibiting the use of eligible providers;</u>	70662
<u>(c) Selecting an alternate entity to administer the program</u>	70663
<u>for the local area involved in the violation;</u>	70664
<u>(d) Merging the local area with one or more other local</u>	70665
<u>areas;</u>	70666
<u>(e) Making other changes that the governor determines to be</u>	70667
<u>necessary to secure compliance with the specific provision. An</u>	70668
<u>An action taken by the governor pursuant to this section is</u>	70669
<u>not subject to appeal under this section may be appealed and shall</u>	70670
<u>not become effective until the time for appeal has expired or a</u>	70671
<u>final decision has been issued on the appeal.</u>	70672
 Sec. 5101.26. As used in this section and in sections 5101.27	70673
to 5101.30 of the Revised Code:	70674
 (A) "County agency" means a county department of job and	70675
family services or a public children services agency.	70676
 (B) "Fugitive felon" means an individual who is fleeing to	70677
avoid prosecution, or custody or confinement after conviction,	70678
under the laws of the place from which the individual is fleeing,	70679
for a crime or an attempt to commit a crime that is a felony under	70680
the laws of the place from which the individual is fleeing or, in	70681
the case of New Jersey, a high misdemeanor, regardless of whether	70682
the individual has departed from the individual's usual place of	70683
residence.	70684

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

Sec. 5101.27. (A) Except as permitted by this section, section 5101.273, 5101.28, or 5101.29 of the Revised Code, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall solicit, disclose, receive, use, or knowingly permit, or participate in the use of any information regarding a public assistance recipient for any purpose not directly connected with

the administration of a public assistance program. 70716

(B) To the extent permitted by federal law, the department of 70717
job and family services and county agencies shall do all of the 70718
following: 70719

(1) Release information regarding a public assistance 70720
recipient for purposes directly connected to the administration of 70721
the program to a government entity responsible for administering 70722
that public assistance program; 70723

(2) Provide information regarding a public assistance 70724
recipient to a law enforcement agency for the purpose of any 70725
investigation, prosecution, or criminal or civil proceeding 70726
relating to the administration of that public assistance program; 70727

(3) Provide, for purposes directly connected to the 70728
administration of a program that assists needy individuals with 70729
the costs of public utility services, information regarding a 70730
recipient of financial assistance provided under a program 70731
administered by the department or a county agency pursuant to 70732
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 70733
~~5115.07 of the Revised Code~~ to an entity administering the public 70734
utility services program. 70735

(C) To the extent permitted by federal law and section 70736
1347.08 of the Revised Code, the department and county agencies 70737
shall provide access to information regarding a public assistance 70738
recipient to all of the following: 70739

(1) The recipient; 70740

(2) The authorized representative; 70741

(3) The legal guardian of the recipient; 70742

(4) The attorney of the recipient, if the attorney has 70743
written authorization that complies with section 5101.272 of the 70744
Revised Code from the recipient. 70745

(D) To the extent permitted by federal law and subject to 70746
division (E) of this section, the department and county agencies 70747
may do both of the following: 70748

(1) Release information about a public assistance recipient 70749
if the recipient gives voluntary, written authorization that 70750
complies with section 5101.272 of the Revised Code; 70751

(2) Release information regarding a public assistance 70752
recipient to a state, federal, or federally assisted program that 70753
provides cash or in-kind assistance or services directly to 70754
individuals based on need or for the purpose of protecting 70755
children to a government entity responsible for administering a 70756
children's protective services program. 70757

(E) Except when the release is required by division (B), (C), 70758
or (D)(2) of this section, the department or county agency shall 70759
release the information only in accordance with the authorization. 70760
The department or county agency shall provide, at no cost, a copy 70761
of each written authorization to the individual who signed it. 70762

(F) The department of job and family services may adopt rules 70763
defining "authorized representative" for purposes of division 70764
(C)(2) of this section. 70765

Sec. 5101.28. (A)(1) On request of the department of job and 70766
family services or a county agency, a law enforcement agency shall 70767
provide information regarding public assistance recipients to 70768
enable the department or county agency to determine, for 70769
eligibility purposes, whether a recipient or a member of a 70770
recipient's assistance group is a fugitive felon or violating a 70771
condition of probation, a community control sanction, parole, or a 70772
post-release control sanction imposed under state or federal law. 70773

(2) A county agency may enter into a written agreement with a 70774
local law enforcement agency establishing procedures concerning 70775

access to information and providing for compliance with division 70776
(F) of this section. 70777

(B) To the extent permitted by federal law, the department 70778
and county agencies shall provide information regarding recipients 70779
of public assistance under a program administered by the state 70780
department or a county agency pursuant to Chapter 5107.7 or 5108.7 70781
~~or 5115.~~ of the Revised Code to law enforcement agencies on 70782
request for the purposes of investigations, prosecutions, and 70783
criminal and civil proceedings that are within the scope of the 70784
law enforcement agencies' official duties. 70785

(C) Information about a public assistance recipient shall be 70786
exchanged, obtained, or shared only if the department, county 70787
agency, or law enforcement agency requesting the information gives 70788
sufficient information to specifically identify the recipient. In 70789
addition to the recipient's name, identifying information may 70790
include the recipient's current or last known address, social 70791
security number, other identifying number, age, gender, physical 70792
characteristics, any information specified in an agreement entered 70793
into under division (A) of this section, or any information 70794
considered appropriate by the department or agency. 70795

(D)(1) The department and its officers and employees are not 70796
liable in damages in a civil action for any injury, death, or loss 70797
to person or property that allegedly arises from the release of 70798
information in accordance with divisions (A), (B), and (C) of this 70799
section. This section does not affect any immunity or defense that 70800
the department and its officers and employees may be entitled to 70801
under another section of the Revised Code or the common law of 70802
this state, including section 9.86 of the Revised Code. 70803

(2) The county agencies and their employees are not liable in 70804
damages in a civil action for any injury, death, or loss to person 70805
or property that allegedly arises from the release of information 70806
in accordance with divisions (A), (B), and (C) of this section. 70807

"Employee" has the same meaning as in division (B) of section 70808
2744.01 of the Revised Code. This section does not affect any 70809
immunity or defense that the county agencies and their employees 70810
may be entitled to under another section of the Revised Code or 70811
the common law of this state, including section 2744.02 and 70812
division (A)(6) of section 2744.03 of the Revised Code. 70813

(E) To the extent permitted by federal law, the department 70814
and county agencies shall provide access to information to the 70815
auditor of state acting pursuant to Chapter 117. or sections 70816
5101.181 and 5101.182 of the Revised Code and to any other 70817
government entity authorized by federal law to conduct an audit 70818
of, or similar activity involving, a public assistance program. 70819

(F) The auditor of state shall prepare an annual report on 70820
the outcome of the agreements required under division (A) of this 70821
section. The report shall include the number of fugitive felons, 70822
probation and parole violators, and violators of community control 70823
sanctions and post-release control sanctions apprehended during 70824
the immediately preceding year as a result of the exchange of 70825
information pursuant to that division. The auditor of state shall 70826
file the report with the governor, the president and minority 70827
leader of the senate, and the speaker and minority leader of the 70828
house of representatives. The state department, county agencies, 70829
and law enforcement agencies shall cooperate with the auditor of 70830
state's office in gathering the information required under this 70831
division. 70832

(G) To the extent permitted by federal law, the department of 70833
job and family services, county departments of job and family 70834
services, and employees of the departments may report to a public 70835
children services agency or other appropriate agency information 70836
on known or suspected physical or mental injury, sexual abuse or 70837
exploitation, or negligent treatment or maltreatment, of a child 70838
receiving public assistance, if circumstances indicate that the 70839

child's health or welfare is threatened. 70840

(H) As used in this section: 70841

(1) "Community control sanction" has the same meaning as in 70842
section 2929.01 of the Revised Code. 70843

(2) "Post-release control sanction" has the same meaning as 70844
in section 2967.01 of the Revised Code. 70845

Sec. 5101.32. (A) The department of job and family services 70846
shall work with the superintendent of the bureau of criminal 70847
identification and investigation to develop procedures and formats 70848
necessary to produce the notices described in division ~~(C)~~(D) of 70849
section 109.5721 of the Revised Code in a format that is 70850
acceptable for use by the department. The department may adopt 70851
rules in accordance with section 111.15 of the Revised Code, as if 70852
they were internal management rules, necessary for such 70853
collaboration. 70854

(B) The department of job and family services may adopt rules 70855
in accordance with Chapter 119. of the Revised Code necessary for 70856
utilizing the information received pursuant to section 109.5721 of 70857
the Revised Code, with a final effective date that is not later 70858
than December 31, 2008. 70859

Sec. 5101.33. (A) As used in this section, "benefits" means 70860
any of the following: 70861

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 70862
Revised Code; 70863

(2) Supplemental nutrition assistance program benefits 70864
provided under section 5101.54 of the Revised Code; 70865

(3) Any other program administered by the department of job 70866
and family services under which assistance is provided or service 70867
rendered; 70868

(4) Any other program, service, or assistance administered by 70869
a person or government entity that the department determines may 70870
be delivered through the medium of electronic benefit transfer. 70871

(B) The department of job and family services may make any 70872
payment or delivery of benefits to eligible individuals through 70873
the medium of electronic benefit transfer by doing all of the 70874
following: 70875

(1) Contracting with an agent to supply debit cards to the 70876
department of job and family services for use by such individuals 70877
in accessing their benefits and to credit such cards 70878
electronically with the amounts specified by the director of job 70879
and family services pursuant to law; 70880

(2) Informing such individuals about the use of the 70881
electronic benefit transfer system and furnishing them with debit 70882
cards and information that will enable them to access their 70883
benefits through the system; 70884

(3) Arranging with specific financial institutions or 70885
vendors, county departments of job and family services, or persons 70886
or government entities for individuals to have their cards 70887
credited electronically with the proper amounts at their 70888
facilities; 70889

(4) Periodically preparing vouchers for the payment of such 70890
benefits by electronic benefit transfer; 70891

(5) Satisfying any applicable requirements of federal and 70892
state law. 70893

(C) The department may enter into a written agreement with 70894
any person or government entity to provide benefits administered 70895
by that person or entity through the medium of electronic benefit 70896
transfer. A written agreement may require the person or government 70897
entity to pay to the department either or both of the following: 70898

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.35. (A) As used in this section:

(1)(a) "Agency" means the following entities that administer a family services program:

(i) The department of job and family services;

(ii) A county department of job and family services;

(iii) A public children services agency;

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former

participant, recipient, or former recipient of a family services 70928
program who is entitled by federal or state law to a hearing 70929
regarding a decision or order of the agency that administers the 70930
program. 70931

(3)(a) "Family services program" means all of the following: 70932

(i) A Title IV-A program as defined in section 5101.80 of the 70933
Revised Code; 70934

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 70935
~~5115~~ of the Revised Code; 70936

(iii) Programs that provide assistance under section 70937
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 70938
Revised Code; 70939

(iv) Title XX social services provided under section 5101.46 70940
of the Revised Code, other than such services provided by the 70941
department of mental health and addiction services, the department 70942
of developmental disabilities, a board of alcohol, drug addiction, 70943
and mental health services, or a county board of developmental 70944
disabilities. 70945

(b) If the department of medicaid contracts with the 70946
department of job and family services to hear appeals authorized 70947
by section 5160.31 of the Revised Code regarding medical 70948
assistance programs, "family services program" includes medical 70949
assistance programs. 70950

(4) "Medical assistance program" has the same meaning as in 70951
section 5160.01 of the Revised Code. 70952

(B) Except as provided by divisions (G) and (H) of this 70953
section, an appellant who appeals under federal or state law a 70954
decision or order of an agency administering a family services 70955
program shall, at the appellant's request, be granted a state 70956
hearing by the department of job and family services. This state 70957

hearing shall be conducted in accordance with rules adopted under 70958
this section. The state hearing shall be recorded, but neither the 70959
recording nor a transcript of the recording shall be part of the 70960
official record of the proceeding. Except as provided in section 70961
5160.31 of the Revised Code, a state hearing decision is binding 70962
upon the agency and department, unless it is reversed or modified 70963
on appeal to the director of job and family services or a court of 70964
common pleas. 70965

(C) Except as provided by division (G) of this section, an 70966
appellant who disagrees with a state hearing decision may make an 70967
administrative appeal to the director of job and family services 70968
in accordance with rules adopted under this section. This 70969
administrative appeal does not require a hearing, but the director 70970
or the director's designee shall review the state hearing decision 70971
and previous administrative action and may affirm, modify, remand, 70972
or reverse the state hearing decision. An administrative appeal 70973
decision is the final decision of the department and, except as 70974
provided in section 5160.31 of the Revised Code, is binding upon 70975
the department and agency, unless it is reversed or modified on 70976
appeal to the court of common pleas. 70977

(D) An agency shall comply with a decision issued pursuant to 70978
division (B) or (C) of this section within the time limits 70979
established by rules adopted under this section. If a county 70980
department of job and family services or a public children 70981
services agency fails to comply within these time limits, the 70982
department may take action pursuant to section 5101.24 of the 70983
Revised Code. If another agency, other than the department of 70984
medicaid, fails to comply within the time limits, the department 70985
may force compliance by withholding funds due the agency or 70986
imposing another sanction established by rules adopted under this 70987
section. 70988

(E) An appellant who disagrees with an administrative appeal 70989

decision of the director of job and family services or the 70990
director's designee issued under division (C) of this section may 70991
appeal from the decision to the court of common pleas pursuant to 70992
section 119.12 of the Revised Code. The appeal shall be governed 70993
by section 119.12 of the Revised Code except that: 70994

(1) The person may appeal to the court of common pleas of the 70995
county in which the person resides, or to the court of common 70996
pleas of Franklin county if the person does not reside in this 70997
state. 70998

(2) The person may apply to the court for designation as an 70999
indigent and, if the court grants this application, the appellant 71000
shall not be required to furnish the costs of the appeal. 71001

(3) The appellant shall mail the notice of appeal to the 71002
department of job and family services and file notice of appeal 71003
with the court within thirty days after the department mails the 71004
administrative appeal decision to the appellant. For good cause 71005
shown, the court may extend the time for mailing and filing notice 71006
of appeal, but such time shall not exceed six months from the date 71007
the department mails the administrative appeal decision. Filing 71008
notice of appeal with the court shall be the only act necessary to 71009
vest jurisdiction in the court. 71010

(4) The department shall be required to file a transcript of 71011
the testimony of the state hearing with the court only if the 71012
court orders the department to file the transcript. The court 71013
shall make such an order only if it finds that the department and 71014
the appellant are unable to stipulate to the facts of the case and 71015
that the transcript is essential to a determination of the appeal. 71016
The department shall file the transcript not later than thirty 71017
days after the day such an order is issued. 71018

(F) The department of job and family services shall adopt 71019
rules in accordance with Chapter 119. of the Revised Code to 71020

implement this section, including rules governing the following: 71021

(1) State hearings under division (B) of this section. The 71022
rules shall include provisions regarding notice of eligibility 71023
termination and the opportunity of an appellant appealing a 71024
decision or order of a county department of job and family 71025
services to request a county conference with the county department 71026
before the state hearing is held. 71027

(2) Administrative appeals under division (C) of this 71028
section; 71029

(3) Time limits for complying with a decision issued under 71030
division (B) or (C) of this section; 71031

(4) Sanctions that may be applied against an agency under 71032
division (D) of this section. 71033

(G) The department of job and family services may adopt rules 71034
in accordance with Chapter 119. of the Revised Code establishing 71035
an appeals process for an appellant who appeals a decision or 71036
order regarding a Title IV-A program identified under division 71037
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 71038
Code that is different from the appeals process established by 71039
this section. The different appeals process may include having a 71040
state agency that administers the Title IV-A program pursuant to 71041
an interagency agreement entered into under section 5101.801 of 71042
the Revised Code administer the appeals process. 71043

(H) If an appellant receiving medicaid through a health 71044
insuring corporation that holds a certificate of authority under 71045
Chapter 1751. of the Revised Code is appealing a denial of 71046
medicaid services based on lack of medical necessity or other 71047
clinical issues regarding coverage by the health insuring 71048
corporation, the person hearing the appeal may order an 71049
independent medical review if that person determines that a review 71050
is necessary. The review shall be performed by a health care 71051

professional with appropriate clinical expertise in treating the 71052
recipient's condition or disease. The department shall pay the 71053
costs associated with the review. 71054

A review ordered under this division shall be part of the 71055
record of the hearing and shall be given appropriate evidentiary 71056
consideration by the person hearing the appeal. 71057

(I) The requirements of Chapter 119. of the Revised Code 71058
apply to a state hearing or administrative appeal under this 71059
section only to the extent, if any, specifically provided by rules 71060
adopted under this section. 71061

Sec. 5101.36. Any application for public assistance gives a 71062
right of subrogation to the department of job and family services 71063
for any workers' compensation benefits payable to a person who is 71064
subject to a support order, as defined in section 3119.01 of the 71065
Revised Code, on behalf of the applicant, to the extent of any 71066
public assistance payments made on the applicant's behalf. If the 71067
director of job and family services, in consultation with a child 71068
support enforcement agency and the administrator of the bureau of 71069
workers' compensation, determines that a person responsible for 71070
support payments to a recipient of public assistance is receiving 71071
workers' compensation, the director shall notify the administrator 71072
of the amount of the benefit to be paid to the department of job 71073
and family services. 71074

For purposes of this section, "public assistance" means Ohio 71075
works first provided under Chapter 5107. of the Revised Code; or 71076
prevention, retention, and contingency benefits and services 71077
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 71078
~~financial assistance provided under Chapter 5115. of the Revised~~ 71079
~~Code.~~ 71080

Sec. 5101.61. (A) As used in this section: 71081

(1) "Senior service provider" means any person who provides 71082
care or services to a person who is an adult as defined in 71083
division (B) of section 5101.60 of the Revised Code. 71084

(2) "Ambulatory health facility" means a nonprofit, public or 71085
proprietary freestanding organization or a unit of such an agency 71086
or organization that: 71087

(a) Provides preventive, diagnostic, therapeutic, 71088
rehabilitative, or palliative items or services furnished to an 71089
outpatient or ambulatory patient, by or under the direction of a 71090
physician or dentist in a facility which is not a part of a 71091
hospital, but which is organized and operated to provide medical 71092
care to outpatients; 71093

(b) Has health and medical care policies which are developed 71094
with the advice of, and with the provision of review of such 71095
policies, an advisory committee of professional personnel, 71096
including one or more physicians, one or more dentists, if dental 71097
care is provided, and one or more registered nurses; 71098

(c) Has a medical director, a dental director, if dental care 71099
is provided, and a nursing director responsible for the execution 71100
of such policies, and has physicians, dentists, nursing, and 71101
ancillary staff appropriate to the scope of services provided; 71102

(d) Requires that the health care and medical care of every 71103
patient be under the supervision of a physician, provides for 71104
medical care in a case of emergency, has in effect a written 71105
agreement with one or more hospitals and other centers or clinics, 71106
and has an established patient referral system to other resources, 71107
and a utilization review plan and program; 71108

(e) Maintains clinical records on all patients; 71109

(f) Provides nursing services and other therapeutic services 71110
in accordance with programs and policies, with such services 71111
supervised by a registered professional nurse, and has a 71112

registered professional nurse on duty at all times of clinical	71113
operations;	71114
(g) Provides approved methods and procedures for the	71115
dispensing and administration of drugs and biologicals;	71116
(h) Has established an accounting and record keeping system	71117
to determine reasonable and allowable costs;	71118
(i) "Ambulatory health facilities" also includes an	71119
alcoholism treatment facility approved by the joint commission on	71120
accreditation of healthcare organizations as an alcoholism	71121
treatment facility or certified by the department of mental health	71122
and addiction services, and such facility shall comply with other	71123
provisions of this division not inconsistent with such	71124
accreditation or certification.	71125
(3) "Community mental health facility" means a facility which	71126
provides community mental health services and is included in the	71127
comprehensive mental health plan for the alcohol, drug addiction,	71128
and mental health service district in which it is located.	71129
(4) "Community mental health service" means services, other	71130
than inpatient services, provided by a community mental health	71131
facility.	71132
(5) "Home health agency" means an institution or a distinct	71133
part of an institution operated in this state which:	71134
(a) Is primarily engaged in providing home health services;	71135
(b) Has home health policies which are established by a group	71136
of professional personnel, including one or more duly licensed	71137
doctors of medicine or osteopathy and one or more registered	71138
professional nurses, to govern the home health services it	71139
provides and which includes a requirement that every patient must	71140
be under the care of a duly licensed doctor of medicine or	71141
osteopathy;	71142

(c) Is under the supervision of a duly licensed doctor of 71143
medicine or doctor of osteopathy or a registered professional 71144
nurse who is responsible for the execution of such home health 71145
policies; 71146

(d) Maintains comprehensive records on all patients; 71147

(e) Is operated by the state, a political subdivision, or an 71148
agency of either, or is operated not for profit in this state and 71149
is licensed or registered, if required, pursuant to law by the 71150
appropriate department of the state, county, or municipality in 71151
which it furnishes services; or is operated for profit in this 71152
state, meets all the requirements specified in divisions (A)(5)(a) 71153
to (d) of this section, and is certified under Title XVIII of the 71154
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 71155
amended. 71156

(6) "Home health service" means the following items and 71157
services, provided, except as provided in division (A)(6)(g) of 71158
this section, on a visiting basis in a place of residence used as 71159
the patient's home: 71160

(a) Nursing care provided by or under the supervision of a 71161
registered professional nurse; 71162

(b) Physical, occupational, or speech therapy ordered by the 71163
patient's attending physician; 71164

(c) Medical social services performed by or under the 71165
supervision of a qualified medical or psychiatric social worker 71166
and under the direction of the patient's attending physician; 71167

(d) Personal health care of the patient performed by aides in 71168
accordance with the orders of a doctor of medicine or osteopathy 71169
and under the supervision of a registered professional nurse; 71170

(e) Medical supplies and the use of medical appliances; 71171

(f) Medical services of interns and residents-in-training 71172

under an approved teaching program of a nonprofit hospital and 71173
under the direction and supervision of the patient's attending 71174
physician; 71175

(g) Any of the foregoing items and services which: 71176

(i) Are provided on an outpatient basis under arrangements 71177
made by the home health agency at a hospital or skilled nursing 71178
facility; 71179

(ii) Involve the use of equipment of such a nature that the 71180
items and services cannot readily be made available to the patient 71181
in the patient's place of residence, or which are furnished at the 71182
hospital or skilled nursing facility while the patient is there to 71183
receive any item or service involving the use of such equipment. 71184

(7) "Representative of the office of the state long-term care 71185
program" has the same meaning as in section 173.14 of the Revised 71186
Code. 71187

Any attorney, physician, osteopath, podiatrist, chiropractor, 71188
dentist, psychologist, any employee of a hospital as defined in 71189
section 3701.01 of the Revised Code, any nurse licensed under 71190
Chapter 4723. of the Revised Code, any employee of an ambulatory 71191
health facility, any employee of a home health agency, any 71192
employee of a residential facility licensed under section 5119.34 71193
of the Revised Code that provides accommodations, supervision, and 71194
personal care services for three to sixteen unrelated adults, any 71195
employee of a nursing home, residential care facility, or home for 71196
the aging, as defined in section 3721.01 of the Revised Code, any 71197
senior service provider other than a representative of the office 71198
of the state long-term care program, any peace officer, coroner, 71199
member of the clergy, any employee of a community mental health 71200
facility, and any person engaged in professional counseling, 71201
social work, or marriage and family therapy having reasonable 71202
cause to believe that an adult is being abused, neglected, or 71203

exploited, or is in a condition which is the result of abuse, 71204
neglect, or exploitation shall immediately report such belief to 71205
the county department of job and family services. ~~This~~ 71206

This section does not apply to employees of any hospital or 71207
public hospital as defined in section 5122.01 of the Revised Code. 71208

(B) Any person having reasonable cause to believe that an 71209
adult has suffered abuse, neglect, or exploitation may report, or 71210
cause reports to be made of such belief to the department. 71211

This division applies to a representative of the office of 71212
the state long-term care program only to the extent permitted by 71213
federal law. 71214

(C) The reports made under this section shall be made orally 71215
or in writing except that oral reports shall be followed by a 71216
written report if a written report is requested by the department. 71217
Written reports shall include: 71218

(1) The name, address, and approximate age of the adult who 71219
is the subject of the report; 71220

(2) The name and address of the individual responsible for 71221
the adult's care, if any individual is, and if the individual is 71222
known; 71223

(3) The nature and extent of the alleged abuse, neglect, or 71224
exploitation of the adult; 71225

(4) The basis of the reporter's belief that the adult has 71226
been abused, neglected, or exploited. 71227

(D) Any person with reasonable cause to believe that an adult 71228
is suffering abuse, neglect, or exploitation who makes a report 71229
pursuant to this section or who testifies in any administrative or 71230
judicial proceeding arising from such a report, or any employee of 71231
the state or any of its subdivisions who is discharging 71232
responsibilities under section 5101.62 of the Revised Code shall 71233

be immune from civil or criminal liability on account of such 71234
investigation, report, or testimony, except liability for perjury, 71235
unless the person has acted in bad faith or with malicious 71236
purpose. 71237

(E) No employer or any other person with the authority to do 71238
so shall discharge, demote, transfer, prepare a negative work 71239
performance evaluation, or reduce benefits, pay, or work 71240
privileges, or take any other action detrimental to an employee or 71241
in any way retaliate against an employee as a result of the 71242
employee's having filed a report under this section. 71243

(F) The written or oral report provided for in this section 71244
and the investigatory report provided for in section 5101.62 of 71245
the Revised Code are confidential and are not public records, as 71246
defined in section 149.43 of the Revised Code. In accordance with 71247
rules adopted by the department of job and family services, 71248
information contained in the report shall upon request be made 71249
available to the adult who is the subject of the report and to 71250
legal counsel for the adult. 71251

(G) The county department of job and family services shall be 71252
available to receive the written or oral report provided for in 71253
this section twenty-four hours a day and seven days a week. 71254

Sec. 5101.802. (A) As used in this section: 71255

(1) "Custodian," "guardian," and "minor child" have the same 71256
meanings as in section 5107.02 of the Revised Code. 71257

(2) "Federal poverty guidelines" has the same meaning as in 71258
section 5101.46 of the Revised Code. 71259

(3) "Kinship caregiver" has the same meaning as in section 71260
5101.85 of the Revised Code. 71261

(B) Subject to division (E) of section 5101.801 of the 71262
Revised Code, there is hereby created the kinship permanency 71263

incentive program to promote permanency for a minor child in the 71264
legal and physical custody of a kinship caregiver. The program 71265
shall provide an initial one-time incentive payment to the kinship 71266
caregiver to defray the costs of initial placement of the minor 71267
child in the kinship caregiver's home. The program may provide 71268
additional permanency incentive payments for the minor child at 71269
six month intervals ~~for a total period not to exceed forty-eight~~ 71270
~~months~~, based on the availability of funds. An eligible caregiver 71271
may receive a maximum of eight incentive payments per minor child. 71272

(C) A kinship caregiver may participate in the program if all 71273
of the following requirements are met: 71274

(1) The kinship caregiver applies to a public children 71275
services agency in accordance with the application process 71276
established in rules authorized by division (E) of this section; 71277

(2) Not earlier than July 1, 2005, a juvenile court issues an 71278
order granting legal custody to the kinship caregiver, or a 71279
probate court grants guardianship to the kinship caregiver, except 71280
that a temporary court order is not sufficient to meet this 71281
requirement; 71282

(3) The kinship caregiver is either the minor child's 71283
custodian or guardian; 71284

(4) The minor child resides with the kinship caregiver 71285
pursuant to a placement approval process established in rules 71286
authorized by division (E) of this section; 71287

(5) Excluding any income excluded under rules adopted under 71288
division (E) of this section, the gross income of the kinship 71289
caregiver's family, including the minor child, does not exceed 71290
three hundred per cent of the federal poverty guidelines. 71291

(D) Public children services agencies shall make initial and 71292
ongoing eligibility determinations for the kinship permanency 71293
incentive program in accordance with rules authorized by division 71294

(E) of this section. The director of job and family services shall 71295
supervise public children services agencies' duties under this 71296
section. 71297

(E) The director of job and family services shall adopt rules 71298
under division (C) of section 5101.801 of the Revised Code as 71299
necessary to implement the kinship permanency incentive program. 71300
The rules shall establish all of the following: 71301

(1) The application process for the program; 71302

(2) The placement approval process through which a minor 71303
child is placed with a kinship caregiver for the kinship caregiver 71304
to be eligible for the program; 71305

(3) The initial and ongoing eligibility determination process 71306
for the program, including the computation of income eligibility; 71307

(4) The amount of the incentive payments provided under the 71308
program; 71309

(5) The method by which the incentive payments are provided 71310
to a kinship caregiver. 71311

(F) The amendments made to this section by Am. Sub. H.B. 119 71312
of the 127th general assembly shall not affect the eligibility of 71313
any kinship caregiver whose eligibility was established before 71314
June 30, 2007. 71315

Sec. 5107.05. The director of job and family services shall 71316
adopt rules to implement this chapter. The rules shall be 71317
consistent with Title IV-A, Title IV-D, federal regulations, state 71318
law, the Title IV-A state plan submitted to the United States 71319
secretary of health and human services under section 5101.80 of 71320
the Revised Code, amendments to the plan, and waivers granted by 71321
the United States secretary. Rules governing eligibility, program 71322
participation, and other applicant and participant requirements 71323
shall be adopted in accordance with Chapter 119. of the Revised 71324

Code. Rules governing financial and other administrative 71325
requirements applicable to the department of job and family 71326
services and county departments of job and family services shall 71327
be adopted in accordance with section 111.15 of the Revised Code. 71328

(A) The rules shall specify, establish, or govern all of the 71329
following: 71330

(1) A payment standard for Ohio works first based on federal 71331
and state appropriations that is increased in accordance with 71332
section 5107.04 of the Revised Code; 71333

(2) For the purpose of section 5107.04 of the Revised Code, 71334
the method of determining the amount of cash assistance an 71335
assistance group receives under Ohio works first; 71336

(3) Requirements for initial and continued eligibility for 71337
Ohio works first, including requirements regarding income, 71338
citizenship, age, residence, and assistance group composition; 71339

(4) For the purpose of section 5107.12 of the Revised Code, 71340
application and verification procedures, including the minimum 71341
information an application must contain; 71342

(5) The extent to which a participant of Ohio works first 71343
must notify, pursuant to section 5107.12 of the Revised Code, a 71344
county department of job and family services of additional income 71345
not previously reported to the county department; 71346

(6) For the purpose of section 5107.16 of the Revised Code, 71347
both of the following: 71348

(a) Standards for the determination of good cause for failure 71349
or refusal to comply in full with a provision of a 71350
self-sufficiency contract; 71351

(b) The compliance activities a member of an assistance group 71352
must complete for the member to be considered to have ceased to 71353
fail or refuse to comply in full with a provision of a 71354

self-sufficiency contract. 71355

(7) The department of job and family services providing 71356
written notice of a sanction under section 5107.161 of the Revised 71357
Code; 71358

(8) For the purpose of division (B) of section 5107.17 of the 71359
Revised Code, the circumstances under which the adult member of an 71360
assistance group or an assistance group's minor head of household 71361
whose failure or refusal, without good cause, to comply in full 71362
with a provision of a self-sufficiency contract causes a sanction 71363
under section 5107.16 of the Revised Code must enter into a new, 71364
or amend an existing, self-sufficiency contract before the 71365
assistance group may resume participation in Ohio works first 71366
following the sanction; 71367

(9) Requirements for the collection and distribution of 71368
support payments owed participants of Ohio works first pursuant to 71369
section 5107.20 of the Revised Code; 71370

(10) For the purpose of section 5107.22 of the Revised Code, 71371
what constitutes cooperating in establishing a minor child's 71372
paternity or establishing, modifying, or enforcing a child support 71373
order and good cause for failure or refusal to cooperate; 71374

(11) The requirements governing the LEAP program, including 71375
the definitions of "equivalent of a high school diploma" and "good 71376
cause," and the incentives provided under the LEAP program; 71377

(12) If the director implements section 5107.301 of the 71378
Revised Code, the requirements governing the award provided under 71379
that section, including the form that the award is to take and 71380
requirements an individual must satisfy to receive the award; 71381

(13) Circumstances under which a county department of job and 71382
family services may exempt a minor head of household or adult from 71383
participating in a work activity or developmental activity for all 71384
or some of the weekly hours otherwise required by section 5107.43 71385

of the Revised Code. 71386

(14) The maximum amount of time the department will subsidize 71387
positions created by state agencies and political subdivisions 71388
under division (C) of section 5107.52 of the Revised Code; 71389

(15) The implementation of sections 5107.71 to 5107.717 of 71390
the Revised Code by county departments of job and family services; 71391

(16) A domestic violence screening process to be used for the 71392
purpose of division (A) of section 5107.71 of the Revised Code; 71393

(17) The minimum frequency with which county departments of 71394
job and family services must redetermine a member of an assistance 71395
group's need for a waiver issued under section 5107.714 of the 71396
Revised Code; 71397

(18) Requirements for work activities, developmental 71398
activities, and alternative work activities for Ohio works first 71399
participants. 71400

(B) The rules adopted under division (A)(3) of this section 71401
regarding income shall specify what is countable income, gross 71402
earned income, and gross unearned income for the purpose of 71403
section 5107.10 of the Revised Code. The rules also shall specify 71404
the amount of an assistance group's gross earned income that is to 71405
be disregarded for the purpose of division (D)(3) of section 71406
5107.10 of the Revised Code. 71407

The rules adopted under division (A)(10) of this section 71408
shall be consistent with 42 U.S.C. 654(29). 71409

The rules adopted under division (A)(13) of this section 71410
shall specify that the circumstances include that a school or 71411
place of work is closed due to a holiday or weather or other 71412
emergency and that an employer grants the minor head of household 71413
or adult leave for illness or earned vacation. 71414

(C) The rules may provide that a county department of job and 71415

family services is not required to take action under section 71416
5107.76 of the Revised Code to recover an erroneous payment under 71417
circumstances the rules specify. 71418

Sec. 5107.10. (A) As used in this section: 71419

(1) "Countable income," "gross earned income," and "gross 71420
unearned income" have the meanings established in rules adopted 71421
under section 5107.05 of the Revised Code. 71422

(2) "Federal poverty guidelines" has the same meaning as in 71423
section 5101.46 of the Revised Code, except that references to a 71424
person's family in the definition shall be deemed to be references 71425
to the person's assistance group. 71426

(3) "Gross income" means gross earned income and gross 71427
unearned income. 71428

(4) "Strike" means continuous concerted action in failing to 71429
report to duty; willful absence from one's position; or stoppage 71430
of work in whole from the full, faithful, and proper performance 71431
of the duties of employment, for the purpose of inducing, 71432
influencing, or coercing a change in wages, hours, terms, and 71433
other conditions of employment. "Strike" does not include a 71434
stoppage of work by employees in good faith because of dangerous 71435
or unhealthful working conditions at the place of employment that 71436
are abnormal to the place of employment. 71437

(B) Under the Ohio works first program, an assistance group 71438
shall receive, except as otherwise provided by this chapter, 71439
time-limited cash assistance. In the case of an assistance group 71440
that includes a minor head of household or adult, assistance shall 71441
be provided in accordance with the self-sufficiency contract 71442
entered into under section 5107.14 of the Revised Code. 71443

(C)(1) To be eligible to participate in Ohio works first, an 71444
assistance group must meet all of the following requirements: 71445

~~(1)(a)~~ The assistance group, except as provided in division 71446
(E) of this section, must include at least one of the following: 71447

~~(a)(i)~~ A minor child who, except as provided in section 71448
5107.24 of the Revised Code, resides with a parent, or specified 71449
relative caring for the child, or, to the extent permitted by 71450
Title IV-A and federal regulations adopted until Title IV-A, 71451
resides with a guardian or custodian caring for the child; 71452

~~(b)(ii)~~ A parent residing with and caring for the parent's 71453
minor child who receives supplemental security income under Title 71454
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 71455
U.S.C.A. 1383, as amended, or federal, state, or local adoption 71456
assistance; 71457

~~(c)(iii)~~ A specified relative residing with and caring for a 71458
minor child who is related to the specified relative in a manner 71459
that makes the specified relative a specified relative and 71460
receives supplemental security income or federal, state, or local 71461
foster care or adoption assistance; 71462

~~(d)(iv)~~ A woman at least six months pregnant. 71463

~~(2)(b)~~ The assistance group must meet the income requirements 71464
established by division (D) of this section. 71465

~~(3)(c)~~ No member of the assistance group may be involved in a 71466
strike. 71467

~~(4)(d)~~ The assistance group must satisfy the requirements for 71468
Ohio works first established by this chapter and section 5101.83 71469
of the Revised Code. 71470

~~(5)(e)~~ The assistance group must meet requirements for Ohio 71471
works first established by rules adopted under section 5107.05 of 71472
the Revised Code. 71473

(2) In addition to meeting the requirements specified in 71474
division (C)(1) of this section, a member of an assistance group 71475

who is required by section 5116.10 of the Revised Code to 71476
participate in the comprehensive case management and employment 71477
program must participate in that program to be eligible to 71478
participate in Ohio works first. 71479

(D)(1) Except as provided in division (D)(4) of this section, 71480
to determine whether an assistance group is initially eligible to 71481
participate in Ohio works first, a county department of job and 71482
family services shall do the following: 71483

(a) Determine whether the assistance group's gross income 71484
exceeds fifty per cent of the federal poverty guidelines. In 71485
making this determination, the county department shall disregard 71486
amounts that federal statutes or regulations and sections 5101.17 71487
and 5117.10 of the Revised Code require be disregarded. The 71488
assistance group is ineligible to participate in Ohio works first 71489
if the assistance group's gross income, less the amounts 71490
disregarded, exceeds fifty per cent of the federal poverty 71491
guidelines. 71492

(b) If the assistance group's gross income, less the amounts 71493
disregarded pursuant to division (D)(1)(a) of this section, does 71494
not exceed fifty per cent of the federal poverty guidelines, 71495
determine whether the assistance group's countable income is less 71496
than the payment standard. The assistance group is ineligible to 71497
participate in Ohio works first if the assistance group's 71498
countable income equals or exceeds the payment standard. 71499

(2) For the purpose of determining whether an assistance 71500
group meets the income requirement established by division 71501
(D)(1)(a) of this section, the annual revision that the United 71502
States department of health and human services makes to the 71503
federal poverty guidelines shall go into effect on the first day 71504
of July of the year for which the revision is made. 71505

(3) To determine whether an assistance group participating in 71506

Ohio works first continues to be eligible to participate, a county 71507
department of job and family services shall determine whether the 71508
assistance group's countable income continues to be less than the 71509
payment standard. In making this determination, the county 71510
department shall disregard ~~the first two hundred fifty dollars~~ an 71511
amount specified in rules adopted under section 5107.05 of the 71512
Revised Code and fifty per cent of the remainder of the assistance 71513
group's gross earned income. No amounts shall be disregarded from 71514
the assistance group's gross unearned income. The assistance group 71515
ceases to be eligible to participate in Ohio works first if its 71516
countable income, less the amounts disregarded, equals or exceeds 71517
the payment standard. 71518

(4) If an assistance group reapplies to participate in Ohio 71519
works first not more than four months after ceasing to 71520
participate, a county department of job and family services shall 71521
use the income requirement established by division (D)(3) of this 71522
section to determine eligibility for resumed participation rather 71523
than the income requirement established by division (D)(1) of this 71524
section. 71525

(E)(1) An assistance group may continue to participate in 71526
Ohio works first even though a public children services agency 71527
removes the assistance group's minor children from the assistance 71528
group's home due to abuse, neglect, or dependency if the agency 71529
does both of the following: 71530

(a) Notifies the county department of job and family services 71531
at the time the agency removes the children that it believes the 71532
children will be able to return to the assistance group within six 71533
months; 71534

(b) Informs the county department at the end of each of the 71535
first five months after the agency removes the children that the 71536
parent, guardian, custodian, or specified relative of the children 71537
is cooperating with the case plans prepared for the children under 71538

section 2151.412 of the Revised Code and that the agency is making 71539
reasonable efforts to return the children to the assistance group. 71540

(2) An assistance group may continue to participate in Ohio 71541
works first pursuant to division (E)(1) of this section for not 71542
more than six payment months. This division does not affect the 71543
eligibility of an assistance group that includes a woman at least 71544
six months pregnant. 71545

Sec. 5108.01. As used in this chapter: 71546

(A) "County family services planning committee" means the 71547
county family services planning committee established under 71548
section 329.06 of the Revised Code ~~or the board created by~~ 71549
~~consolidation under division (C) of section 6301.06 of the Revised~~ 71550
~~Code.~~ 71551

(B) "Prevention, retention, and contingency program" means 71552
the program established by this chapter and funded in part with 71553
federal funds provided under Title IV-A. 71554

(C) "Title IV-A" means Title IV-A of the "Social Security 71555
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 71556

Sec. 5116.01. As used in this chapter: 71557

(A) "Certificate of high school equivalence" has the same 71558
meaning as in section 5107.40 of the Revised Code. 71559

(B) "Fiscal biennial period" means a two-year period 71560
beginning on the first day of July of an odd-numbered year and 71561
ending on the last day of June of the next odd-numbered year. 71562

(C) "In-school youth" has the same meaning as in section 71563
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 71564
U.S.C. 3164(a)(1)(C). 71565

(D) "Lead agency" means the local participating agency 71566
designated under section 5116.22 of the Revised Code to serve for 71567

a fiscal biennial period, or part thereof, as a county's lead 71568
agency for the purpose of the comprehensive case management and 71569
employment program. 71570

(E) "Local participating agencies" means the county 71571
department of job and family services and workforce development 71572
agency that serve the same county. 71573

(F) "Local workforce development board" means a local 71574
workforce development board established under section 107 of the 71575
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 71576

(G) "Ohio works first" has the same meaning as in section 71577
5107.02 of the Revised Code. 71578

(H) "Out-of-school youth" has the same meaning as in section 71579
129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 71580
U.S.C. 3164(a)(1)(B). 71581

(I) "Prevention, retention, and contingency program" has the 71582
same meaning as in section 5108.01 of the Revised Code. 71583

(J) "Subcontractor" means an entity with which a local 71584
participating agency contracts to perform, on behalf of the local 71585
participating agency, one or more of the local participating 71586
agency's duties regarding the comprehensive case management and 71587
employment program. 71588

(K) "TANF block grant" means the temporary assistance for 71589
needy families block grant established by Title IV-A of the 71590
"Social Security Act," 42 U.S.C. 601 et seq. 71591

(L) "Work-eligible individual" has the same meaning as in 45 71592
C.F.R. 261.2(n). 71593

(M) "Workforce development activity" has the same meaning as 71594
in section 6301.01 of the Revised Code. 71595

(N) "Workforce development agency" means a public or private 71596
entity designated or certified by a local workforce development 71597

board to coordinate the delivery of workforce services for a 71598
county. 71599

(O) "Workforce Innovation and Opportunity Act" means Public 71600
Law 113-128, 29 U.S.C. 3101 et seq. 71601

(P) "Youth workforce investment activity funds" means funds 71602
allocated or granted under Title I, Subtitle B, Chapter 2 of the 71603
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 71604
seq., for youth workforce investment activities. 71605

Sec. 5116.02. There is hereby established the comprehensive 71606
case management and employment program. The department of job and 71607
family services shall coordinate and supervise the administration 71608
of the program to the extent funds are available for this purpose 71609
under the TANF block grant and the Workforce Innovation and 71610
Opportunity Act. 71611

Sec. 5116.03. The comprehensive case management and 71612
employment program is all of the following: 71613

(A) A Title IV-A program for the purpose of division 71614
(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, 71615
subject to all statutes applicable to such a program, including 71616
sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised 71617
Code; 71618

(B) A workforce development activity and, therefore, subject 71619
to all statutes applicable to workforce development activities, 71620
including sections 5101.20, 5101.214, 5101.241, and 5101.243 of 71621
the Revised Code and Chapter 6301. of the Revised Code; 71622

(C) A family services duty, notwithstanding the second 71623
sentence of division (A)(1)(b) of section 307.981 of the Revised 71624
Code, and, therefore, subject to all statutes applicable to family 71625
services duties, including sections 5101.183, 5101.21, 5101.212, 71626
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 71627

5101.243 of the Revised Code. 71628

Sec. 5116.06. (A) The director of job and family services 71629
shall adopt rules that are necessary to implement the 71630
comprehensive case management and employment program, including 71631
rules that do all of the following: 71632

(1) Provide for the program to do both of the following: 71633

(a) Help a work-eligible individual satisfy the work 71634
requirements of section 407 of the "Social Security Act," 42 71635
U.S.C. 607; 71636

(b) Help an Ohio works first participant who participates in 71637
the program do both of the following: 71638

(i) Satisfy other Ohio works first requirements, including 71639
requirements included in the participant's self-sufficiency 71640
contract entered into under section 5107.14 of the Revised Code; 71641

(ii) Obtain assistance or services the participant needs 71642
according to an assessment conducted under section 5107.70 of the 71643
Revised Code. 71644

(2) For the purpose of section 5116.11 of the Revised Code, 71645
establish procedures for both of the following: 71646

(a) Assessing the employment and training needs of 71647
individuals participating in the comprehensive case management and 71648
employment program; 71649

(b) Creating, reviewing, revising, and terminating individual 71650
opportunity plans. 71651

(3) For the purpose of section 5116.20 of the Revised Code, 71652
establish procedures, including procedures regarding timing, for a 71653
local workforce development board to decide whether to authorize 71654
the use of its youth workforce investment activity funds for the 71655
comprehensive case management and employment program; 71656

<u>(4) Establish requirements for the plans required by division</u>	71657
<u>(A)(1) of section 5116.23 of the Revised Code;</u>	71658
<u>(5) For the purpose of division (A)(3) of section 5116.23 of</u>	71659
<u>the Revised Code, establish procedures for a lead agency to</u>	71660
<u>partner with the other local participating agency and</u>	71661
<u>subcontractors.</u>	71662
<u>(B) For the purposes of divisions (C) and (F) of section</u>	71663
<u>5116.10 of the Revised Code, the rules adopted under this section</u>	71664
<u>may do either or both of the following:</u>	71665
<u>(1) Specify one or more additional mandatory participation</u>	71666
<u>groups that are required to participate in the comprehensive case</u>	71667
<u>management and employment program;</u>	71668
<u>(2) Specify one or more additional voluntary participation</u>	71669
<u>groups that may volunteer to participate in the program.</u>	71670
<u>(C) The rules adopted under this section shall be consistent</u>	71671
<u>with all of the following:</u>	71672
<u>(1) The Title IV-A state plan prepared under section 5101.80</u>	71673
<u>of the Revised Code, amendments to the plan, and any waivers</u>	71674
<u>regarding the plan granted by the United States secretary of</u>	71675
<u>health and human services;</u>	71676
<u>(2) The combined state plan authorized by section 103 of the</u>	71677
<u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3113,</u>	71678
<u>amendments to the plan, and any waivers regarding the plan granted</u>	71679
<u>by the United States secretary of labor.</u>	71680
<u>(D) The rules adopted under division (A)(1)(a) of this</u>	71681
<u>section may deviate from Chapter 5107. of the Revised Code.</u>	71682
<u>Sec. 5116.10. (A) Each work-eligible individual shall</u>	71683
<u>participate in the comprehensive case management and employment</u>	71684
<u>program as a condition of participating in Ohio works first if the</u>	71685
<u>individual is at least fourteen but not more than twenty-four</u>	71686

years of age. 71687

(B) Each individual who is an in-school youth or 71688
out-of-school youth shall participate in the comprehensive case 71689
management and employment program as a condition of enrollment in 71690
workforce development activities funded by the Workforce 71691
Innovation and Opportunity Act. 71692

(C) Each individual who is a member of a group, if any, 71693
specified in rules adopted under section 5116.06 of the Revised 71694
Code as an additional mandatory participation group shall 71695
participate in the comprehensive case management and employment 71696
program if funds are available for the group under the TANF block 71697
grant and the Workforce Innovation and Opportunity Act. 71698

(D) Any Ohio works first participant who is not a 71699
work-eligible individual may volunteer to participate in the 71700
comprehensive case management and employment program if the 71701
participant is at least fourteen but not more than twenty-four 71702
years of age. 71703

(E) Any individual receiving benefits and services under the 71704
prevention, retention, and contingency program may volunteer to 71705
participate in the comprehensive case management and employment 71706
program if the individual is at least fourteen but not more than 71707
twenty-four years of age. 71708

(F) Any individual who is a member of a group, if any, 71709
specified in rules adopted under section 5116.06 of the Revised 71710
Code as a voluntary participation group may volunteer to 71711
participate in the comprehensive case management and employment 71712
program if funds are available for the group under the TANF block 71713
grant and the Workforce Innovation and Opportunity Act. 71714

Sec. 5116.11. In accordance with rules adopted under section 71715
5116.06 of the Revised Code, a lead agency shall provide for all 71716

of the following to occur: 71717

(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs; 71718
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71720

(B) An individual opportunity plan being created for the individual as part of the assessment; 71721
71722

(C) The individual opportunity plan being reviewed, revised, and terminated as appropriate. 71723
71724

Sec. 5116.12. (A) An individual opportunity plan created under section 5116.11 of the Revised Code shall specify which of the following services, if any, an individual participating in the comprehensive case management and employment program needs: 71725
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71727
71728

(1) Support for the individual to obtain a high school diploma or a certificate of high school equivalence; 71729
71730

(2) Job placement; 71731

(3) Job retention support; 71732

(4) Other services that aid the individual in achieving the plan's goals. 71733
71734

(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes. 71735
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Sec. 5116.20. In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of 71739
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the counties the board serves. 71745

Sec. 5116.21. If a local workforce development board decides 71746
under section 5116.20 of the Revised Code not to authorize the use 71747
of its youth workforce investment activity funds for the 71748
comprehensive case management and employment program for a fiscal 71749
biennial period, all of the following shall apply to that fiscal 71750
biennial period: 71751

(A) The board shall use its youth workforce investment 71752
activity funds in accordance with Section 129 of the "Workforce 71753
Innovation and Opportunity Act," 29 U.S.C. 3164. 71754

(B) No TANF block grant funds shall be made available to the 71755
board or any county the board serves for the comprehensive case 71756
management and employment program. 71757

(C) The department of job and family services shall use 71758
available TANF block grant funds to administer, or to contract 71759
with a government or private entity to administer, the 71760
comprehensive case management and employment program in the 71761
counties the board serves. 71762

Sec. 5116.22. (A) If a local workforce development board 71763
decides under section 5116.20 of the Revised Code to authorize the 71764
use of its youth workforce investment activity funds for the 71765
comprehensive case management and employment program for a fiscal 71766
biennial period, all of the following shall apply to that fiscal 71767
biennial period: 71768

(1) Before the beginning of the fiscal biennial period, the 71769
board shall enter into a written agreement with department of job 71770
and family services that, to the extent permitted by federal law, 71771
requires the board and the counties the board serves to operate 71772
the comprehensive case management and employment program in 71773

accordance with the program's requirements, including the 71774
requirements established by this chapter, rules adopted under 71775
section 5116.06 of the Revised Code, and any other rules 71776
applicable to the program. 71777

(2) Before the beginning of the fiscal biennial period, the 71778
board of county commissioners of each of the counties the local 71779
workforce development board serves shall designate either of the 71780
local participating agencies to serve as the county's lead agency 71781
for the purpose of the comprehensive case management and 71782
employment program. 71783

(B) After a board of county commissioners designates a local 71784
participating agency to serve as the county's lead agency for a 71785
fiscal biennial period, the board may designate the other local 71786
participating agency to take over as the county's lead agency for 71787
the remainder of the fiscal biennial period. 71788

(C) A board of county commissioners shall inform the 71789
department of job and family services of its designation of the 71790
lead agency under division (A)(2) of this section before the 71791
beginning of the fiscal biennial period for which the designation 71792
is made. A board shall notify the department of any redesignation 71793
of a lead agency under division (B) of this section not later than 71794
sixty days after the redesignation takes effect. 71795

Sec. 5116.23. (A) Each lead agency, in consultation with the 71796
local workforce development board that serves the same county for 71797
which the lead agency has been designated to serve as lead agency, 71798
shall, in accordance with rules adopted under section 5116.06 of 71799
the Revised Code, do all of the following for the fiscal biennial 71800
period, or part thereof, for which it is so designated: 71801

(1) Prepare and submit to the department of job and family 71802
services a plan containing standing procedures for determining and 71803
maintaining individuals' eligibility to participate in the 71804

comprehensive case management and employment program; 71805

(2) Administer the program in the county for which it is 71806
designated to serve as lead agency; 71807

(3) Partner with the other local participating agency and 71808
subcontractors to do both of the following: 71809

(a) Actively coordinate activities regarding the program with 71810
the other local participating agency and any subcontractors; 71811

(b) Help both local participating agencies and any 71812
subcontractors to use their expertise in administering the 71813
program. 71814

(B) If a board of county commissioners redesignates the lead 71815
agency under division (B) of section 5116.22 of the Revised Code 71816
during a fiscal biennial period, the new lead agency shall prepare 71817
and submit to the department of job and family services a new plan 71818
under division (A)(1) of this section not later than sixty days 71819
after the redesignation takes effect. 71820

(C) Each local workforce development board shall ensure that 71821
the plans prepared under division (A)(1) of this section by the 71822
lead agencies serving the same counties the board serves are 71823
included in the board's workforce development plan prepared under 71824
section 6301.07 of the Revised Code. 71825

Sec. 5116.24. A lead agency is responsible for all of the 71826
funds received for the comprehensive case management and 71827
employment program by the county for which the lead agency is 71828
designated to be the lead agency and shall use the funds in a 71829
manner consistent with federal and state law. The lead agency 71830
shall coordinate this responsibility with any entity that has been 71831
designated to serve as a local grant subrecipient or a local 71832
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 71833
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 71834

Sec. 5116.25. If a lead agency fails to enroll in the 71835
comprehensive case management and employment program an individual 71836
who is required by section 5116.10 of the Revised Code to 71837
participate in the program and to take corrective action that the 71838
department of job and family services requires the lead agency to 71839
take as a consequence of that failure, the department may take the 71840
action authorized by division (C)(5) of section 5101.24 of the 71841
Revised Code, including withholding and spending TANF block grant 71842
funds. 71843

Sec. 5117.10. (A) On or before the fifteenth day of January, 71844
the director of development services shall pay each applicant 71845
determined eligible for a payment under divisions (A) and (B) of 71846
section 5117.07 of the Revised Code one hundred twenty-five 71847
dollars. 71848

(B) The director may withhold from any payment to which a 71849
person would otherwise be entitled under division (A) of this 71850
section any amount that the director determines was erroneously 71851
received by such person in a preceding year under this or the 71852
program established under Am. Sub. H.B. 230, as amended by Am. 71853
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 71854
523 of the 112th general assembly, provided the director has 71855
employed all other legal methods reasonably available to obtain 71856
reimbursement for the erroneous payment or credit prior to the 71857
commencement of the current program year. 71858

(C) Payments made under this section and credits granted 71859
under section 5117.09 of the Revised Code shall not be considered 71860
income for the purpose of determining eligibility or the level of 71861
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 71862
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 71863
supplemental security income payments under Title XVI of the 71864
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 71865

amended; or any other program under which eligibility or the level 71866
of benefits or assistance is based upon need measured by income. 71867

Sec. 5119.01. (A) As used in this chapter: 71868

(1) "Addiction" means the chronic and habitual use of 71869
alcoholic beverages, the use of a drug of abuse as defined in 71870
section 3719.011 of the Revised Code, or the use of gambling by an 71871
individual to the extent that the individual no longer can control 71872
the individual's use of alcohol, the individual becomes physically 71873
or psychologically dependent on the drug, the individual's use of 71874
alcohol or drugs endangers the health, safety, or welfare of the 71875
individual or others, or the individual's gambling causes 71876
psychological, financial, emotional, marital, legal, or other 71877
difficulties endangering the health, safety, or welfare of the 71878
individual or others. 71879

(2) "Addiction services" means services, including 71880
intervention, for the treatment of persons with alcohol, drug, or 71881
gambling addictions, and for the prevention of such addictions. 71882

(3) "Alcohol and drug addiction services" means services, 71883
including intervention, for the treatment of alcoholics or persons 71884
who abuse drugs of abuse and for the prevention of alcoholism and 71885
drug addiction. 71886

(4) "Alcoholic" means a person suffering from alcoholism. 71887

(5) "Alcoholism" means the chronic and habitual use of 71888
alcoholic beverages by an individual to the extent that the 71889
individual no longer can control the individual's use of alcohol 71890
or endangers the health, safety, or welfare of the individual or 71891
others. 71892

(6) "Certifiable services and supports" means all of the 71893
following: 71894

(a) Alcohol and drug addiction services; 71895

(b) Mental health services;	71896
(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.	71897 71898 71899
(7) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides one or more of the following:	71900 71901 71902
(a) Alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;	71903 71904 71905
(b) Gambling addiction services;	71906
(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	71907 71908 71909 71910 71911
(8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:	71912 71913 71914
(a) Mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;	71915 71916 71917
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	71918 71919 71920 71921 71922
(9) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or	71923 71924 71925

psychologically dependent on the drug or endangers the health, 71926
safety, or welfare of the individual or others. 71927

(10) "Gambling addiction" means the use of gambling by an 71928
individual to the extent that it causes psychological, financial, 71929
emotional, marital, legal, or other difficulties endangering the 71930
health, safety, or welfare of the individual or others. 71931

(11) "Gambling addiction services" means services for the 71932
treatment of persons who have a gambling addiction and for the 71933
prevention of gambling addiction. 71934

(12) "Hospital" means a hospital or inpatient unit licensed 71935
by the department of mental health and addiction services under 71936
section 5119.33 of the Revised Code, and any institution, 71937
hospital, or other place established, controlled, or supervised by 71938
the department under Chapter 5119. of the Revised Code. 71939

(13) "Included opioid and co-occurring drug addiction 71940
services and recovery supports" means the addiction services and 71941
recovery supports that, pursuant to section 340.033 of the Revised 71942
Code, are included in the array of services and recovery supports 71943
for all levels of opioid and co-occurring drug addiction required, 71944
~~except as otherwise authorized by a time-limited waiver issued~~ 71945
~~under division (A)(1) of section 5119.221 of the Revised Code,~~ to 71946
be included in the community-based continuum of care established 71947
under section 340.032 of the Revised Code. 71948

(14) "Mental illness" means a substantial disorder of 71949
thought, mood, perception, orientation, or memory that grossly 71950
impairs judgment, behavior, capacity to recognize reality, or 71951
ability to meet the ordinary demands of life. 71952

(15) "Mental health services" means services for the 71953
assessment, care, or treatment of persons who have a mental 71954
illness and for the prevention of mental illness. 71955

(16) "Recovery supports" means assistance that is intended to 71956

help an individual who is an alcoholic or has a drug addiction or 71957
mental illness, or a member of such an individual's family, 71958
initiate and sustain the individual's recovery from alcoholism, 71959
drug addiction, or mental illness. "Recovery supports" does not 71960
mean alcohol and drug addiction services or mental health 71961
services. 71962

(17)(a) "Residence" means a person's physical presence in a 71963
county with intent to remain there, except in either of the 71964
following circumstances: 71965

(i) If a person is receiving a mental health treatment 71966
service at a facility that includes nighttime sleeping 71967
accommodations, "residence" means that county in which the person 71968
maintained the person's primary place of residence at the time the 71969
person entered the facility; 71970

(ii) If a person is committed pursuant to section 2945.38, 71971
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 71972
"residence" means the county where the criminal charges were 71973
filed. 71974

(b) When the residence of a person is disputed, the matter of 71975
residence shall be referred to the department of mental health and 71976
addiction services for investigation and determination. Residence 71977
shall not be a basis for a board of alcohol, drug addiction, and 71978
mental health services to deny services to any person present in 71979
the board's service district, and the board shall provide services 71980
for a person whose residence is in dispute while residence is 71981
being determined and for a person in an emergency situation. 71982

(B) Any reference in this chapter to a board of alcohol, drug 71983
addiction, and mental health services also refers to an alcohol 71984
and drug addiction services board or a community mental health 71985
board in a service district in which an alcohol and drug addiction 71986
services board or a community mental health board has been 71987

established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.011. (A) Whenever the term "department of mental health," the term "Ohio department of mental health," the "department of alcohol and drug addiction services," or the term "Ohio department of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the department of mental health and addiction services.

(B) Whenever the term "director of mental health" or the term "director of alcohol and drug addiction services" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of mental health and addiction services.

Sec. 5119.22. The director of mental health and addiction services, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district submitted under division (A)(4) of section 340.03 of the Revised Code and the priorities

and plans of the department of mental health and addiction 72018
services, including the needs of residents of the district 72019
currently receiving services in state-operated hospitals, and make 72020
recommendations for needed improvements to boards of alcohol, drug 72021
addiction, and mental health services; 72022

(C) At the director's discretion, provide to boards of 72023
alcohol, drug addiction, and mental health services state or 72024
federal funds, in addition to those allocated under section 72025
5119.23 of the Revised Code, for special programs or projects the 72026
director considers necessary but for which local funds are not 72027
available; 72028

(D) Establish criteria by which each board of alcohol, drug 72029
addiction, and mental health services reviews and evaluates the 72030
quality, effectiveness, and efficiency of the facility services, 72031
addiction services, mental health services, and recovery supports 72032
for which it contracts under section 340.036 of the Revised Code. 72033
The criteria shall include requirements ensuring appropriate 72034
utilization of the services and supports. The department shall 72035
assess each board's evaluation of the services and supports and 72036
the compliance of each board with this section, Chapter 340. of 72037
the Revised Code, and other state or federal law and regulations. 72038
The department, in cooperation with the board, periodically shall 72039
review and evaluate the quality, effectiveness, and efficiency of 72040
the facility services, addiction services, mental health services, 72041
and recovery supports for which each board contracts under section 72042
340.036 of the Revised Code and the facilities, addiction 72043
services, and mental health services that each board operates or 72044
provides under section 340.037 of the Revised Code. The department 72045
shall collect information that is necessary to perform these 72046
functions. 72047

(E) To the extent the director determines necessary and after 72048
consulting with boards of alcohol, drug addiction, and mental 72049

health services, community addiction services providers, and 72050
community mental health services providers, develop and operate, 72051
or contract for the operation of, a community behavioral health 72052
information system or systems. The department shall specify the 72053
information that must be provided by the boards and providers for 72054
inclusion in the system or systems. 72055

Boards of alcohol, drug addiction, and mental health 72056
services, community addiction services providers, and community 72057
mental health services providers shall submit information 72058
requested by the department in the form and manner and in 72059
accordance with time frames prescribed by the department. 72060
Information collected by the department may include all of the 72061
following: 72062

(1) Information on addiction services, mental health 72063
services, and recovery supports provided; 72064

(2) Financial information regarding expenditures of federal, 72065
state, or local funds; 72066

(3) Information about persons served. 72067

The department shall not collect any personal information 72068
from the boards or providers except as required or permitted by 72069
state or federal law for purposes related to payment, health care 72070
operations, program and service evaluation, reporting activities, 72071
research, system administration, and oversight. 72072

(F) In consultation with representatives of boards of 72073
alcohol, drug addiction, and mental health services and after 72074
consideration of recommendations made by the medical director 72075
appointed under section 5119.11 of the Revised Code, establish all 72076
of the following: 72077

(1) Guidelines, including a timetable, for the boards' 72078
development and submission of proposed community addiction and 72079
mental health plans, budgets, and lists of addiction services, 72080

mental health services, and recovery supports under sections 72081
340.03 and 340.08 of the Revised Code; 72082

(2) Procedures, including a timetable, for the director's 72083
review and approval or disapproval of the plans, budgets, and 72084
lists; 72085

(3) Procedures for corrective action regarding the plans, 72086
budgets, and lists, including submission of revised or new plans, 72087
budgets, and lists; 72088

(4) Procedures for the director to follow in offering 72089
technical assistance to boards to assist them in making the plans, 72090
budgets, and lists acceptable or in making proposed amendments to 72091
approved plans, budgets, and lists meet criteria for approval; 72092

(5) Procedures for issuing time-limited waivers under 72093
~~division (A)(1) of section 5119.221 of the Revised Code and~~ 72094
~~waivers under division (A)(2) of that section.~~ 72095

(G) Review each board's proposed community addiction and 72096
mental health plan, budget, and list of addiction services, mental 72097
health services, and recovery supports submitted pursuant to 72098
sections 340.03 and 340.08 of the Revised Code and approve or 72099
disapprove the plan, the budget, and the list in whole or in part. 72100
~~Except as otherwise authorized by a time-limited waiver issued~~ 72101
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 72102
The director shall disapprove a board's proposed budget in whole 72103
or in part if the proposed budget would not make available in the 72104
board's service district the essential elements of the 72105
community-based continuum of care required by section 340.032 of 72106
the Revised Code, including, except as otherwise authorized by a 72107
time-limited waiver issued under section 5119.221 of the Revised 72108
Code, an array of addiction services and recovery supports for all 72109
levels of opioid and co-occurring drug addiction. 72110

Prior to a final decision to disapprove a plan, budget, or 72111

list in whole or in part, a representative of the director shall 72112
meet with the board and discuss the reason for the action the 72113
director proposes to take and any corrective action that should be 72114
taken to make the plan, budget, or list acceptable to the 72115
director. In addition, the director shall offer technical 72116
assistance to the board to assist it to make the plan, budget, or 72117
list acceptable. The director shall give the board a reasonable 72118
time in which to revise the plan, budget, or list. The board 72119
thereafter shall submit a revised plan, budget, or list or a new 72120
plan, budget, or list. 72121

(H) Approve or disapprove all or part of proposed amendments 72122
that a board of alcohol, drug addiction, or mental health services 72123
submits under section 340.03 or 340.08 of the Revised Code to an 72124
approved community addiction and mental health plan, budget, or 72125
list of addiction services, mental health services, and recovery 72126
supports. 72127

If the director disapproves of all or part of any proposed 72128
amendment, the director shall provide the board an opportunity to 72129
present its position. The director shall inform the board of the 72130
reasons for the disapproval and of the criteria that must be met 72131
before the proposed amendment may be approved. The director shall 72132
give the board a reasonable time within which to meet the criteria 72133
and shall offer technical assistance to the board to help it meet 72134
the criteria. 72135

Sec. 5119.221. (A) The director of mental health and 72136
addiction services, in accordance with procedures established 72137
under division (F)(5) of section 5119.22 of the Revised Code, may 72138
~~do either or both of the following:~~ 72139

~~(1) Subject to division (B) of this section,~~ issue to a board 72140
of alcohol, drug addiction, and mental health services a 72141
time-limited waiver of the requirement of section ~~340.032~~ of the 72142

~~Revised Code that a community-based continuum of care include all~~ 72143
~~of the essential elements specified in that section;~~ 72144

~~(2) Subject to division (C) of this section, issue to a board~~ 72145
~~a waiver of the requirement of section 340.033 of the Revised Code~~ 72146
~~that ambulatory detoxification and medication-assisted treatment~~ 72147
~~be included in the array of addiction services and recovery~~ 72148
~~supports for all levels of opioid and co-occurring drug addiction.~~ 72149

~~(B) The director may not issue a time-limited waiver under~~ 72150
~~division (A)(1) of this section unless the director determines~~ 72151
~~that the board seeking the waiver has made reasonable efforts to~~ 72152
~~include in the community-based continuum of care the essential~~ 72153
~~elements being waived. The waiver shall specify the amount of time~~ 72154
~~for which it is issued and which of the essential elements are~~ 72155
~~waived.~~ 72156

~~(C) The director may not issue a waiver under division (A)(2)~~ 72157
~~of this section unless made available within the borders of the~~ 72158
~~board's service district if the director determines that both of~~ 72159
~~the following apply:~~ 72160

~~(1) The board seeking the waiver has made reasonable efforts~~ 72161
~~to make ambulatory detoxification and medication-assisted~~ 72162
~~treatment available within the borders of the board's service~~ 72163
~~district;~~ 72164

~~(2) Ambulatory detoxification and medication-assisted~~ 72165
~~treatment can be made available through one or more contracts~~ 72166
~~between the board seeking the waiver and community addiction~~ 72167
~~services providers that are located not more than thirty miles~~ 72168
~~beyond the borders of the board's service district ~~the board~~~~ 72169
~~serves;~~ 72170

~~(2) The amount of time it takes for residents of the service~~ 72171
~~district the board serves to travel to a community addiction~~ 72172
~~services provider that provides ambulatory detoxification and~~ 72173

~~medication-assisted treatment does not impose a significant~~ 72174
~~barrier to successful treatment.~~ 72175

(B) Each waiver issued under this section shall specify the 72176
amount of time for which it is in effect and whether it applies to 72177
ambulatory detoxification, medication-assisted treatment, or both. 72178

Sec. 5119.27. (A) Records or information, other than court 72179
journal entries or court docket entries, pertaining to the 72180
identity, diagnosis, or treatment of any person seeking or 72181
receiving services that are maintained in connection with the 72182
performance of any drug treatment program or services licensed by, 72183
or certified by, the director of mental health and addiction 72184
services under this chapter shall be kept confidential, may be 72185
disclosed only for the purposes and under the circumstances 72186
expressly authorized under this section, and may not otherwise be 72187
divulged in any civil, criminal, administrative, or legislative 72188
proceeding. 72189

(B) When the person, with respect to whom any record or 72190
information referred to in division (A) of this section is 72191
maintained, gives consent in the form of a written release signed 72192
by the person, the content of the record or information may be 72193
disclosed if the written release conforms to all of the following: 72194

(1) Specifically identifies the person, official, or entity 72195
to whom the information is to be provided; 72196

(2) Describes with reasonable specificity the record, 72197
records, or information to be disclosed; and 72198

(3) Describes with reasonable specificity the purposes of the 72199
disclosure and the intended use of the disclosed information. 72200

(C) A person who is subject to a community control sanction, 72201
parole, or a post-release control sanction or who is ordered to 72202
rehabilitation in lieu of conviction, and who has agreed to 72203

participate in a drug treatment or rehabilitation program as a 72204
condition of the community control sanction, post-release control 72205
sanction, parole, or order to rehabilitation, shall be considered 72206
to have consented to the release of records and information 72207
relating to the progress of treatment, frequency of treatment, 72208
adherence to treatment requirements, and probable outcome of 72209
treatment. Release of information and records under this division 72210
shall be limited to the court or governmental personnel having the 72211
responsibility for supervising the person's community control 72212
sanction, post-release control sanction, parole, or order to 72213
rehabilitation. A person, described in this division, who refuses 72214
to allow disclosure may be considered in violation of the 72215
conditions of the person's community control sanction, 72216
post-release control sanction, parole, or order to rehabilitation. 72217

(D) Disclosure of a person's record may be made without the 72218
person's consent ~~to~~ in the following circumstances: 72219

(1) To any physician, advanced practice registered nurse, or 72220
physician assistant who treats the person; 72221

(2) To qualified personnel for the purpose of conducting 72222
scientific research, management, financial audits, or program 72223
evaluation, but these personnel may not identify, directly or 72224
indirectly, any individual person in any report of the research, 72225
audit, or evaluation, or otherwise disclose a person's identity in 72226
any manner. 72227

(E) Upon the request of a prosecuting attorney or the 72228
director of mental health and addiction services, a court of 72229
competent jurisdiction may order the disclosure of records or 72230
information referred to in division (A) of this section if the 72231
court has reason to believe that a treatment program or facility 72232
is being operated or used in a manner contrary to law. The use of 72233
any information or record so disclosed shall be limited to the 72234
prosecution of persons who are or may be charged with any offense 72235

related to the illegal operation or use of the drug treatment 72236
program or facility, or to the decision to withdraw the authority 72237
of a drug treatment program or facility to continue operation. For 72238
purposes of this division the court shall: 72239

(1) Limit disclosure to those parts of the person's record 72240
considered essential to fulfill the objective for which the order 72241
was granted; 72242

(2) Require, where appropriate, that all information be 72243
disclosed in chambers; 72244

(3) Include any other appropriate measures to keep disclosure 72245
to a minimum, consistent with the protection of the persons 72246
seeking or receiving services, the physician-patient relationship, 72247
and the administration of the drug treatment and rehabilitation 72248
program. 72249

(F) As used in this section: 72250

(1) "Advanced practice registered nurse" has the same meaning 72251
as in section 4723.01 of the Revised Code. 72252

(2) "Community control sanction" has the same meaning as in 72253
section 2929.01 of the Revised Code. 72254

~~(2)~~(3) "Physician" means an individual authorized under 72255
Chapter 4731. of the Revised Code to practice medicine and surgery 72256
or osteopathic medicine and surgery. 72257

(4) "Physician assistant" means any person who is licensed as 72258
a physician assistant under Chapter 4730. of the Revised Code. 72259

(5) "Post-release control sanction" has the same meaning as 72260
in section 2967.01 of the Revised Code. 72261

Sec. 5119.34. (A) As used in this section and sections 72262
5119.341 and 5119.342 of the Revised Code: 72263

(1) "Accommodations" means housing, daily meal preparation, 72264

laundry, housekeeping, arranging for transportation, social and 72265
recreational activities, maintenance, security, and other services 72266
that do not constitute personal care services or skilled nursing 72267
care. 72268

(2) "ADAMHS board" means a board of alcohol, drug addiction, 72269
and mental health services. 72270

(3) "Adult" means a person who is eighteen years of age or 72271
older, other than a person described in division (A)(4) of this 72272
section who is between eighteen and twenty-one years of age. 72273

(4) "Child" means a person who is under eighteen years of age 72274
or a person with a mental disability who is under twenty-one years 72275
of age. 72276

(5) "Community mental health services provider" means a 72277
community mental health services provider as defined in section 72278
5119.01 of the Revised Code. 72279

(6) "Community mental health services" means any mental 72280
health services certified by the department pursuant to section 72281
5119.36 of the Revised Code. 72282

(7) "Operator" means the person or persons, firm, 72283
partnership, agency, governing body, association, corporation, or 72284
other entity that is responsible for the administration and 72285
management of a residential facility and that is the applicant for 72286
a residential facility license. 72287

(8) "Personal care services" means services including, but 72288
not limited to, the following: 72289

(a) Assisting residents with activities of daily living; 72290

(b) Assisting residents with self-administration of 72291
medication in accordance with rules adopted under this section; 72292

(c) Preparing special diets, other than complex therapeutic 72293
diets, for residents pursuant to the instructions of a physician 72294

or a licensed dietitian, in accordance with rules adopted under 72295
this section. 72296

"Personal care services" does not include "skilled nursing 72297
care" as defined in section 3721.01 of the Revised Code. A 72298
facility need not provide more than one of the services listed in 72299
division (A)(8) of this section to be considered to be providing 72300
personal care services. 72301

(9) "Room and board" means the provision of sleeping and 72302
living space, meals or meal preparation, laundry services, 72303
housekeeping services, or any combination thereof. 72304

(10) "Residential state supplement program" means the program 72305
~~administered established~~ under section 5119.41 of the Revised Code 72306
~~and related provisions of the Administrative Code under which the~~ 72307
~~state supplements the supplemental security income payments~~ 72308
~~received by aged, blind, or disabled adults under Title XVI of the~~ 72309
~~Social Security Act. Residential state supplement payments are~~ 72310
~~used for the provision of accommodations, supervision, and~~ 72311
~~personal care services to supplemental security income recipients~~ 72312
~~the department of mental health and addition services determines~~ 72313
~~are at risk of needing institutional care.~~ 72314

(11) "Supervision" means any of the following: 72315

(a) Observing a resident to ensure the resident's health, 72316
safety, and welfare while the resident engages in activities of 72317
daily living or other activities; 72318

(b) Reminding a resident to perform or complete an activity, 72319
such as reminding a resident to engage in personal hygiene or 72320
other self-care activities; 72321

(c) Assisting a resident in making or keeping an appointment. 72322

(12) "Unrelated" means that a resident is not related to the 72323
owner or operator of a residential facility or to the owner's or 72324

operator's spouse as a parent, grandparent, child, stepchild, 72325
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 72326
the child of an aunt or uncle. 72327

(B)(1) A "residential facility" is a publicly or privately 72328
operated home or facility that falls into one of the following 72329
categories: 72330

(a) Class one facilities provide accommodations, supervision, 72331
personal care services, and mental health services for one or more 72332
unrelated adults with mental illness or one or more unrelated 72333
children or adolescents with severe emotional disturbances; 72334

(b) Class two facilities provide accommodations, supervision, 72335
and personal care services to any of the following: 72336

(i) One or two unrelated persons with mental illness; 72337

(ii) One or two unrelated adults who are receiving payments 72338
under the residential state supplement ~~payments~~ program; 72339

(iii) Three to sixteen unrelated adults. 72340

(c) Class three facilities provide room and board for five or 72341
more unrelated adults with mental illness. 72342

(2) "Residential facility" does not include any of the 72343
following: 72344

(a) A hospital subject to licensure under section 5119.33 of 72345
the Revised Code or an institution maintained, operated, managed, 72346
and governed by the department of mental health and addiction 72347
services for the hospitalization of mentally ill persons pursuant 72348
to section 5119.14 of the Revised Code; 72349

(b) A residential facility licensed under section 5123.19 of 72350
the Revised Code or otherwise regulated by the department of 72351
developmental disabilities; 72352

(c) An institution or association subject to certification 72353
under section 5103.03 of the Revised Code; 72354

(d) A facility operated by a hospice care program licensed 72355
under section 3712.04 of the Revised Code that is used exclusively 72356
for care of hospice patients; 72357

(e) A nursing home, residential care facility, or home for 72358
the aging as defined in section 3721.02 of the Revised Code; 72359

(f) A facility licensed to provide methadone treatment under 72360
section 5119.391 of the Revised Code; 72361

(g) Any facility that receives funding for operating costs 72362
from the development services agency under any program established 72363
to provide emergency shelter housing or transitional housing for 72364
the homeless; 72365

(h) A terminal care facility for the homeless that has 72366
entered into an agreement with a hospice care program under 72367
section 3712.07 of the Revised Code; 72368

(i) A facility approved by the veterans administration under 72369
section 104(a) of the "Veterans Health Care Amendments of 1983," 72370
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 72371
the placement and care of veterans; 72372

(j) The residence of a relative or guardian of a person with 72373
mental illness. 72374

(C) Nothing in division (B) of this section shall be 72375
construed to permit personal care services to be imposed on a 72376
resident who is capable of performing the activity in question 72377
without assistance. 72378

(D) Except in the case of a residential facility described in 72379
division (B)(1)(a) of this section, members of the staff of a 72380
residential facility shall not administer medication to the 72381
facility's residents, but may do any of the following: 72382

(1) Remind a resident when to take medication and watch to 72383
ensure that the resident follows the directions on the container; 72384

(2) Assist a resident in the self-administration of 72385
medication by taking the medication from the locked area where it 72386
is stored, in accordance with rules adopted pursuant to this 72387
section, and handing it to the resident. If the resident is 72388
physically unable to open the container, a staff member may open 72389
the container for the resident. 72390

(3) Assist a physically impaired but mentally alert resident, 72391
such as a resident with arthritis, cerebral palsy, or Parkinson's 72392
disease, in removing oral or topical medication from containers 72393
and in consuming or applying the medication, upon request by or 72394
with the consent of the resident. If a resident is physically 72395
unable to place a dose of medicine to the resident's mouth without 72396
spilling it, a staff member may place the dose in a container and 72397
place the container to the mouth of the resident. 72398

(E)(1) Except as provided in division (E)(2) of this section, 72399
a person operating or seeking to operate a residential facility 72400
shall apply for licensure of the facility to the department of 72401
mental health and addiction services. The application shall be 72402
submitted by the operator. When applying for the license, the 72403
applicant shall pay to the department the application fee 72404
specified in rules adopted under division (L) of this section. The 72405
fee is nonrefundable. 72406

The department shall send a copy of an application to the 72407
ADAMHS board serving the county in which the person operates or 72408
seeks to operate the facility. The ADAMHS board shall review the 72409
application and provide to the department any information about 72410
the applicant or the facility that the board would like the 72411
department to consider in reviewing the application. 72412

(2) A person may not apply for a license to operate a 72413
residential facility if the person is or has been the owner, 72414
operator, or manager of a residential facility for which a license 72415
to operate was revoked or for which renewal of a license was 72416

refused for any reason other than nonpayment of the license 72417
renewal fee, unless both of the following conditions are met: 72418

(a) A period of not less than two years has elapsed since the 72419
date the director of mental health and addiction services issued 72420
the order revoking or refusing to renew the facility's license. 72421

(b) The director's revocation or refusal to renew the license 72422
was not based on an act or omission at the facility that violated 72423
a resident's right to be free from abuse, neglect, or 72424
exploitation. 72425

(F)(1) The department of mental health and addiction services 72426
shall inspect and license the operation of residential facilities. 72427
The department shall consider the past record of the facility and 72428
the applicant or licensee in arriving at its licensure decision. 72429

The department may issue full, probationary, and interim 72430
licenses. A full license shall expire up to three years after the 72431
date of issuance, a probationary license shall expire in a shorter 72432
period of time as specified in rules adopted by the director of 72433
mental health and addiction services under division (L) of this 72434
section, and an interim license shall expire ninety days after the 72435
date of issuance. A license may be renewed in accordance with 72436
rules adopted by the director under division (L) of this section. 72437
The renewal application shall be submitted by the operator. When 72438
applying for renewal of a license, the applicant shall pay to the 72439
department the renewal fee specified in rules adopted under 72440
division (L) of this section. The fee is nonrefundable. 72441

(2) The department may issue an order suspending the 72442
admission of residents to the facility or refuse to issue or renew 72443
and may revoke a license if it finds any of the following: 72444

(a) The facility is not in compliance with rules adopted by 72445
the director pursuant to division (L) of this section; 72446

(b) Any facility operated by the applicant or licensee has 72447

been cited for a pattern of serious noncompliance or repeated 72448
violations of statutes or rules during the period of current or 72449
previous licenses; 72450

(c) The applicant or licensee submits false or misleading 72451
information as part of a license application, renewal, or 72452
investigation. 72453

Proceedings initiated to deny applications for full or 72454
probationary licenses or to revoke such licenses are governed by 72455
Chapter 119. of the Revised Code. An order issued pursuant to this 72456
division remains in effect during the pendency of those 72457
proceedings. 72458

(G) The department may issue an interim license to operate a 72459
residential facility if both of the following conditions are met: 72460

(1) The department determines that the closing of or the need 72461
to remove residents from another residential facility has created 72462
an emergency situation requiring immediate removal of residents 72463
and an insufficient number of licensed beds are available. 72464

(2) The residential facility applying for an interim license 72465
meets standards established for interim licenses in rules adopted 72466
by the director under division (L) of this section. 72467

An interim license shall be valid for ninety days and may be 72468
renewed by the director no more than twice. Proceedings initiated 72469
to deny applications for or to revoke interim licenses under this 72470
division are not subject to Chapter 119. of the Revised Code. 72471

(H)(1) The department of mental health and addiction services 72472
may conduct an inspection of a residential facility as follows: 72473

(a) Prior to issuance of a license for the facility; 72474

(b) Prior to renewal of the license; 72475

(c) To determine whether the facility has completed a plan of 72476
correction required pursuant to division (H)(2) of this section 72477

and corrected deficiencies to the satisfaction of the department 72478
and in compliance with this section and rules adopted pursuant to 72479
it; 72480

(d) Upon complaint by any individual or agency; 72481

(e) At any time the director considers an inspection to be 72482
necessary in order to determine whether the facility is in 72483
compliance with this section and rules adopted pursuant to this 72484
section. 72485

(2) In conducting inspections the department may conduct an 72486
on-site examination and evaluation of the residential facility and 72487
its personnel, activities, and services. The department shall have 72488
access to examine and copy all records, accounts, and any other 72489
documents relating to the operation of the residential facility, 72490
including records pertaining to residents, and shall have access 72491
to the facility in order to conduct interviews with the operator, 72492
staff, and residents. Following each inspection and review, the 72493
department shall complete a report listing any deficiencies, and 72494
including, when appropriate, a time table within which the 72495
operator shall correct the deficiencies. The department may 72496
require the operator to submit a plan of correction describing how 72497
the deficiencies will be corrected. 72498

(I) No person shall do any of the following: 72499

(1) Operate a residential facility unless the facility holds 72500
a valid license; 72501

(2) Violate any of the conditions of licensure after having 72502
been granted a license; 72503

(3) Interfere with a state or local official's inspection or 72504
investigation of a residential facility; 72505

(4) Violate any of the provisions of this section or any 72506
rules adopted pursuant to this section. 72507

(J) The following may enter a residential facility at any time: 72508
72509

(1) Employees designated by the director of mental health and addiction services; 72510
72511

(2) Employees of an ADAMHS board under either of the following circumstances: 72512
72513

(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board; 72514
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72516

(b) When authorized by section 340.05 of the Revised Code. 72517

(3) Employees of a community mental health services provider under either of the following circumstances: 72518
72519

(a) When the provider has a person receiving services residing in the facility; 72520
72521

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract. 72522
72523

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are ~~recipients~~ receiving payments under the residential state supplement program. 72524
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The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents. 72529
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(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential 72533
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facility without a valid license. 72538

(L) The director shall adopt and may amend and rescind rules 72539
pursuant to Chapter 119. of the Revised Code governing the 72540
licensing and operation of residential facilities. The rules shall 72541
establish all of the following: 72542

(1) Minimum standards for the health, safety, adequacy, and 72543
cultural competency of treatment of and services for persons in 72544
residential facilities; 72545

(2) Procedures for the issuance, renewal, or revocation of 72546
the licenses of residential facilities; 72547

(3) Procedures for conducting background investigations for 72548
prospective or current operators, employees, volunteers, and other 72549
non-resident occupants who may have direct access to facility 72550
residents; 72551

(4) The fee to be paid when applying for a new residential 72552
facility license or renewing the license; 72553

(5) Procedures for the operator of a residential facility to 72554
follow when notifying the ADAMHS board serving the county in which 72555
the facility is located when the facility is serving residents 72556
with mental illness or severe mental disability, including the 72557
circumstances under which the operator is required to make such a 72558
notification; 72559

(6) Procedures for the issuance and termination of orders of 72560
suspension of admission of residents to a residential facility; 72561

(7) Measures to be taken by residential facilities relative 72562
to residents' medication; 72563

(8) Requirements relating to preparation of special diets; 72564

(9) The maximum number of residents who may be served in a 72565
residential facility; 72566

(10) The rights of residents of residential facilities and 72567

procedures to protect such rights; 72568

(11) Standards and procedures under which the director may 72569
waive the requirements of any of the rules adopted. 72570

(M)(1) The department may withhold the source of any 72571
complaint reported as a violation of this section when the 72572
department determines that disclosure could be detrimental to the 72573
department's purposes or could jeopardize the investigation. The 72574
department may disclose the source of any complaint if the 72575
complainant agrees in writing to such disclosure and shall 72576
disclose the source upon order by a court of competent 72577
jurisdiction. 72578

(2) Any person who makes a complaint under division (M)(1) of 72579
this section, or any person who participates in an administrative 72580
or judicial proceeding resulting from such a complaint, is immune 72581
from civil liability and is not subject to criminal prosecution, 72582
other than for perjury, unless the person has acted in bad faith 72583
or with malicious purpose. 72584

(N)(1) The director of mental health and addiction services 72585
may petition the court of common pleas of the county in which a 72586
residential facility is located for an order enjoining any person 72587
from operating a residential facility without a license or from 72588
operating a licensed facility when, in the director's judgment, 72589
there is a present danger to the health or safety of any of the 72590
occupants of the facility. The court shall have jurisdiction to 72591
grant such injunctive relief upon a showing that the respondent 72592
named in the petition is operating a facility without a license or 72593
there is a present danger to the health or safety of any residents 72594
of the facility. 72595

(2) When the court grants injunctive relief in the case of a 72596
facility operating without a license, the court shall issue, at a 72597
minimum, an order enjoining the facility from admitting new 72598

residents to the facility and an order requiring the facility to 72599
assist with the safe and orderly relocation of the facility's 72600
residents. 72601

(3) If injunctive relief is granted against a facility for 72602
operating without a license and the facility continues to operate 72603
without a license, the director shall refer the case to the 72604
attorney general for further action. 72605

(0) The director may fine a person for violating division (I) 72606
of this section. The fine shall be five hundred dollars for a 72607
first offense; for each subsequent offense, the fine shall be one 72608
thousand dollars. The director's actions in imposing a fine shall 72609
be taken in accordance with Chapter 119. of the Revised Code. 72610

Sec. 5119.41. (A) ~~As used in this section:~~ 72611

~~(1) "Nursing facility" has the same meaning as in section 72612
5165.01 of the Revised Code. 72613~~

~~(2) "Residential state supplement administrative agency" 72614
means the department of mental health and addiction services or, 72615
if the department designates an entity under division (C) of this 72616
section for a particular area, the designated entity. 72617~~

~~(3) "Residential state supplement program" means the program 72618
administered pursuant to this section. 72619~~

~~(B)~~ The department of mental health and addiction services 72620
shall implement the residential state supplement program under 72621
which the state supplements the amounts received by aged, blind, 72622
or disabled adults as supplemental security income payments 72623
~~received by aged, blind, or disabled adults~~ under Title XVI of the 72624
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 72625
security benefits or social security disability insurance benefits 72626
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 72627
Residential state supplement payments shall be used for the 72628

provision of accommodations, supervision, and personal care 72629
services to ~~social security~~, recipients of supplemental security 72630
income payments, social security benefits, and social security 72631
disability insurance ~~recipients~~ benefits who the department 72632
determines are at risk of needing institutional care. 72633

~~(C)~~ In implementing the program, the department may designate 72634
one or more entities to be responsible for providing 72635
administrative services regarding the program. The department may 72636
designate an entity ~~to be a residential state supplement~~ 72637
~~administrative agency under this division~~ either by entering into 72638
a contract with the entity to ~~serve in that capacity~~ provided the 72639
services or by otherwise delegating to the entity the 72640
responsibility to ~~serve in that capacity~~ provide the services. 72641

~~(D)~~ ~~For an individual to~~ (B) To be eligible for residential 72642
state supplement payments, ~~all of the following must be the case:~~ 72643

~~(1) Except as provided by division (G) of this section, the~~ 72644
~~individual must reside in one of the following living~~ 72645
~~arrangements:~~ 72646

~~(a) A residential care facility licensed by the department of~~ 72647
~~health under Chapter 3721. of the Revised Code or an assisted~~ 72648
~~living program as defined in section 173.51 of the Revised Code;~~ 72649

~~(b) A class two residential facility licensed by the~~ 72650
~~department of mental health and addiction services under section~~ 72651
~~5119.34 of the Revised Code.~~ 72652

~~(2) If a residential state supplement administrative agency~~ 72653
~~is aware that an individual enrolled in the program has mental~~ 72654
~~health needs, the agency shall refer the individual for an~~ 72655
~~assessment pursuant to division (A) of section 340.091 of the~~ 72656
~~Revised Code.~~ 72657

~~(3) The~~ an individual satisfies must satisfy all eligibility 72658
requirements established by rules adopted under ~~division (E) of~~ 72659

this section. 72660

~~(4) An individual residing in a living arrangement housing 72661
more than sixteen individuals shall not be eligible for inclusion 72662
in the program unless the director of mental health and addiction 72663
services specifically waives this size limitation with respect to 72664
that individual in that living arrangement. An individual with 72665
such a waiver as of October 1, 2015, shall remain eligible for the 72666
program as long as the individual remains in that living 72667
arrangement. 72668~~

~~(E)(C) The director of mental health and addiction services 72669
and the medicaid director shall adopt rules in accordance with 72670
Chapter 119. of the Revised Code as necessary to implement the 72671
residential state supplement program, including the requirements 72672
that an individual must satisfy to be eligible for payments under 72673
the program. The rules shall be adopted in accordance with Chapter 72674
119. of the Revised Code. 72675~~

~~The rules adopted by the director of mental health and 72676
addiction services may establish the method to be used to 72677
determine the payment an eligible individual will receive under 72678
the program. The amount the general assembly appropriates for the 72679
program may be a factor included in the method that director 72680
establishes. 72681~~

~~To the extent permitted by Title XVI of the "Social Security 72682
Act," and any other provision of federal law, the rules adopted by 72683
the medicaid director may adopt rules establishing establish 72684
standards for adjusting the eligibility requirements concerning 72685
the level of impairment a person an individual must have so that 72686
the amount appropriated for the program by the general assembly is 72687
adequate for the number of eligible individuals. The rules shall 72688
not limit the eligibility of individuals who are disabled persons 72689
solely on a basis classifying disabilities as physical or mental. 72690
The medicaid director also may adopt rules that establish 72691~~

~~eligibility standards for aged, blind, or disabled individuals who~~ 72692
~~reside in one of the homes or facilities specified in division~~ 72693
~~(D)(1) of this section but who, because of their income, do not~~ 72694
~~receive supplemental security income payments. The rules may~~ 72695
~~provide that these individuals may include individuals who receive~~ 72696
~~other types of benefits, including, social security payments or~~ 72697
~~social security disability insurance benefits provided under Title~~ 72698
~~II of the "Social Security Act," 42 U.S.C. 401, et seq.~~ 72699
~~Notwithstanding division (B) of this section, such payments may be~~ 72700
~~made if funds are available for them.~~ 72701

~~The director of mental health and addiction services may~~ 72702
~~adopt rules establishing the method to be used to determine the~~ 72703
~~amount an eligible individual will receive under the program. The~~ 72704
~~amount the general assembly appropriates for the program may be a~~ 72705
~~factor included in the method that director establishes.~~ 72706

~~(F)(D)~~ The county department of job and family services of 72707
the county in which an applicant for the residential state 72708
supplement program resides or the department of medicaid shall 72709
determine whether the applicant meets income and resource 72710
requirements for the program. 72711

The county department of job and family services or the 72712
department of medicaid shall notify each individual who is denied 72713
approval for payments under the program of the individual's right 72714
to a hearing. On request, the hearing shall be provided in 72715
accordance with section 5101.35 of the Revised Code. 72716

~~(G)(E)~~ An individual in a licensed or certified living 72717
arrangement receiving state supplementation on November 15, 1990, 72718
under former section 5101.531 of the Revised Code shall not become 72719
ineligible for payments under this ~~section~~ program solely by 72720
reason of the individual's living arrangement as long as the 72721
individual remains in the living arrangement in which the 72722
individual resided on November 15, 1990. 72723

~~(H) The county department of job and family services from 72724~~
~~which the person is receiving benefits or the department of 72725~~
~~medicaid shall notify each person denied approval for payments 72726~~
~~under this section of the person's right to a hearing. On request, 72727~~
~~the hearing shall be provided in accordance with section 5101.35 72728~~
~~of the Revised Code. 72729~~

Sec. 5119.94. (A) Upon receipt of a petition filed under 72730
section 5119.93 of the Revised Code and the payment of the 72731
appropriate filing fee, if any, the probate court shall examine 72732
the petitioner under oath as to the contents of the petition. 72733

(B) If, after reviewing the allegations contained in the 72734
petition and examining the petitioner under oath, it appears to 72735
the probate court that there is probable cause to believe the 72736
respondent may reasonably benefit from treatment, the court shall 72737
do all of the following: 72738

(1) Schedule a hearing to be held within seven days to 72739
determine if there is clear and convincing evidence that the 72740
respondent may reasonably benefit from treatment for alcohol and 72741
other drug abuse; 72742

(2) Notify the respondent, the legal guardian, if any and if 72743
known, and the spouse, parents, or nearest relative or friend of 72744
the respondent concerning the allegations and contents of the 72745
petition and of the date and purpose of the hearing; 72746

(3) Notify the respondent that the respondent may retain 72747
counsel and, if the person is unable to obtain an attorney, that 72748
the respondent may be represented by court-appointed counsel at 72749
public expense if the person is indigent. Upon the appointment of 72750
an attorney to represent an indigent respondent, the court shall 72751
notify the respondent of the name, address, and telephone number 72752
of the attorney appointed to represent the respondent. 72753

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The physician and qualified health professional who examine the respondent pursuant to division (B)(5) of this section or who are obtained by the respondent at the respondent's own expense shall certify their findings to the court within twenty-four hours of the examinations. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. If the court orders the treatment under this division, the court shall order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the

state medical board under Chapter 4731. of the Revised Code, ~~the~~ 72786
~~chemical dependency professionals board under Chapter 4758. of the~~ 72787
~~Revised Code, the counselor, social worker, and marriage and~~ 72788
~~family therapist~~ state behavioral health and social work board 72789
under Chapter 4757. or 4758. of the Revised Code, or a similar 72790
board of another state authorized to provide substance abuse 72791
treatment. 72792

(2) Failure of a respondent to undergo and complete any 72793
treatment ordered pursuant to this division is contempt of court. 72794
Any community addiction services provider or person providing 72795
treatment under this division shall notify the probate court of a 72796
respondent's failure to undergo or complete the ordered treatment. 72797

(E) If, at any time after a petition is filed under section 72798
5119.93 of the Revised Code, the probate court finds that there is 72799
not probable cause to continue treatment or if the petitioner 72800
withdraws the petition, then the court shall dismiss the 72801
proceedings against the respondent. 72802

Sec. 5120.22. (A) The division of business administration 72803
shall examine the conditions of all buildings, grounds, and other 72804
property connected with the institutions under the control of the 72805
department of rehabilitation and correction, the methods of 72806
bookkeeping and storekeeping, and all matters relating to the 72807
management of such property. The division shall study and become 72808
familiar with the advantages and disadvantages of each as to 72809
location, freight rates, and efficiency of farm and equipment, for 72810
the purpose of aiding in the determination of the local and 72811
general requirements both for maintenance and improvements. 72812

(B) The division, with respect to the various types of 72813
state-owned housing under jurisdiction of the department, shall 72814
adopt, in accordance with section 111.15 of the Revised Code, 72815
rules governing maintenance of the housing and its usage by 72816

department personnel. The rules shall include a procedure for 72817
determining charges for rent and utilities, which the division 72818
shall assess against and collect from department personnel using 72819
the housing. All money collected for rent and utilities pursuant 72820
to the rules shall be deposited into the property receipts fund, 72821
which is hereby created in the state treasury. Money in the fund 72822
shall be used for any expenses necessary to provide housing of 72823
department employees, including but not limited to expenses for 72824
the acquisition, construction, operation, maintenance, repair, 72825
reconstruction, or demolition of land and buildings. 72826

(C) The division may enter into a lease or agreement with a 72827
state agency, political subdivision of the state, or private 72828
entity to use facilities or other property under the jurisdiction 72829
of the department that is not being utilized by the department. 72830
All money collected for leasing and services performed in 72831
accordance with the lease or agreement shall be deposited into the 72832
property receipts fund created under division (B) of this section. 72833
Money in the fund shall be used for any expenses resulting from 72834
the lease or agreement, including, but not limited to, expenses 72835
for services performed, construction, maintenance, repair, 72836
reconstruction, or demolition of the facilities or other property. 72837

(D) If, after meeting the expenditure obligations required by 72838
divisions (B) and (C) of this section, the division determines 72839
that the property receipts fund has excess funds, the division may 72840
use money in the fund for services performed, construction, 72841
maintenance, repair, reconstruction, or demolition of any other 72842
facilities or property owned by the department. 72843

Sec. 5120.55. (A) As used in this section, "licensed health 72844
professional" means any or all of the following: 72845

(1) A dentist who holds a current, valid license issued under 72846
Chapter 4715. of the Revised Code to practice dentistry; 72847

(2) A licensed practical nurse who holds a current, valid
license issued under Chapter 4723. of the Revised Code that
authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of
licensure issued under Chapter 4725. of the Revised Code that
authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the
Revised Code to practice medicine and surgery, osteopathic
medicine and surgery, or podiatric medicine and surgery;

(5) A psychologist who holds a current, valid license issued
under Chapter 4732. of the Revised Code that authorizes the
practice of psychology as a licensed psychologist;

(6) A registered nurse who holds a current, valid license
issued under Chapter 4723. of the Revised Code that authorizes the
practice of nursing as a registered nurse, including such a nurse
who is also licensed to practice as an advanced practice
registered nurse as defined in section 4723.01 of the Revised
Code.

(B)(1) The department of rehabilitation and correction may
establish a recruitment program under which the department, by
means of a contract entered into under division (C) of this
section, agrees to repay all or part of the principal and interest
of a government or other educational loan incurred by a licensed
health professional who agrees to provide services to inmates of
correctional institutions under the department's administration.

(2)(a) For a physician to be eligible to participate in the
program, the physician must have attended a school that was,
during the time of attendance, a medical school or osteopathic
medical school in this country accredited by the liaison committee
on medical education or the American osteopathic association, a
college of podiatry in this country recognized as being in good

standing under section 4731.53 of the Revised Code, or a medical 72879
school, osteopathic medical school, or college of podiatry located 72880
outside this country that was acknowledged by the world health 72881
organization and verified by a member state of that organization 72882
as operating within that state's jurisdiction. 72883

(b) For a nurse to be eligible to participate in the program, 72884
the nurse must have attended a school that was, during the time of 72885
attendance, a nursing school in this country accredited by the 72886
commission on collegiate nursing education or the national league 72887
for nursing accrediting commission or a nursing school located 72888
outside this country that was acknowledged by the world health 72889
organization and verified by a member state of that organization 72890
as operating within that state's jurisdiction. 72891

(c) For a dentist to be eligible to participate in the 72892
program, the dentist must have attended a school that was, during 72893
the time of attendance, a dental college that enabled the dentist 72894
to meet the requirements specified in section 4715.10 of the 72895
Revised Code to be granted a license to practice dentistry. 72896

(d) For an optometrist to be eligible to participate in the 72897
program, the optometrist must have attended a school of optometry 72898
that was, during the time of attendance, approved by the state 72899
~~board of optometry~~ vision and hearing professionals board. 72900

(e) For a psychologist to be eligible to participate in the 72901
program, the psychologist must have attended an educational 72902
institution that, during the time of attendance, maintained a 72903
specific degree program recognized by the state ~~board of~~ 72904
~~psychology~~ behavioral health and social work board as acceptable 72905
for fulfilling the requirement of division (B)(3) of section 72906
4732.10 of the Revised Code. 72907

(C) The department shall enter into a contract with each 72908
licensed health professional it recruits under this section. Each 72909

contract shall include at least the following terms: 72910

(1) The licensed health professional agrees to provide a 72911
specified scope of medical, osteopathic medical, podiatric, 72912
optometric, psychological, nursing, or dental services to inmates 72913
of one or more specified state correctional institutions for a 72914
specified number of hours per week for a specified number of 72915
years. 72916

(2) The department agrees to repay all or a specified portion 72917
of the principal and interest of a government or other educational 72918
loan taken by the licensed health professional for the following 72919
expenses to attend, for up to a maximum of four years, a school 72920
that qualifies the licensed health professional to participate in 72921
the program: 72922

(a) Tuition; 72923

(b) Other educational expenses for specific purposes, 72924
including fees, books, and laboratory expenses, in amounts 72925
determined to be reasonable in accordance with rules adopted under 72926
division (D) of this section; 72927

(c) Room and board, in an amount determined to be reasonable 72928
in accordance with rules adopted under division (D) of this 72929
section. 72930

(3) The licensed health professional agrees to pay the 72931
department a specified amount, which shall be no less than the 72932
amount already paid by the department pursuant to its agreement, 72933
as damages if the licensed health professional fails to complete 72934
the service obligation agreed to or fails to comply with other 72935
specified terms of the contract. The contract may vary the amount 72936
of damages based on the portion of the service obligation that 72937
remains uncompleted. 72938

(4) Other terms agreed upon by the parties. 72939

The licensed health professional's lending institution or the Ohio board of regents, may be a party to the contract. The contract may include an assignment to the department of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program.

Sec. 5122.01. As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Mentally ill person subject to court order" means a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5)(a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length

of any hospitalization or incarceration of the person that 73000
occurred within the thirty-six-month period. 73001

(II) Within the forty-eight months prior to the filing of an 73002
affidavit seeking court-ordered treatment of the person under 73003
section 5122.111 of the Revised Code, the lack of compliance 73004
resulted in one or more acts of serious violent behavior toward 73005
self or others or threats of, or attempts at, serious physical 73006
harm to self or others, provided that the forty-eight-month period 73007
shall be extended by the length of any hospitalization or 73008
incarceration of the person that occurred within the 73009
forty-eight-month period. 73010

(iii) The person, as a result of the person's mental illness, 73011
is unlikely to voluntarily participate in necessary treatment. 73012

(iv) In view of the person's treatment history and current 73013
behavior, the person is in need of treatment in order to prevent a 73014
relapse or deterioration that would be likely to result in 73015
substantial risk of serious harm to the person or others. 73016

(b) An individual who meets only the criteria described in 73017
division (B)(5)(a) of this section is not subject to 73018
hospitalization. 73019

(C)(1) "Patient" means, subject to division (C)(2) of this 73020
section, a person who is admitted either voluntarily or 73021
involuntarily to a hospital or other place under section 2945.39, 73022
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 73023
finding of not guilty by reason of insanity or incompetence to 73024
stand trial or under this chapter, who is under observation or 73025
receiving treatment in such place. 73026

(2) "Patient" does not include a person admitted to a 73027
hospital or other place under section 2945.39, 2945.40, 2945.401, 73028
or 2945.402 of the Revised Code to the extent that the reference 73029
in this chapter to patient, or the context in which the reference 73030

occurs, is in conflict with any provision of sections 2945.37 to 73031
2945.402 of the Revised Code. 73032

(D) "Licensed physician" means a person licensed under the 73033
laws of this state to practice medicine or a medical officer of 73034
the government of the United States while in this state in the 73035
performance of the person's official duties. 73036

(E) "Psychiatrist" means a licensed physician who has 73037
satisfactorily completed a residency training program in 73038
psychiatry, as approved by the residency review committee of the 73039
American medical association, the committee on post-graduate 73040
education of the American osteopathic association, or the American 73041
osteopathic board of neurology and psychiatry, or who on July 1, 73042
1989, has been recognized as a psychiatrist by the Ohio state 73043
medical association or the Ohio osteopathic association on the 73044
basis of formal training and five or more years of medical 73045
practice limited to psychiatry. 73046

(F) "Hospital" means a hospital or inpatient unit licensed by 73047
the department of mental health and addiction services under 73048
section 5119.33 of the Revised Code, and any institution, 73049
hospital, or other place established, controlled, or supervised by 73050
the department under Chapter 5119. of the Revised Code. 73051

(G) "Public hospital" means a facility that is tax-supported 73052
and under the jurisdiction of the department of mental health and 73053
addiction services. 73054

(H) "Community mental health services provider" means an 73055
agency, association, corporation, individual, or program that 73056
provides community mental health services that are certified by 73057
the director of mental health and addiction services under section 73058
5119.36 of the Revised Code. 73059

(I) "Licensed clinical psychologist" means a person who holds 73060
a current, valid psychologist license issued under section 4732.12 73061

of the Revised Code, and in addition, meets the educational 73062
requirements set forth in division (B) of section 4732.10 of the 73063
Revised Code and has a minimum of two years' full-time 73064
professional experience, or the equivalent as determined by rule 73065
of the state behavioral health and social work board of 73066
~~psychology~~, at least one year of which shall be a predoctoral 73067
internship, in clinical psychological work in a public or private 73068
hospital or clinic or in private practice, diagnosing and treating 73069
problems of mental illness or intellectual disability under the 73070
supervision of a psychologist who is licensed or who holds a 73071
diploma issued by the American board of professional psychology, 73072
or whose qualifications are substantially similar to those 73073
required for licensure by the state behavioral health and social 73074
work board of ~~psychology~~ when the supervision has occurred prior 73075
to enactment of laws governing the practice of psychology. 73076

(J) "Health officer" means any public health physician; 73077
public health nurse; or other person authorized or designated by a 73078
city or general health district or a board of alcohol, drug 73079
addiction, and mental health services to perform the duties of a 73080
health officer under this chapter. 73081

(K) "Chief clinical officer" means the medical director of a 73082
hospital, community mental health services provider, or board of 73083
alcohol, drug addiction, and mental health services, or, if there 73084
is no medical director, the licensed physician responsible for the 73085
treatment provided by a hospital or community mental health 73086
services provider. The chief clinical officer may delegate to the 73087
attending physician responsible for a patient's care the duties 73088
imposed on the chief clinical officer by this chapter. Within a 73089
community mental health services provider, the chief clinical 73090
officer shall be designated by the governing body of the services 73091
provider and shall be a licensed physician or licensed clinical 73092
psychologist who supervises diagnostic and treatment services. A 73093

licensed physician or licensed clinical psychologist designated by 73094
the chief clinical officer may perform the duties and accept the 73095
responsibilities of the chief clinical officer in the chief 73096
clinical officer's absence. 73097

(L) "Working day" or "court day" means Monday, Tuesday, 73098
Wednesday, Thursday, and Friday, except when such day is a 73099
holiday. 73100

(M) "Indigent" means unable without deprivation of 73101
satisfaction of basic needs to provide for the payment of an 73102
attorney and other necessary expenses of legal representation, 73103
including expert testimony. 73104

(N) "Respondent" means the person whose detention, 73105
commitment, hospitalization, continued hospitalization or 73106
commitment, or discharge is being sought in any proceeding under 73107
this chapter. 73108

(O) "Ohio protection and advocacy system" has the same 73109
meaning as in section 5123.60 of the Revised Code. 73110

(P) "Independent expert evaluation" means an evaluation 73111
conducted by a licensed clinical psychologist, psychiatrist, or 73112
licensed physician who has been selected by the respondent or the 73113
respondent's counsel and who consents to conducting the 73114
evaluation. 73115

(Q) "Court" means the probate division of the court of common 73116
pleas. 73117

(R) "Expunge" means: 73118

(1) The removal and destruction of court files and records, 73119
originals and copies, and the deletion of all index references; 73120

(2) The reporting to the person of the nature and extent of 73121
any information about the person transmitted to any other person 73122
by the court; 73123

(3) Otherwise insuring that any examination of court files 73124
and records in question shall show no record whatever with respect 73125
to the person; 73126

(4) That all rights and privileges are restored, and that the 73127
person, the court, and any other person may properly reply that no 73128
such record exists, as to any matter expunged. 73129

(S) "Residence" means a person's physical presence in a 73130
county with intent to remain there, except that: 73131

(1) If a person is receiving a mental health service at a 73132
facility that includes nighttime sleeping accommodations, 73133
residence means that county in which the person maintained the 73134
person's primary place of residence at the time the person entered 73135
the facility; 73136

(2) If a person is committed pursuant to section 2945.38, 73137
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 73138
residence means the county where the criminal charges were filed. 73139

When the residence of a person is disputed, the matter of 73140
residence shall be referred to the department of mental health and 73141
addiction services for investigation and determination. Residence 73142
shall not be a basis for a board's denying services to any person 73143
present in the board's service district, and the board shall 73144
provide services for a person whose residence is in dispute while 73145
residence is being determined and for a person in an emergency 73146
situation. 73147

(T) "Admission" to a hospital or other place means that a 73148
patient is accepted for and stays at least one night at the 73149
hospital or other place. 73150

(U) "Prosecutor" means the prosecuting attorney, village 73151
solicitor, city director of law, or similar chief legal officer 73152
who prosecuted a criminal case in which a person was found not 73153
guilty by reason of insanity, who would have had the authority to 73154

prosecute a criminal case against a person if the person had not 73155
been found incompetent to stand trial, or who prosecuted a case in 73156
which a person was found guilty. 73157

(V)(1) "Treatment plan" means a written statement of 73158
reasonable objectives and goals for an individual established by 73159
the treatment team, with specific criteria to evaluate progress 73160
towards achieving those objectives. 73161

(2) The active participation of the patient in establishing 73162
the objectives and goals shall be documented. The treatment plan 73163
shall be based on patient needs and include services to be 73164
provided to the patient while the patient is hospitalized, after 73165
the patient is discharged, or in an outpatient setting. The 73166
treatment plan shall address services to be provided. In the 73167
establishment of the treatment plan, consideration should be given 73168
to the availability of services, which may include but are not 73169
limited to all of the following: 73170

(a) Community psychiatric supportive treatment; 73171

(b) Assertive community treatment; 73172

(c) Medications; 73173

(d) Individual or group therapy; 73174

(e) Peer support services; 73175

(f) Financial services; 73176

(g) Housing or supervised living services; 73177

(h) Alcohol or substance abuse treatment; 73178

(i) Any other services prescribed to treat the patient's 73179
mental illness and to either assist the patient in living and 73180
functioning in the community or to help prevent a relapse or a 73181
deterioration of the patient's current condition. 73182

(3) If the person subject to the treatment plan has executed 73183

an advanced directive for mental health treatment, the treatment 73184
team shall consider any directions included in such advanced 73185
directive in developing the treatment plan. 73186

(W) "Community control sanction" has the same meaning as in 73187
section 2929.01 of the Revised Code. 73188

(X) "Post-release control sanction" has the same meaning as 73189
in section 2967.01 of the Revised Code. 73190

(Y) "Local correctional facility" has the same meaning as in 73191
section 2903.13 of the Revised Code. 73192

Sec. 5122.32. (A) As used in this section: 73193

(1) "Quality assurance committee" means a committee that is 73194
appointed in the central office of the department of mental health 73195
and addiction services by the director of mental health and 73196
addiction services, a committee of a hospital or community setting 73197
program, or a duly authorized subcommittee of a committee of that 73198
nature and that is designated to carry out quality assurance 73199
program activities. 73200

(2) "Quality assurance program" means a comprehensive program 73201
within the department of mental health and addiction services to 73202
systematically review and improve the quality of medical and 73203
mental health services within the department and its hospitals and 73204
community setting programs, the safety and security of persons 73205
receiving or administering medical and mental health services 73206
within the department and its hospitals and community setting 73207
programs, and the efficiency and effectiveness of the utilization 73208
of staff and resources in the delivery of medical and mental 73209
health services within the department and its hospitals and 73210
community setting programs. "Quality assurance program" includes 73211
the central office quality assurance committees, morbidity and 73212
mortality review committees, quality assurance programs of 73213

community setting programs, quality assurance committees of 73214
hospitals operated by the department of mental health and 73215
addiction services, and the office of licensure and certification 73216
of the department. 73217

(3) "Quality assurance program activities" include collecting 73218
or compiling information and reports required by a quality 73219
assurance committee, receiving, reviewing, or implementing the 73220
recommendations made by a quality assurance committee, and 73221
credentialing, privileging, infection control, tissue review, peer 73222
review, utilization review including access to patient care 73223
records, patient care assessment records, and medical and mental 73224
health records, medical and mental health resource management, 73225
mortality and morbidity review, and identification and prevention 73226
of medical or mental health incidents and risks, whether performed 73227
by a quality assurance committee or by persons who are directed by 73228
a quality assurance committee. 73229

(4) "Quality assurance records" means the proceedings, 73230
discussion, records, findings, recommendations, evaluations, 73231
opinions, minutes, reports, and other documents or actions that 73232
emanate from quality assurance committees, quality assurance 73233
programs, or quality assurance program activities. "Quality 73234
assurance records" does not include aggregate statistical 73235
information that does not disclose the identity of persons 73236
receiving or providing medical or mental health services in 73237
department of mental health and addiction services hospitals or 73238
community setting programs. 73239

(B)(1) Except as provided in division (E) of this section, 73240
quality assurance records are confidential and are not public 73241
records under section 149.43 of the Revised Code, and shall be 73242
used only in the course of the proper functions of a quality 73243
assurance program. 73244

(2) Except as provided in division (E) of this section, no 73245

person who possesses or has access to quality assurance records 73246
and who knows that the records are quality assurance records shall 73247
willfully disclose the contents of the records to any person or 73248
entity. 73249

(C)(1) Except as provided in division (E) of this section, no 73250
quality assurance record shall be subject to discovery, and is not 73251
admissible in evidence, in any judicial or administrative 73252
proceeding. 73253

(2) Except as provided in division (E) of this section, no 73254
member of a quality assurance committee or a person who is 73255
performing a function that is part of a quality assurance program 73256
shall be permitted or required to testify in a judicial or 73257
administrative proceeding with respect to quality assurance 73258
records or with respect to any finding, recommendation, 73259
evaluation, opinion, or other action taken by the committee, 73260
member, or person. 73261

(3) Information, documents, or records otherwise available 73262
from original sources are not to be construed as being unavailable 73263
for discovery or admission in evidence in a judicial or 73264
administrative proceeding merely because they were presented to a 73265
quality assurance committee. No person testifying before a quality 73266
assurance committee or person who is a member of a quality 73267
assurance committee shall be prevented from testifying as to 73268
matters within the person's knowledge, but the witness cannot be 73269
asked about the witness' testimony before the quality assurance 73270
committee or about an opinion formed by the person as a result of 73271
the quality assurance committee proceedings. 73272

(D)(1) A person who, without malice and in the reasonable 73273
belief that the information is warranted by the facts known to the 73274
person, provides information to a person engaged in quality 73275
assurance program activities is not liable for damages in a civil 73276
action for injury, death, or loss to person or property to any 73277

person as a result of providing the information. 73278

(2) A member of a quality assurance committee, a person 73279
engaged in quality assurance program activities, and an employee 73280
of the department of mental health and addiction services shall 73281
not be liable in damages in a civil action for injury, death, or 73282
loss to person or property to any person for any acts, omissions, 73283
decisions, or other conduct within the scope of the functions of 73284
the quality assurance program. 73285

(3) Nothing in this section shall relieve any institution or 73286
individual from liability arising from the treatment of a patient. 73287

(E) Quality assurance records may be disclosed, and testimony 73288
may be provided concerning quality assurance records, only to the 73289
following persons or entities: 73290

(1) Persons who are employed or retained by the department of 73291
mental health and addiction services and who have authority to 73292
evaluate or implement the recommendations of a state-operated 73293
hospital, community setting program, or central office quality 73294
assurance committee; 73295

(2) Public or private agencies or organizations if needed to 73296
perform a licensing or accreditation function related to 73297
department of mental health and addiction services hospitals or 73298
community setting programs, or to perform monitoring of a hospital 73299
or program of that nature as required by law. 73300

(F) A disclosure of quality assurance records pursuant to 73301
division (E) of this section does not otherwise waive the 73302
confidential and privileged status of the disclosed quality 73303
assurance records. 73304

(G) Nothing in this section shall limit the access of the 73305
Ohio protection and advocacy system to records or personnel as 73306
required under section 5123.601 of the Revised Code. Nothing in 73307
this section shall limit the admissibility of documentary or 73308

testimonial evidence in an action brought by the Ohio protection 73309
and advocacy system in its own name or on behalf of a client. 73310

Sec. 5123.01. As used in this chapter: 73311

(A) "Chief medical officer" means the licensed physician 73312
appointed by the managing officer of an institution for persons 73313
with intellectual disabilities with the approval of the director 73314
of developmental disabilities to provide medical treatment for 73315
residents of the institution. 73316

(B) "Chief program director" means a person with special 73317
training and experience in the diagnosis and management of persons 73318
with developmental disabilities, certified according to division 73319
(C) of this section in at least one of the designated fields, and 73320
appointed by the managing officer of an institution for persons 73321
with intellectual disabilities with the approval of the director 73322
to provide habilitation and care for residents of the institution. 73323

(C) "Comprehensive evaluation" means a study, including a 73324
sequence of observations and examinations, of a person leading to 73325
conclusions and recommendations formulated jointly, with 73326
dissenting opinions if any, by a group of persons with special 73327
training and experience in the diagnosis and management of persons 73328
with developmental disabilities, which group shall include 73329
individuals who are professionally qualified in the fields of 73330
medicine, psychology, and social work, together with such other 73331
specialists as the individual case may require. 73332

(D) "Education" means the process of formal training and 73333
instruction to facilitate the intellectual and emotional 73334
development of residents. 73335

(E) "Habilitation" means the process by which the staff of 73336
the institution assists the resident in acquiring and maintaining 73337
those life skills that enable the resident to cope more 73338

effectively with the demands of the resident's own person and of 73339
the resident's environment and in raising the level of the 73340
resident's physical, mental, social, and vocational efficiency. 73341
Habilitation includes but is not limited to programs of formal, 73342
structured education and training. 73343

(F) "Health officer" means any public health physician, 73344
public health nurse, or other person authorized or designated by a 73345
city or general health district. 73346

(G) "Home and community-based services" means medicaid-funded 73347
home and community-based services specified in division (A)(1) of 73348
section 5166.20 of the Revised Code provided under the medicaid 73349
waiver components the department of developmental disabilities 73350
administers pursuant to section 5166.21 of the Revised Code. 73351
Except as provided in section 5123.0412 of the Revised Code, home 73352
and community-based services provided under the medicaid waiver 73353
component known as the transitions developmental disabilities 73354
waiver are to be considered to be home and community-based 73355
services for the purposes of this chapter, and Chapters 5124. and 73356
5126. of the Revised Code, only to the extent, if any, provided by 73357
the contract required by section 5166.21 of the Revised Code 73358
regarding the waiver. 73359

(H) "ICF/IID" has the same meaning as in section 5124.01 of 73360
the Revised Code. 73361

(I) "Indigent person" means a person who is unable, without 73362
substantial financial hardship, to provide for the payment of an 73363
attorney and for other necessary expenses of legal representation, 73364
including expert testimony. 73365

(J) "Institution" means a public or private facility, or a 73366
part of a public or private facility, that is licensed by the 73367
appropriate state department and is equipped to provide 73368
residential habilitation, care, and treatment for persons with 73369

intellectual disabilities. 73370

(K) "Licensed physician" means a person who holds a valid 73371
certificate issued under Chapter 4731. of the Revised Code 73372
authorizing the person to practice medicine and surgery or 73373
osteopathic medicine and surgery, or a medical officer of the 73374
government of the United States while in the performance of the 73375
officer's official duties. 73376

(L) "Managing officer" means a person who is appointed by the 73377
director of developmental disabilities to be in executive control 73378
of an institution under the jurisdiction of the department of 73379
developmental disabilities. 73380

(M) "Medicaid case management services" means case management 73381
services provided to an individual with a developmental disability 73382
that the state medicaid plan requires. 73383

(N) "Intellectual disability" means a disability 73384
characterized by having significantly subaverage general 73385
intellectual functioning existing concurrently with deficiencies 73386
in adaptive behavior, manifested during the developmental period. 73387

(O) "Person with an intellectual disability subject to 73388
institutionalization by court order" means a person eighteen years 73389
of age or older with at least a moderate level of intellectual 73390
disability and in relation to whom, because of the person's 73391
disability, either of the following conditions exists: 73392

(1) The person represents a very substantial risk of physical 73393
impairment or injury to self as manifested by evidence that the 73394
person is unable to provide for and is not providing for the 73395
person's most basic physical needs and that provision for those 73396
needs is not available in the community; 73397

(2) The person needs and is susceptible to significant 73398
habilitation in an institution. 73399

(P) "Moderate level of intellectual disability" means the 73400
condition in which a person, following a comprehensive evaluation, 73401
is found to have at least moderate deficits in overall 73402
intellectual functioning, as indicated by a full-scale 73403
intelligence quotient test score of fifty-five or below, and at 73404
least moderate deficits in adaptive behavior, as determined in 73405
accordance with the criteria established in the fifth edition of 73406
the diagnostic and statistical manual of mental disorders 73407
published by the American psychiatric association. 73408

(Q) "Developmental disability" means a severe, chronic 73409
disability that is characterized by all of the following: 73410

(1) It is attributable to a mental or physical impairment or 73411
a combination of mental and physical impairments, other than a 73412
mental or physical impairment solely caused by mental illness, as 73413
defined in division (A) of section 5122.01 of the Revised Code. 73414

(2) It is manifested before age twenty-two. 73415

(3) It is likely to continue indefinitely. 73416

(4) It results in one of the following: 73417

(a) In the case of a person under three years of age, at 73418
least one developmental delay, as defined in rules adopted under 73419
section 5123.011 of the Revised Code, or a diagnosed physical or 73420
mental condition that has a high probability of resulting in a 73421
developmental delay, as defined in those rules; 73422

(b) In the case of a person at least three years of age but 73423
under six years of age, at least two developmental delays, as 73424
defined in rules adopted under section 5123.011 of the Revised 73425
Code; 73426

(c) In the case of a person six years of age or older, a 73427
substantial functional limitation in at least three of the 73428
following areas of major life activity, as appropriate for the 73429

person's age: self-care, receptive and expressive language, 73430
learning, mobility, self-direction, capacity for independent 73431
living, and, if the person is at least sixteen years of age, 73432
capacity for economic self-sufficiency. 73433

(5) It causes the person to need a combination and sequence 73434
of special, interdisciplinary, or other type of care, treatment, 73435
or provision of services for an extended period of time that is 73436
individually planned and coordinated for the person. 73437

"Developmental disability" includes intellectual disability. 73438

(R) "State institution" means an institution that is 73439
tax-supported and under the jurisdiction of the department of 73440
developmental disabilities. 73441

(S) "Residence" and "legal residence" have the same meaning 73442
as "legal settlement," which is acquired by residing in Ohio for a 73443
period of one year without receiving general assistance prior to 73444
July 17, 1995, under former Chapter 5113. of the Revised Code, 73445
without receiving financial assistance prior to December 31, 2017, 73446
under former Chapter 5115. of the Revised Code, or assistance from 73447
a private agency that maintains records of assistance given. A 73448
person having a legal settlement in the state shall be considered 73449
as having legal settlement in the assistance area in which the 73450
person resides. No adult person coming into this state and having 73451
a spouse or minor children residing in another state shall obtain 73452
a legal settlement in this state as long as the spouse or minor 73453
children are receiving public assistance, care, or support at the 73454
expense of the other state or its subdivisions. For the purpose of 73455
determining the legal settlement of a person who is living in a 73456
public or private institution or in a home subject to licensing by 73457
the department of job and family services, the department of 73458
mental health and addiction services, or the department of 73459
developmental disabilities, the residence of the person shall be 73460
considered as though the person were residing in the county in 73461

which the person was living prior to the person's entrance into 73462
the institution or home. Settlement once acquired shall continue 73463
until a person has been continuously absent from Ohio for a period 73464
of one year or has acquired a legal residence in another state. A 73465
woman who marries a man with legal settlement in any county 73466
immediately acquires the settlement of her husband. The legal 73467
settlement of a minor is that of the parents, surviving parent, 73468
sole parent, parent who is designated the residential parent and 73469
legal custodian by a court, other adult having permanent custody 73470
awarded by a court, or guardian of the person of the minor, 73471
provided that: 73472

(1) A minor female who marries shall be considered to have 73473
the legal settlement of her husband and, in the case of death of 73474
her husband or divorce, she shall not thereby lose her legal 73475
settlement obtained by the marriage. 73476

(2) A minor male who marries, establishes a home, and who has 73477
resided in this state for one year without receiving general 73478
assistance prior to July 17, 1995, under former Chapter 5113. of 73479
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 73480
~~Revised Code,~~ or assistance from a private agency that maintains 73481
records of assistance given shall be considered to have obtained a 73482
legal settlement in this state. 73483

(3) The legal settlement of a child under eighteen years of 73484
age who is in the care or custody of a public or private child 73485
caring agency shall not change if the legal settlement of the 73486
parent changes until after the child has been in the home of the 73487
parent for a period of one year. 73488

No person, adult or minor, may establish a legal settlement 73489
in this state for the purpose of gaining admission to any state 73490
institution. 73491

(T)(1) "Resident" means, subject to division (T)(2) of this 73492

section, a person who is admitted either voluntarily or 73493
involuntarily to an institution or other facility pursuant to 73494
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 73495
Code subsequent to a finding of not guilty by reason of insanity 73496
or incompetence to stand trial or under this chapter who is under 73497
observation or receiving habilitation and care in an institution. 73498

(2) "Resident" does not include a person admitted to an 73499
institution or other facility under section 2945.39, 2945.40, 73500
2945.401, or 2945.402 of the Revised Code to the extent that the 73501
reference in this chapter to resident, or the context in which the 73502
reference occurs, is in conflict with any provision of sections 73503
2945.37 to 2945.402 of the Revised Code. 73504

(U) "Respondent" means the person whose detention, 73505
commitment, or continued commitment is being sought in any 73506
proceeding under this chapter. 73507

(V) "Working day" and "court day" mean Monday, Tuesday, 73508
Wednesday, Thursday, and Friday, except when such day is a legal 73509
holiday. 73510

(W) "Prosecutor" means the prosecuting attorney, village 73511
solicitor, city director of law, or similar chief legal officer 73512
who prosecuted a criminal case in which a person was found not 73513
guilty by reason of insanity, who would have had the authority to 73514
prosecute a criminal case against a person if the person had not 73515
been found incompetent to stand trial, or who prosecuted a case in 73516
which a person was found guilty. 73517

(X) "Court" means the probate division of the court of common 73518
pleas. 73519

(Y) "Supported living" and "residential services" have the 73520
same meanings as in section 5126.01 of the Revised Code. 73521

Sec. 5123.377. (A) As used in this section: 73522

(1) "Adult services" has the same meaning as in section 73523
5126.01 of the Revised Code. 73524

(2) "Community adult facility" means a facility in which 73525
adult services are provided or a facility associated with the 73526
provision of adult services. 73527

(3) "Renovation" means work done to a building to restore it 73528
to an acceptable condition and to make it functional for use by 73529
individuals with developmental disabilities. "Renovation" includes 73530
architectural and structural changes and the modernization of 73531
mechanical and electrical systems. "Renovation" does not include 73532
work that consists primarily of maintenance repairs and 73533
replacements necessary due to normal use, wear and tear, or 73534
deterioration. 73535

(B) The director of developmental disabilities may change the 73536
terms of an agreement entered into with a county board of 73537
developmental disabilities or a board of county commissioners 73538
pursuant to section 5123.36 of the Revised Code or other statutory 73539
authority in effect before July 1, 1980, regarding the 73540
construction, acquisition, or renovation of a community adult 73541
facility if all of the following apply: 73542

(1) The agreement was entered into ~~during the period~~ 73543
~~beginning January 1, 1976, and ending on or before~~ December 31, 73544
1999. 73545

(2) The agreement requires the county board or board of 73546
county commissioners to use the community adult facility for at 73547
least forty years. 73548

(3) The county board or board of county commissioners submits 73549
to the director an application for a change in the agreement's 73550
terms that includes all of the following: 73551

(a) A statement of intent to close the facility and the 73552
anticipated date of closure; 73553

(b) The number of individuals with developmental disabilities served in the facility at the time of application;	73554 73555
(c) Identification of alternative providers of services to be offered to those individuals;	73556 73557
(d) A commitment and demonstration that those individuals will receive services from the alternative providers;	73558 73559
(e) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:	73560 73561 73562 73563
(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement;	73564 73565 73566
(ii) Use the proceeds of the sale for the acquisition, <u>renovation, or accessibility modification</u> of housing for individuals with developmental disabilities that complies with the requirements established by the director.	73567 73568 73569 73570
<u>(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(e)(ii) of this section. The director may extend the deadline as many times as the director determines necessary.</u>	73571 73572 73573 73574 73575
(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community adult facility.	73576 73577 73578
Sec. 5123.378. (A) As used in this section:	73579
(1) "Community early childhood facility" means a facility in which early childhood services are provided.	73580 73581
(2) "Early childhood services" has the same meaning as in	73582

section 5126.01 of the Revised Code. 73583

(3) "Renovation" means work done to a building to restore it 73584
to an acceptable condition and to make it functional for use by 73585
individuals with developmental disabilities. "Renovation" includes 73586
architectural and structural changes and the modernization of 73587
mechanical and electrical systems. "Renovation" does not include 73588
work that consists primarily of maintenance repairs and 73589
replacements necessary due to normal use, wear and tear, or 73590
deterioration. 73591

(B) The director of developmental disabilities may change the 73592
terms of an agreement entered into with a county board of 73593
developmental disabilities or a board of county commissioners 73594
pursuant to section 5123.36 of the Revised Code or other statutory 73595
authority in effect before July 1, 1980, regarding the 73596
construction, acquisition, or renovation of a community early 73597
childhood facility if all of the following apply: 73598

(1) The agreement was entered into ~~during the period~~ 73599
~~beginning January 1, 1976, and ending on or before~~ December 31, 73600
1999. 73601

(2) The agreement requires the county board or board of 73602
county commissioners to use the community early childhood facility 73603
for at least fifteen years. 73604

(3) The county board or board of county commissioners submits 73605
to the director an application for a change in the agreement's 73606
terms that includes all of the following: 73607

(a) A statement of intent to close the facility and the 73608
anticipated date of closure; 73609

(b) The number of individuals with developmental disabilities 73610
served in the facility at the time of application; 73611

(c) A commitment and demonstration that those individuals 73612

will continue to receive services; 73613

(d) A resolution from the county board or board of county 73614
commissioners authorizing the application, including a commitment 73615
that if the facility is sold, the county board or board of county 73616
commissioners will do either of the following: 73617

(i) Reimburse the department of developmental disabilities 73618
the proceeds of the sale up to the outstanding balance owed under 73619
the agreement; 73620

(ii) Use the proceeds of the sale for the acquisition, 73621
renovation, or accessibility modification of housing for 73622
individuals with developmental disabilities that complies with the 73623
requirements established by the director. 73624

(4) The director may establish a deadline by which the county 73625
board or board of county commissioners shall use the proceeds of a 73626
sale pursuant to division (B)(3)(d)(ii) of this section. The 73627
director may extend the deadline as many times as the director 73628
determines necessary. 73629

(C) Agreement terms that may be changed pursuant to division 73630
(B) of this section include terms regarding the length of time the 73631
facility must be used as a community early childhood facility. 73632

Sec. 5123.38. (A) Except as provided in division (B) of this 73633
section, if an individual ~~receiving supported living or home and~~ 73634
~~community-based services funded by a county board of developmental~~ 73635
~~disabilities~~ is committed to a state-operated ICF/IID pursuant to 73636
sections 5123.71 to 5123.76 of the Revised Code, the county board 73637
of developmental disabilities of the county from which the 73638
individual was ordered institutionalized is responsible for the 73639
nonfederal share of medicaid expenditures for the individual's 73640
care in the state-operated ICF/IID. The department of 73641
developmental disabilities shall collect the amount of the 73642

nonfederal share from the county board by either withholding that 73643
amount from funds the department has otherwise allocated to the 73644
county board or submitting an invoice for payment of that amount 73645
to the county board. 73646

(B) Division (A) of this section does not apply under ~~any~~ 73647
either of the following circumstances: 73648

(1) ~~The county board, not~~ Not later than ~~ninety one hundred~~ 73649
~~eighty~~ days after the date of the commitment of ~~a person receiving~~ 73650
~~supported living an individual, commences funding of supported~~ 73651
~~living for an individual who resides in a state-operated ICF/IID~~ 73652
~~on the date of the commitment or another eligible individual~~ 73653
~~designated by the department~~ the county board arranges for the 73654
provision of alternative services for the individual, and the 73655
individual is discharged from the ICF/IID. 73656

(2) ~~The county board, not later than ninety days after the~~ 73657
~~date of the commitment of a person receiving home and~~ 73658
~~community-based services, commences funding of home and~~ 73659
~~community-based services for an individual who resides in a~~ 73660
~~state-operated ICF/IID on the date of the commitment or another~~ 73661
~~eligible individual designated by the department.~~ 73662

~~(3)~~ The director of developmental disabilities, after 73663
determining that circumstances warrant granting a waiver in an 73664
individual's case, grants the county board a waiver that exempts 73665
the county board from responsibility for the nonfederal share for 73666
that case. 73667

Sec. 5123.46. All rules adopted under sections 5123.41 to 73668
5123.45 and section 5123.452 of the Revised Code shall be adopted 73669
in consultation with the board of nursing, the Ohio nurses 73670
association, the ~~Ohio respiratory care~~ state medical board, and 73671
the Ohio society for respiratory care. The rules shall be adopted 73672
in accordance with Chapter 119. of the Revised Code. 73673

Sec. 5123.47. (A) As used in this section: 73674

(1) "In-home care" means the supportive services provided 73675
within the home of an individual with a developmental disability 73676
who receives funding for the services through a county board of 73677
developmental disabilities, including any recipient of residential 73678
services funded as home and community-based services, family 73679
support services provided under section 5126.11 of the Revised 73680
Code, or supported living provided in accordance with sections 73681
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 73682
care that is provided outside an individual's home in places 73683
incidental to the home, and while traveling to places incidental 73684
to the home, except that "in-home care" does not include care 73685
provided in the facilities of a county board of developmental 73686
disabilities or care provided in schools. 73687

(2) "Parent" means either parent of a child, including an 73688
adoptive parent but not a foster parent. 73689

(3) "Unlicensed in-home care worker" means an individual who 73690
provides in-home care but is not a health care professional. 73691

(4) "Family member" means a parent, sibling, spouse, son, 73692
daughter, grandparent, aunt, uncle, cousin, or guardian of the 73693
individual with a developmental disability if the individual with 73694
a developmental disability lives with the person and is dependent 73695
on the person to the extent that, if the supports were withdrawn, 73696
another living arrangement would have to be found. 73697

(5) "Health care professional" means any of the following: 73698

(a) A dentist who holds a valid license issued under Chapter 73699
4715. of the Revised Code; 73700

(b) A registered or licensed practical nurse who holds a 73701
valid license issued under Chapter 4723. of the Revised Code; 73702

(c) An optometrist who holds a valid license issued under 73703

Chapter 4725. of the Revised Code;	73704
(d) A pharmacist who holds a valid license issued under	73705
Chapter 4729. of the Revised Code;	73706
(e) A person who holds a valid <u>license or</u> certificate issued	73707
under Chapter 4731. of the Revised Code to practice medicine and	73708
surgery, osteopathic medicine and surgery, podiatric medicine and	73709
surgery, or a limited brand of medicine;	73710
(f) A physician assistant who holds a valid license issued	73711
under Chapter 4730. of the Revised Code;	73712
(g) An occupational therapist or occupational therapy	73713
assistant or a physical therapist or physical therapist assistant	73714
who holds a valid license issued under Chapter 4755. of the	73715
Revised Code;	73716
(h) A respiratory care professional who holds a valid license	73717
issued under Chapter 4761. of the Revised Code.	73718
(6) "Health care task" means a task that is prescribed,	73719
ordered, delegated, or otherwise directed by a health care	73720
professional acting within the scope of the professional's	73721
practice. "Health care task" includes the administration of oral	73722
and topical prescribed medications; administration of nutrition	73723
and medications through gastrostomy and jejunostomy tubes that are	73724
stable and labeled; administration of oxygen and metered dose	73725
inhaled medications; administration of insulin through	73726
subcutaneous injections, inhalation, and insulin pumps; and	73727
administration of prescribed medications for the treatment of	73728
metabolic glycemic disorders through subcutaneous injections.	73729
(B) Except as provided in division (E) of this section, a	73730
family member of an individual with a developmental disability may	73731
authorize an unlicensed in-home care worker to perform health care	73732
tasks as part of the in-home care the worker provides to the	73733
individual, if all of the following apply:	73734

(1) The family member is the primary supervisor of the care.	73735
(2) The unlicensed in-home care worker has been selected by	73736
the family member or the individual receiving care and is under	73737
the direct supervision of the family member.	73738
(3) The unlicensed in-home care worker is providing the care	73739
through an employment or other arrangement entered into directly	73740
with the family member and is not otherwise employed by or under	73741
contract with a person or government entity to provide services to	73742
individuals with developmental disabilities.	73743
(4) The health care task is completed in accordance with	73744
standard, written instructions.	73745
(5) Performance of the health care task requires no judgment	73746
based on specialized health care knowledge or expertise.	73747
(6) The outcome of the health care task is reasonably	73748
predictable.	73749
(7) Performance of the health care task requires no complex	73750
observation of the individual receiving the care.	73751
(8) Improper performance of the health care task will result	73752
in only minimal complications that are not life-threatening.	73753
(C) A family member shall obtain a prescription, if	73754
applicable, and written instructions from a health care	73755
professional for the care to be provided to the individual. The	73756
family member shall authorize the unlicensed in-home care worker	73757
to provide the care by preparing a written document granting the	73758
authority. The family member shall provide the unlicensed in-home	73759
care worker with appropriate training and written instructions in	73760
accordance with the instructions obtained from the health care	73761
professional. The family member or a health care professional	73762
shall be available to communicate with the unlicensed in-home care	73763
worker either in person or by telecommunication while the in-home	73764

care worker performs a health care task. 73765

(D) A family member who authorizes an unlicensed in-home care 73766
worker to administer oral and topical prescribed medications or 73767
perform other health care tasks retains full responsibility for 73768
the health and safety of the individual receiving the care and for 73769
ensuring that the worker provides the care appropriately and 73770
safely. No entity that funds or monitors the provision of in-home 73771
care may be held liable for the results of the care provided under 73772
this section by an unlicensed in-home care worker, including such 73773
entities as the county board of developmental disabilities and the 73774
department of developmental disabilities. 73775

An unlicensed in-home care worker who is authorized under 73776
this section by a family member to provide care to an individual 73777
may not be held liable for any injury caused in providing the 73778
care, unless the worker provides the care in a manner that is not 73779
in accordance with the training and instructions received or the 73780
worker acts in a manner that constitutes willful or wanton 73781
misconduct. 73782

(E) A county board of developmental disabilities may evaluate 73783
the authority granted by a family member under this section to an 73784
unlicensed in-home care worker at any time it considers necessary 73785
and shall evaluate the authority on receipt of a complaint. If the 73786
board determines that a family member has acted in a manner that 73787
is inappropriate for the health and safety of the individual 73788
receiving the care, the authorization granted by the family member 73789
to an unlicensed in-home care worker is void, and the family 73790
member may not authorize other unlicensed in-home care workers to 73791
provide the care. In making such a determination, the board shall 73792
use appropriately licensed health care professionals and shall 73793
provide the family member an opportunity to file a complaint under 73794
section 5126.06 of the Revised Code. 73795

Sec. 5123.60. (A) As used in this section and section 73796
5123.601 of the Revised Code, "Ohio protection and advocacy 73797
system" means the nonprofit entity designated by the governor in 73798
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 73799
serve as the state's protection and advocacy system and client 73800
assistance program. 73801

(B) The Ohio protection and advocacy system shall provide 73802
both of the following: 73803

(1) Advocacy services for people with disabilities, as 73804
provided under section 101 of the "Developmental Disabilities 73805
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 73806
42 U.S.C. 15001; 73807

(2) A client assistance program, as provided under section 73808
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 73809
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 73810
U.S.C. 732. 73811

(C) The Ohio protection and advocacy system may establish any 73812
guidelines necessary for its operation. 73813

Sec. 5124.01. As used in this chapter: 73814

(A) "Affiliated operator" means an operator affiliated with 73815
either of the following: 73816

(1) The exiting operator for whom the affiliated operator is 73817
to assume liability for the entire amount of the exiting 73818
operator's debt under the medicaid program or the portion of the 73819
debt that represents the franchise permit fee the exiting operator 73820
owes; 73821

(2) The entering operator involved in the change of operator 73822
with the exiting operator specified in division (A)(1) of this 73823
section. 73824

(B) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(C) "Capital ~~costs~~" means an ICF/IID's ~~costs of ownership and costs of nonextensive renovation~~ fair rental value determined under section 5124.17 of the Revised Code.

(D) "Case-mix score" means the measure determined under section 5124.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(E) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the

partnership's dissolution under state law. 73855

(ii) The partners agree that the change in composition does 73856
not constitute a change in operator. 73857

(f) If the operator is a corporation, dissolution of the 73858
corporation, a merger of the corporation into another corporation 73859
that is the survivor of the merger, or a consolidation of one or 73860
more other corporations to form a new corporation. 73861

(2) The following, alone, do not constitute a change of 73862
operator: 73863

(a) A contract for an entity to manage an ICF/IID as the 73864
operator's agent, subject to the operator's approval of daily 73865
operating and management decisions; 73866

(b) A change of ownership, lease, or termination of a lease 73867
of real property or personal property associated with an ICF/IID 73868
if an entering operator does not become the operator in place of 73869
an exiting operator; 73870

(c) If the operator is a corporation, a change of one or more 73871
members of the corporation's governing body or transfer of 73872
ownership of one or more shares of the corporation's stock, if the 73873
same corporation continues to be the operator. 73874

(F) "Cost center" means the following: 73875

(1) Capital costs; 73876

(2) Direct care costs; 73877

(3) Indirect care costs; 73878

(4) Other protected costs. 73879

(G) ~~"Costs of nonextensive renovations" means the actual~~ 73880
~~expense incurred by an ICF/IID for depreciation or amortization~~ 73881
~~and interest on renovations that are not extensive renovations.~~ 73882

~~(H)(1) "Costs of ownership" means the actual expenses~~ 73883

~~incurred by an ICF/IID for all of the following:~~	73884
~~(a) Subject to division (H)(2) of this section, depreciation~~	73885
~~and interest on any capital assets that cost five hundred dollars~~	73886
~~or more per item, including the following:~~	73887
~~(i) Buildings;~~	73888
~~(ii) Building improvements that are not approved as~~	73889
~~nonextensive renovations under section 5124.17 of the Revised~~	73890
~~Code;~~	73891
~~(iii) Equipment;~~	73892
~~(iv) Extensive renovations;~~	73893
~~(v) Transportation equipment.~~	73894
~~(b) Amortization and interest on land improvements and~~	73895
~~leasehold improvements;~~	73896
~~(c) Amortization of financing costs;~~	73897
~~(d) Except as provided in division (Z) of this section, lease~~	73898
~~and rent of land, building, and equipment.~~	73899
~~(2) The costs of capital assets of less than five hundred~~	73900
~~dollars per item may be considered costs of ownership in~~	73901
~~accordance with an ICF/IID provider's practice.~~	73902
~~(I)(1) "Date of licensure" means the following:~~	73903
~~(a) In the case of an ICF/IID that was originally licensed as~~	73904
~~a nursing home under Chapter 3721. of the Revised Code, the date~~	73905
~~that it was originally so licensed, regardless that it was~~	73906
~~subsequently licensed as a residential facility under section~~	73907
~~5123.19 of the Revised Code;~~	73908
~~(b) In the case of an ICF/IID that was originally licensed as~~	73909
~~a residential facility under section 5123.19 of the Revised Code,~~	73910
~~the date it was originally so licensed;~~	73911
~~(c) In the case of an ICF/IID that was not required by law to~~	73912

be licensed as a nursing home or residential facility when it was 73913
originally operated as a residential facility, the date it first 73914
was operated as a residential facility, regardless of the date the 73915
ICF/IID was first licensed as a nursing home or residential 73916
facility. 73917

(2) If, after an ICF/IID's original date of licensure, more 73918
residential facility beds are added to the ICF/IID or all or part 73919
of the ICF/IID undergoes ~~an extensive~~ a renovation, the ICF/IID 73920
has a different date of licensure for the additional beds or 73921
~~extensively~~ renovated portion of the ICF/IID. This does not apply, 73922
however, to additional beds when both of the following apply: 73923

(a) The additional beds are located in a part of the ICF/IID 73924
that was constructed at the same time as the continuing beds 73925
already located in that part of the ICF/IID. 73926

(b) The part of the ICF/IID in which the additional beds are 73927
located was constructed as part of the ICF/IID at a time when the 73928
ICF/IID was not required by law to be licensed as a nursing home 73929
or residential facility. 73930

(3) The definition of "date of licensure" in this section 73931
applies in determinations of ICFs/IID's medicaid payment rates but 73932
does not apply in determinations of ICFs/IID's franchise permit 73933
fees under sections 5168.60 to 5168.71 of the Revised Code. 73934

~~(J)~~(H) "Desk-reviewed" means that an ICF/IID's costs as 73935
reported on a cost report filed under section 5124.10 or 5124.101 73936
of the Revised Code have been subjected to a desk review under 73937
section 5124.108 of the Revised Code and preliminarily determined 73938
to be allowable costs. 73939

~~(K)~~(I) "Developmental center" means a residential facility 73940
that is maintained and operated by the department of developmental 73941
disabilities. 73942

~~(L)~~(J) "Direct care costs" means all of the following costs 73943

incurred by an ICF/IID:	73944
(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;	73945 73946
(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;	73947 73948 73949 73950 73951 73952 73953 73954 73955 73956
(3) Costs of purchased nursing services;	73957
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions ~~(L)~~ (J)(1), (2), and (3) of this section;	73958 73959 73960 73961 73962 73963
(5) Costs of quality assurance;	73964
(6) Costs of consulting and management fees related to direct care;	73965 73966
(7) Allocated direct care home office costs;	73967
(8) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	73968 73969 73970
~~(M)~~ (K) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under	73971 73972 73973

section 5123.042 of the Revised Code. 73974

~~(N)~~(L) "Effective date of a change of operator" means the day 73975
the entering operator becomes the operator of the ICF/IID. 73976

~~(O)~~(M) "Effective date of a facility closure" means the last 73977
day that the last of the residents of the ICF/IID resides in the 73978
ICF/IID. 73979

~~(P)~~(N) "Effective date of an involuntary termination" means 73980
the date the department of medicaid terminates the operator's 73981
provider agreement for the ICF/IID or the last day that such a 73982
provider agreement is in effect when the department cancels or 73983
refuses to revalidate it. 73984

~~(Q)~~(O) "Effective date of a voluntary termination" means the 73985
day the ICF/IID ceases to accept medicaid recipients. 73986

~~(R)~~(P) "Entering operator" means the person or government 73987
entity that will become the operator of an ICF/IID when a change 73988
of operator occurs or following an involuntary termination. 73989

~~(S)~~(Q) "Exiting operator" means any of the following: 73990

(1) An operator that will cease to be the operator of an 73991
ICF/IID on the effective date of a change of operator; 73992

(2) An operator that will cease to be the operator of an 73993
ICF/IID on the effective date of a facility closure; 73994

(3) An operator of an ICF/IID that is undergoing or has 73995
undergone a voluntary termination; 73996

(4) An operator of an ICF/IID that is undergoing or has 73997
undergone an involuntary termination. 73998

~~(T)~~(1) "~~Extensive renovation~~" means the following: 73999

~~(a) An ICF/IID's betterment, improvement, or restoration to~~ 74000
~~which both of the following apply:~~ 74001

~~(i) It was started before July 1, 1993.~~ 74002

~~(ii) It meets the definition of "extensive renovation"~~ 74003
~~established in rules that were adopted by the director of job and~~ 74004
~~family services and in effect on December 22, 1992.~~ 74005

~~(b) An ICF/IID's betterment, improvement, or restoration to~~ 74006
~~which all of the following apply:~~ 74007

~~(i) It was started on or after July 1, 1993.~~ 74008

~~(ii) Except as provided in division (T)(2) of this section,~~ 74009
~~it costs more than sixty-five per cent and not more than~~ 74010
~~eighty-five per cent of the cost of constructing a new bed.~~ 74011

~~(iii) It extends the useful life of the assets for at least~~ 74012
~~ten years.~~ 74013

~~(2) The department of developmental disabilities may treat a~~ 74014
~~renovation that costs more than eighty-five per cent of the cost~~ 74015
~~of constructing new beds as an extensive renovation if the~~ 74016
~~department determines that the renovation is more prudent than~~ 74017
~~construction of new beds.~~ 74018

~~(3) For the purpose of division (T)(1)(b)(ii) of this~~ 74019
~~section, the cost of constructing a new bed shall be considered to~~ 74020
~~be forty thousand dollars, adjusted for the estimated rate of~~ 74021
~~inflation from January 1, 1993, to the end of the calendar year~~ 74022
~~during which the extensive renovation is completed, using the~~ 74023
~~consumer price index for shelter costs for all urban consumers for~~ 74024
~~the north central region, as published by the United States bureau~~ 74025
~~of labor statistics.~~ 74026

~~(U)(R)(1) Subject to divisions (U)(R)(2) and (3) of this~~ 74027
~~section, "facility closure" means either of the following:~~ 74028

~~(a) Discontinuance of the use of the building, or part of the~~ 74029
~~building, that houses the facility as an ICF/IID that results in~~ 74030
~~the relocation of all of the facility's residents;~~ 74031

~~(b) Conversion of the building, or part of the building, that~~ 74032

houses an ICF/IID to a different use with any necessary license or 74033
other approval needed for that use being obtained and one or more 74034
of the facility's residents remaining in the facility to receive 74035
services under the new use. 74036

(2) A facility closure occurs regardless of any of the 74037
following: 74038

(a) The operator completely or partially replacing the 74039
ICF/IID by constructing a new ICF/IID or transferring the 74040
ICF/IID's license to another ICF/IID; 74041

(b) The ICF/IID's residents relocating to another of the 74042
operator's ICFs/IID; 74043

(c) Any action the department of health takes regarding the 74044
ICF/IID's medicaid certification that may result in the transfer 74045
of part of the ICF/IID's survey findings to another of the 74046
operator's ICFs/IID; 74047

(d) Any action the department of developmental disabilities 74048
takes regarding the ICF/IID's license under section 5123.19 of the 74049
Revised Code. 74050

(3) A facility closure does not occur if all of the ICF/IID's 74051
residents are relocated due to an emergency evacuation and one or 74052
more of the residents return to a medicaid-certified bed in the 74053
ICF/IID not later than thirty days after the evacuation occurs. 74054

~~(V)~~(S) "Fiscal year" means the fiscal year of this state, as 74055
specified in section 9.34 of the Revised Code. 74056

~~(W)~~(T) "Franchise permit fee" means the fee imposed by 74057
sections 5168.60 to 5168.71 of the Revised Code. 74058

~~(X)~~(U) "Home and community-based services" has the same 74059
meaning as in section 5123.01 of the Revised Code. 74060

~~(Y)~~(V) "ICF/IID services" has the same meaning as in 42 74061
C.F.R. 440.150. 74062

~~(Z)~~(W)(1) "Indirect care costs" means all reasonable costs 74063
incurred by an ICF/IID other than ~~capital costs~~, direct care 74064
costs, ~~and other protected costs~~, ownership costs, and renovation 74065
costs. "Indirect care costs" includes costs of habilitation 74066
supplies, pharmacy consultants, medical and habilitation records, 74067
program supplies, incontinence supplies, food, enterals, dietary 74068
supplies and personnel, laundry, housekeeping, security, 74069
administration, liability insurance, bookkeeping, purchasing 74070
department, human resources, communications, travel, dues, license 74071
fees, subscriptions, home office costs not otherwise allocated, 74072
legal services, accounting services, minor equipment, maintenance 74073
and repair expenses, help-wanted advertising, informational 74074
advertising, start-up costs, organizational expenses, other 74075
interest, property insurance, employee training and staff 74076
development, employee benefits, payroll taxes, and workers' 74077
compensation premiums or costs for self-insurance claims and 74078
related costs, as specified in rules adopted under section 5124.03 74079
of the Revised Code, for personnel listed in this division. 74080
~~Notwithstanding division (H) of this section, "indirect~~ "Indirect 74081
care costs" also means the cost of equipment, including vehicles, 74082
acquired by operating lease executed before December 1, 1992, if 74083
the costs are reported as administrative and general costs on the 74084
ICF/IID's cost report for the cost reporting period ending 74085
December 31, 1992. 74086

(2) For the purpose of division ~~(Z)~~(W)(1) of this section, an 74087
operating lease shall be construed in accordance with generally 74088
accepted accounting principles. 74089

~~(AA)~~(X) "Inpatient days" means both of the following: 74090

(1) All days during which a resident, regardless of payment 74091
source, occupies a bed in an ICF/IID that is included in the 74092
ICF/IID's medicaid-certified capacity; 74093

(2) All days for which payment is made under section 5124.34 74094

of the Revised Code. 74095

~~(BB)~~(Y) "Intermediate care facility for individuals with 74096
intellectual disabilities" and "ICF/IID" mean an intermediate care 74097
facility for the mentally retarded as defined in the "Social 74098
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 74099

~~(CC)~~(Z) "Involuntary termination" means the department of 74100
medicaid's termination of, cancellation of, or refusal to 74101
revalidate the operator's provider agreement for the ICF/IID when 74102
such action is not taken at the operator's request. 74103

~~(DD)~~(AA) "Maintenance and repair expenses" means, except as 74104
provided in division (WW)(2)(b) of this section, expenditures that 74105
are necessary and proper to maintain an asset in a normally 74106
efficient working condition and that do not extend the useful life 74107
of the asset two years or more. "Maintenance and repair expenses" 74108
includes the costs of ordinary repairs such as painting and 74109
wallpapering. 74110

~~(EE)~~(BB) "Medicaid-certified capacity" means the number of an 74111
ICF/IID's beds that are certified for participation in medicaid as 74112
ICF/IID beds. 74113

~~(FF)~~(CC) "Medicaid days" means both of the following: 74114

(1) All days during which a resident who is a medicaid 74115
recipient eligible for ICF/IID services occupies a bed in an 74116
ICF/IID that is included in the ICF/IID's medicaid-certified 74117
capacity; 74118

(2) All days for which payment is made under section 5124.34 74119
of the Revised Code. 74120

~~(GG)~~(DD)(1) "New ICF/IID" means an ICF/IID for which the 74121
provider obtains an initial provider agreement following the 74122
director of health's medicaid certification of the ICF/IID, 74123
including such an ICF/IID that replaces one or more ICFs/IID for 74124

which a provider previously held a provider agreement. 74125

(2) "New ICF/IID" does not mean either of the following: 74126

(a) An ICF/IID for which the entering operator seeks a 74127
provider agreement pursuant to section 5124.511 or 5124.512 or 74128
(pursuant to section 5124.515) section 5124.07 of the Revised 74129
Code; 74130

(b) A downsized ICF/IID or partially converted ICF/IID. 74131

~~(HH)~~(EE) "Nursing home" has the same meaning as in section 74132
3721.01 of the Revised Code. 74133

~~(II)~~(FF) "Operator" means the person or government entity 74134
responsible for the daily operating and management decisions for 74135
an ICF/IID. 74136

~~(JJ)~~(GG) "Other protected costs" means costs incurred by an 74137
ICF/IID for medical supplies; real estate, franchise, and property 74138
taxes; natural gas, fuel oil, water, electricity, sewage, and 74139
refuse and hazardous medical waste collection; allocated other 74140
protected home office costs; and any additional costs defined as 74141
other protected costs in rules adopted under section 5124.03 of 74142
the Revised Code. 74143

~~(KK)~~(HH)(1) "Owner" means any person or government entity 74144
that has at least five per cent ownership or interest, either 74145
directly, indirectly, or in any combination, in any of the 74146
following regarding an ICF/IID: 74147

(a) The land on which the ICF/IID is located; 74148

(b) The structure in which the ICF/IID is located; 74149

(c) Any mortgage, contract for deed, or other obligation 74150
secured in whole or in part by the land or structure on or in 74151
which the ICF/IID is located; 74152

(d) Any lease or sublease of the land or structure on or in 74153
which the ICF/IID is located. 74154

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

~~(LL)~~(II)(1) "Ownership costs" means the actual expenses incurred by an ICF/IID for all of the following:

(a) Subject to division (II)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Equipment;

(iii) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division (W) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered ownership costs in accordance with an ICF/IID provider's practice.

(JJ) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

~~(MM)~~(KK) "Peer group 1" means each ICF/IID with a medicaid-certified capacity exceeding ~~eight~~ sixteen.

~~(NN)~~(LL) "Peer group 2" means each ICF/IID with a medicaid-certified capacity ~~not~~ exceeding eight, ~~other than an~~

ICF/IID ~~that is in peer group 3 but not exceeding sixteen.~~ 74184

~~(00)(MM)~~ "Peer group 3" means each ICF/IID with a 74185
medicaid-certified capacity of eight. 74186

~~(NN)~~ "Peer group 4" means each ICF/IID with a 74187
medicaid-certified capacity not exceeding seven, other than an 74188
ICF/IID that is in peer group 5. 74189

~~(00)~~ "Peer group 5" means each ICF/IID to which all of the 74190
following apply: 74191

(1) The ICF/IID is first certified as an ICF/IID after July 74192
1, 2014; 74193

(2) The ICF/IID has a medicaid-certified capacity not 74194
exceeding six; 74195

(3) The ICF/IID has a contract with the department of 74196
developmental disabilities that is for fifteen years and includes 74197
a provision for the department to approve all admissions to, and 74198
discharges from, the ICF/IID; 74199

(4) The ICF/IID's residents are admitted to the ICF/IID 74200
directly from a developmental center or have been determined by 74201
the department to be at risk of admission to a developmental 74202
center. 74203

~~(PP)(1)~~ ~~Except as provided in divisions (PP)(2) and (3) of~~ 74204
~~this section, "per "Per diem" means an the following:~~ 74205

~~(1)~~ In the case of an ICF/IID's direct care costs and other 74206
protected costs, the ICF/IID's desk-reviewed, actual, allowable 74207
direct care costs and other protected costs in a given cost center 74208
in a cost reporting period, divided by the facility's inpatient 74209
days for that cost reporting period. 74210

~~(2)~~ ~~When determining capital costs for the purpose of section~~ 74211
~~5124.17 of the Revised Code, "per diem" means an ICF/IID's actual,~~ 74212
~~allowable capital costs in a cost reporting period divided by the~~ 74213

~~greater of the facility's inpatient days for that period or the~~ 74214
~~number of inpatient days the ICF/IID would have had during that~~ 74215
~~period if its occupancy rate had been ninety-five per cent.~~ 74216

~~(3) When determining~~ In the case of an ICF/IID's indirect 74217
~~care costs for the purpose of section 5124.21 of the Revised Code,~~ 74218
~~"per diem" means an~~ the ICF/IID's actual, allowable indirect care 74219
costs in a cost reporting period divided by the greater of the 74220
ICF/IID's inpatient days for that period or the number of 74221
inpatient days the ICF/IID would have had during that period if 74222
its occupancy rate had been eighty-five per cent. 74223

(QQ) "Provider" means an operator with a valid provider 74224
agreement. 74225

(RR) "Provider agreement" means a provider agreement, as 74226
defined in section 5164.01 of the Revised Code, that is between 74227
the department of medicaid and the operator of an ICF/IID for the 74228
provision of ICF/IID services under the medicaid program. 74229

(SS) "Purchased nursing services" means services that are 74230
provided in an ICF/IID by registered nurses, licensed practical 74231
nurses, or nurse aides who are not employees of the ICF/IID. 74232

(TT) "Reasonable" means that a cost is an actual cost that is 74233
appropriate and helpful to develop and maintain the operation of 74234
resident care facilities and activities, including normal standby 74235
costs, and that does not exceed what a prudent buyer pays for a 74236
given item or services. Reasonable costs may vary from provider to 74237
provider and from time to time for the same provider. 74238

(UU) "Related party" means an individual or organization 74239
that, to a significant extent, has common ownership with, is 74240
associated or affiliated with, has control of, or is controlled 74241
by, a provider. 74242

(1) An individual who is a relative of an owner is a related 74243
party. 74244

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(VV) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;	74275
(2) Natural parent, child, or sibling;	74276
(3) Adopted parent, child, or sibling;	74277
(4) Stepparent, stepchild, stepbrother, or stepsister;	74278
(5) Father-in-law, mother-in-law, son-in-law,	74279
daughter-in-law, brother-in-law, or sister-in-law;	74280
(6) Grandparent or grandchild;	74281
(7) Foster caregiver, foster child, foster brother, or foster	74282
sister.	74283
(WW)(1) "Renovation" means the following:	74284
(a) An ICF/IID's betterment, improvement, or restoration to	74285
which both of the following apply:	74286
(i) It was started before July 1, 1993.	74287
(ii) It meets the definition of "renovation" established in	74288
rules that were adopted by the director of job and family services	74289
and in effect on December 22, 1992.	74290
(b) An ICF/IID's betterment, improvement, or restoration to	74291
which both of the following apply:	74292
(i) It was started on or after July 1, 1993.	74293
(ii) It betters, improves, or restores the ICF/IID beyond its	74294
current functional capacity through a structural change that costs	74295
at least five hundred dollars ~~per bed~~ .	74296
(2) A renovation started on or after July 1, 1993, may	74297
include both of the following:	74298
(a) A betterment, improvement, restoration, or replacement of	74299
assets that are affixed to a building and have a useful life of at	74300
least five years;	74301
(b) Costs that otherwise would be considered maintenance and	74302

repair expenses if they are an integral part of the structural 74303
change that makes up the renovation project. 74304

~~(3) "Renovation" does not mean construction of additional 74305
space for beds that will be added to an ICF/IID's licensed 74306
capacity or medicaid-certified capacity. 74307~~

(XX) "Renovation costs" means the actual expenses incurred by 74308
an ICF/IID for depreciation or amortization and interest on 74309
renovations. 74310

(YY) "Residential facility" has the same meaning as in 74311
section 5123.19 of the Revised Code. 74312

~~(YY)~~(ZZ) "Sponsor" means an adult relative, friend, or 74313
guardian of an ICF/IID resident who has an interest or 74314
responsibility in the resident's welfare. 74315

~~(ZZ)~~(AAA) "Title XIX" means Title XIX of the "Social Security 74316
Act," 42 U.S.C. 1396, et seq. 74317

~~(AAA)~~(BBB) "Title XVIII" means Title XVIII of the "Social 74318
Security Act," 42 U.S.C. 1395, et seq. 74319

~~(BBB)~~(CCC) "Voluntary termination" means an operator's 74320
voluntary election to terminate the participation of an ICF/IID in 74321
the medicaid program but to continue to provide service of the 74322
type provided by a residential facility as defined in section 74323
5123.19 of the Revised Code. 74324

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 74325
~~or,~~ peer group 2, peer group 3, or peer group 4 that becomes a 74326
downsized ICF/IID or partially converted ICF/IID on or after July 74327
1, 2013, or becomes a new ICF/IID on or after that date, may file 74328
with the department of developmental disabilities a cost report 74329
covering the period specified in division (B) of this section if 74330
the following applies to the ICF/IID: 74331

(1) In the case of an ICF/IID that becomes a downsized 74332

ICF/IID or partially converted ICF/IID, the ICF/IID has either of 74333
the following on the day it becomes a downsized ICF/IID or 74334
partially converted ICF/IID: 74335

(a) A medicaid-certified capacity that is at least ten per 74336
cent less than its medicaid-certified capacity on the day 74337
immediately preceding the day it becomes a downsized ICF/IID or 74338
partially converted ICF/IID; 74339

(b) At least five fewer beds certified as ICF/IID beds than 74340
it has on the day immediately preceding the day it becomes a 74341
downsized ICF/IID or partially converted ICF/IID. 74342

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 74343
a downsized ICF/IID and the downsized ICF/IID has either of the 74344
following on the day it becomes a downsized ICF/IID: 74345

(a) A medicaid-certified capacity that is at least ten per 74346
cent less than its medicaid-certified capacity on the day 74347
immediately preceding the day it becomes a downsized ICF/IID; 74348

(b) At least five fewer beds certified as ICF/IID beds than 74349
it has on the day immediately preceding the day it becomes a 74350
downsized ICF/IID. 74351

(B) A cost report filed under division (A) of this section 74352
shall cover the period that begins and ends as follows: 74353

(1) In the case of an ICF/IID that becomes a downsized 74354
ICF/IID or partially converted ICF/IID: 74355

(a) The period begins with the day that the ICF/IID becomes a 74356
downsized ICF/IID or partially converted ICF/IID. 74357

(b) The period ends on the last day of the last month of the 74358
first three full months of operation as a downsized ICF/IID or 74359
partially converted ICF/IID. 74360

(2) In the case of a new ICF/IID: 74361

(a) The period begins with the day that the provider 74362

agreement for the ICF/IID takes effect. 74363

(b) The period ends on the last day of the last month of the 74364
first three full months that the provider agreement is in effect. 74365

(C)(1) If the department accepts a cost report filed under 74366
division (A) of this section for an ICF/IID that becomes a 74367
downsized ICF/IID or partially converted ICF/IID on or before the 74368
first day of October of a calendar year, the provider also shall 74369
do both of the following: 74370

(a) File with the department a cost report for the ICF/IID in 74371
accordance with division (A) of section 5124.10 of the Revised 74372
Code; 74373

(b) File with the department another cost report for the 74374
ICF/IID that covers the portion of the initial calendar year that 74375
the ICF/IID operated as a downsized ICF/IID or partially converted 74376
ICF/IID. 74377

(2) If the department accepts a cost report filed under 74378
division (A) of this section for an ICF/IID that becomes a 74379
downsized ICF/IID or partially converted ICF/IID after the first 74380
day of October of a calendar year, the provider is not required to 74381
file a cost report that covers that calendar year in accordance 74382
with division (A) of section 5124.10 of the Revised Code. Instead, 74383
the provider shall file a cost report for the ICF/IID in 74384
accordance with division (A) of section 5124.10 of the Revised 74385
Code covering the immediately following calendar year. 74386

(3) If the department accepts a cost report filed under 74387
division (A) of this section for a new ICF/IID that has a provider 74388
agreement that takes effect on or before the first day of October 74389
of a calendar year, the provider also shall file a cost report for 74390
the ICF/IID in accordance with division (A) of section 5124.10 of 74391
the Revised Code covering the portion of that calendar year that 74392
the provider agreement was in effect. 74393

(4) If the department accepts a cost report filed under 74394
division (A) of this section for a new ICF/IID that has a provider 74395
agreement that takes effect after the first day of October of a 74396
calendar year, the provider is not required to file a cost report 74397
that covers that calendar year in accordance with division (A) of 74398
section 5124.10 of the Revised Code. The provider shall file a 74399
cost report for the ICF/IID in accordance with division (A) of 74400
section 5124.10 of the Revised Code covering the immediately 74401
following calendar year. 74402

(D) The department shall refuse to accept a cost report filed 74403
under division (A) or (C)(1)(b) of this section if either of the 74404
following apply: 74405

(1) Except as provided in division (E) of section 5124.10 of 74406
the Revised Code, the provider fails to file the cost report with 74407
the department not later than ninety days after the last day of 74408
the period the cost report covers; 74409

(2) The cost report is incomplete or inadequate. 74410

(E) If the department accepts a cost report filed under 74411
division (A) or (C)(1)(b) of this section, the department shall 74412
use that cost report, rather than the cost report that otherwise 74413
would be used pursuant to section 5124.17, 5124.19, 5124.21, or 74414
5124.23 of the Revised Code, to determine the ICF/IID's medicaid 74415
payment rate in accordance with this chapter for ICF/IID services 74416
the ICF/IID provides during the period that begins and ends as 74417
follows: 74418

(1) For a cost report filed under division (A) of this 74419
section, the period begins on the following: 74420

(a) In the case of an ICF/IID that becomes a downsized 74421
ICF/IID or partially converted ICF/IID: 74422

(i) The day that the ICF/IID becomes a downsized ICF/IID or 74423
partially converted ICF/IID if that day is the first day of a 74424

month; 74425

(ii) The first day of the month immediately following the 74426
month that the ICF/IID becomes a downsized ICF/IID or partially 74427
converted ICF/IID if division (E)(1)(a)(i) of this section does 74428
not apply. 74429

(b) In the case of a new ICF/IID, the day that the ICF/IID's 74430
provider agreement takes effect. 74431

(2) For a cost report filed under division (A) of this 74432
section, the period ends on the following: 74433

(a) In the case of an ICF/IID that becomes a downsized 74434
ICF/IID or partially converted ICF/IID: 74435

(i) The last day of the fiscal year that immediately precedes 74436
the fiscal year for which the ICF/IID is paid a rate determined 74437
using a cost report filed under division (C)(1)(b) of this section 74438
if the ICF/IID became a downsized ICF/IID or partially converted 74439
ICF/IID on or before the first day of October of a calendar year; 74440

(ii) The last day of the fiscal year that immediately 74441
precedes the fiscal year for which the ICF/IID begins to be paid a 74442
rate determined using a cost report that division (C)(2) of this 74443
section requires be filed in accordance with division (A) of 74444
section 5124.10 of the Revised Code if the ICF/IID became a 74445
downsized ICF/IID or partially converted ICF/IID after the first 74446
day of October of a calendar year. 74447

(b) In the case of a new ICF/IID, the last day of the fiscal 74448
year that immediately precedes the fiscal year for which the 74449
ICF/IID begins to be paid a rate determined using a cost report 74450
that division (C)(3) or (4) of this section requires be filed in 74451
accordance with division (A) of section 5124.10 of the Revised 74452
Code. 74453

(3) For a cost report filed under division (C)(1)(b) of this 74454

section, the period begins on the day immediately following the 74455
day specified in division (E)(2)(a)(i) of this section. 74456

(4) For a cost report filed under division (C)(1)(b) of this 74457
section, the period ends on the last day of the fiscal year that 74458
immediately precedes the fiscal year for which the ICF/IID begins 74459
to be paid a rate determined using the cost report filed with the 74460
department in accordance with division (A) of section 5124.10 of 74461
the Revised Code that covers the calendar year that immediately 74462
follows the initial calendar year that the ICF/IID operated as a 74463
downsized ICF/IID or partially converted ICF/IID. 74464

(F) If the department accepts a cost report filed under 74465
division (A) or (C)(1)(b) of this section, ~~the following~~ 74466
~~modifications shall be made for the purpose of determining the~~ 74467
~~medicaid payment rate for ICF/IID services the ICF/IID provides~~ 74468
~~during the period specified in division (E) of this section:~~ 74469

~~(1) In place of the annual average case mix score otherwise~~ 74470
~~used in determining the ICF/IID's per medicaid day payment rate~~ 74471
~~for direct care costs under division (A) of section 5124.19 of the~~ 74472
~~Revised Code,~~ the ICF/IID's case mix score in effect on the last 74473
day of the calendar quarter that ends during the period the cost 74474
report covers (or, if more than one calendar quarter ends during 74475
that period, the last of those calendar quarters) shall be used to 74476
determine the ICF/IID's per medicaid day payment rate for direct 74477
care costs under division (A) of section 5124.19 of the Revised 74478
Code in place of the annual average case mix score otherwise used 74479
in determining the ICF/IID's per medicaid day payment rate for 74480
direct care costs. 74481

~~(2) If the ICF/IID becomes a downsized ICF/IID or partially~~ 74482
~~converted ICF/IID:~~ 74483

~~(a) The ICF/IID shall not be subject to the limit on the~~ 74484
~~costs of ownership per diem payment rate specified in divisions~~ 74485

~~(B) and (C) of section 5124.17 of the Revised Code.~~ 74486

~~(b) The ICF/IID shall not be subject to the limit on the 74487
payment rate for per diem capitalized costs of nonextensive 74488
renovations specified in division (E)(1) of section 5124.17 of the 74489
Revised Code.~~ 74490

~~(c) The ICF/IID shall be subject to the limit on the total 74491
payment rate for costs of ownership, capitalized costs of 74492
nonextensive renovations, and the efficiency incentive specified 74493
in division (H) of section 5124.17 of the Revised Code regardless 74494
of whether the ICF/IID is in peer group 1 or peer group 2.~~ 74495

Sec. 5124.15. (A) Except as otherwise provided by section 74496
5124.101 of the Revised Code, sections 5124.151 to 5124.155 of the 74497
Revised Code, and divisions (B) and (C) of this section, the total 74498
per medicaid day payment rate that the department of developmental 74499
disabilities shall pay to an ICF/IID provider for ICF/IID services 74500
the provider's ICF/IID provides during a fiscal year shall equal 74501
the sum of all of the following: 74502

(1) The per medicaid day payment rate for capital ~~costs~~ 74503
determined for the ICF/IID under section 5124.17 of the Revised 74504
Code; 74505

(2) The per medicaid day payment rate for direct care costs 74506
determined for the ICF/IID under section 5124.19 of the Revised 74507
Code; 74508

(3) The per medicaid day payment rate for indirect care costs 74509
determined for the ICF/IID under section 5124.21 of the Revised 74510
Code; 74511

(4) The per medicaid day payment rate for other protected 74512
costs determined for the ICF/IID under section 5124.23 of the 74513
Revised Code; 74514

(5) Beginning with fiscal year 2020, the per medicaid day 74515

quality incentive payment rate add on determined for the ICF/IID 74516
under section 5124.25 of the Revised Code. 74517

(B) The total per medicaid day payment rate for an ICF/IID in 74518
peer group ~~3~~ 5 shall not exceed the average total per medicaid day 74519
payment rate in effect on July 1, 2013, for developmental centers. 74520

(C) The department shall adjust the total rate otherwise 74521
determined under division (A) of this section as directed by the 74522
general assembly through the enactment of law governing medicaid 74523
payments to ICF/IID providers. 74524

(D) In addition to paying an ICF/IID provider the total rate 74525
determined for the provider's ICF/IID under divisions (A), (B), 74526
and (C) of this section for a fiscal year, the department, in 74527
accordance with section ~~5124.25~~ 5124.26 of the Revised Code, may 74528
pay the provider a rate add-on for ~~pediatric~~ ventilator-dependent 74529
outlier ICF/IID services if the rate add-on is to be paid under 74530
that section and the department approves the provider's 74531
application for the rate add-on. The rate add-on is not to be part 74532
of the ICF/IID's total rate. 74533

Sec. 5124.151. (A) The total per medicaid day payment rate 74534
determined under section 5124.15 of the Revised Code shall not be 74535
the initial rate for ICF/IID services provided by a new ICF/IID. 74536
Instead, the initial total per medicaid day payment rate for 74537
ICF/IID services provided by a new ICF/IID shall be determined in 74538
accordance with this section. 74539

(B) The initial total medicaid day payment rate for ICF/IID 74540
services provided by a new ICF/IID in peer group 1 ~~or~~ peer group 74541
2, peer group 3, or peer group 4 shall be determined in the 74542
following manner: 74543

(1) The initial rate for capital ~~costs~~ shall be the median 74544
rate for the new ICF/IID's peer group determined for the fiscal 74545

~~year under section 5124.17 of the Revised Code using the greater~~ 74546
~~of the new ICF/IID's actual inpatient days or an imputed occupancy~~ 74547
~~rate of eighty per cent.~~ 74548

(2) The initial rate for direct care costs shall be 74549
determined as follows: 74550

(a) If there are no cost or resident assessment data for the 74551
new ICF/IID as necessary to determine a rate under section 5124.19 74552
of the Revised Code, the rate shall be determined as follows: 74553

(i) Determine the median cost per case-mix unit under 74554
division (B) of section 5124.19 of the Revised Code for the new 74555
ICF/IID's peer group for the calendar year immediately preceding 74556
the fiscal year in which the rate will be paid; 74557

(ii) Multiply the amount determined under division 74558
(B)(2)(a)(i) of this section by the median annual average case-mix 74559
score for the new ICF/IID's peer group for that period; 74560

(iii) Adjust the product determined under division 74561
(B)(2)(a)(ii) of this section by the rate of inflation estimated 74562
under division (D) of section 5124.19 of the Revised Code. 74563

(b) If the new ICF/IID is a replacement ICF/IID and the 74564
ICF/IID or ICFs/IID that are being replaced are in operation 74565
immediately before the new ICF/IID opens, the rate shall be the 74566
same as the rate for the replaced ICF/IID or ICFs/IID, 74567
proportionate to the number of ICF/IID beds in each replaced 74568
ICF/IID. 74569

(c) If the new ICF/IID is a replacement ICF/IID and the 74570
ICF/IID or ICFs/IID that are being replaced are not in operation 74571
immediately before the new ICF/IID opens, the rate shall be 74572
determined under division (B)(2)(a) of this section. 74573

(3) The initial rate for indirect care costs shall be the 74574
maximum rate for the new ICF/IID's peer group as determined for 74575

the fiscal year in accordance with division (C) of section 5124.21 74576
of the Revised Code. 74577

(4) The initial rate for other protected costs shall be one 74578
hundred fifteen per cent of the median rate for ICFs/IID 74579
determined for the fiscal year under section 5124.23 of the 74580
Revised Code. 74581

(C) The initial total medicaid day payment rate for ICF/IID 74582
services provided by a new ICF/IID in peer group ~~3~~ 5 shall be 74583
determined in the following manner: 74584

(1) The initial rate for capital ~~costs~~ shall be ~~\$29.61~~ the 74585
median rate for the peer group as determined under section 5124.17 74586
of the Revised Code. 74587

(2) The initial rate for direct care costs shall be ~~\$264.89~~ 74588
the median rate for the peer group as determined under section 74589
5124.19 of the Revised Code. 74590

(3) The initial rate for indirect care costs shall be ~~\$59.85~~ 74591
the median rate for the peer group as determined under section 74592
5124.21 of the Revised Code. 74593

(4) The initial rate for other protected costs shall be 74594
~~\$25.99~~ the median rate for the peer group as determined under 74595
section 5124.23 of the Revised Code. 74596

(D)(1) Except as provided in division (D)(2) of this section, 74597
the department shall adjust a new ICF/IID's initial total per 74598
medicaid day payment rate determined under this section effective 74599
the first day of July, to reflect new rate determinations for all 74600
ICFs/IID under this chapter. 74601

(2) If the department accepts, under division (A) of section 74602
5124.101 of the Revised Code, a cost report filed by the provider 74603
of a new ICF/IID, the department shall adjust the ICF/IID's 74604
initial total per medicaid day payment rate in accordance with 74605

divisions (E) and (F) of that section rather than division (D)(1) 74606
of this section. 74607

Sec. 5124.155. The total per medicaid day payment rate for 74608
ICF/IID services an ICF/IID in peer group 1 or peer group 2 74609
provides to a medicaid recipient who is admitted as a resident to 74610
the ICF/IID on or after July 1, 2015, and is placed in the ~~chronic~~ 74611
~~behaviors and typical adaptive needs classification or the typical~~ 74612
~~adaptive needs and non-significant behaviors~~ infrequent need for 74613
assistance classification established for the grouper methodology 74614
prescribed in rules authorized by section 5124.192 of the Revised 74615
Code shall be the lesser of the following: 74616

(A) The rate determined for the ICF/IID under section 5124.15 74617
of the Revised Code; 74618

(B) ~~The following rate:~~ 74619

~~(1) \$206.90 for ICF/IID services the ICF/IID provides to a 74620~~
~~medicaid recipient in the chronic behaviors and typical adaptive 74621~~
~~needs classification; 74622~~

~~(2) \$174.88 for ICF/IID services the ICF/IID provides to a 74623~~
~~medicaid recipient in the typical adaptive needs and 74624~~
~~non-significant behaviors classification \$179.06. 74625~~

Sec. 5124.17. (A) For each fiscal year, the department of 74626
developmental disabilities shall determine each ICF/IID's per 74627
medicaid day payment rate for reasonable capital costs. Except as 74628
otherwise provided in this chapter, an ICF/IID's rate shall be 74629
determined prospectively and based on the ICF/IID's capital costs 74630
for the calendar year preceding the fiscal year in which the rate 74631
will be paid. ~~Subject to section 5124.28 of the Revised Code, an~~ 74632
An ICF/IID's rate shall equal the sum of the following: 74633

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 74634
costs of ownership for the immediately preceding cost reporting 74635

period, limited as provided in divisions (B), (C), and (D) of this section; 74636
74637

(2) The ICF/IID's per medicaid day payment for the ICF/IID's per diem capitalized costs of nonextensive renovations determined under division (E)(1) of this section if the ICF/IID qualifies for a payment for such costs as specified in division (E)(2) of this section; 74638
74639
74640
74641
74642

(3) The ICF/IID's per medicaid day efficiency incentive determined under division (F) of this section. 74643
74644

(B) The costs of ownership per diem payment rates for ICFs/IID in peer group 1 shall not exceed the following limits as adjusted for inflation in accordance with division (G) of this section: 74645
74646
74647
74648

(1) For ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents; 74649
74650

(2) For ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding: 74651
74652

(a) Three dollars and fifty cents if the cost of construction was three thousand five hundred dollars or more per bed; 74653
74654

(b) Two dollars and fifty cents if the cost of construction was less than three thousand five hundred dollars per bed. 74655
74656

(3) For ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding: 74657
74658

(a) Four dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or more per bed; 74659
74660

(b) Three dollars and fifty cents if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed; 74661
74662
74663

(c) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed. 74664
74665

(4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	74666 74667
(a) Five dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or more per bed;	74668 74669
(b) Four dollars and fifty cents if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;	74670 74671 74672
(c) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;	74673 74674 74675
(d) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	74676 74677
(5) For ICFs/IID with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	74678 74679
(a) Six dollars if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	74680 74681
(b) Five dollars and fifty cents if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;	74682 74683 74684
(c) Four dollars and fifty cents if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;	74685 74686 74687
(d) Three dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;	74688 74689 74690
(e) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	74691 74692
(6) For ICFs/IID with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	74693 74694

(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	74695 74696 74697
(b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.	74698 74699
(7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	74700 74701
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	74702 74703 74704
(b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.	74705 74706 74707
(8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	74708 74709
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	74710 74711 74712
(b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.	74713 74714 74715
(9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	74716 74717
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	74718 74719 74720
(b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.	74721 74722
(10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	74723 74724

(a) Twelve dollars and twenty-four cents if the beds were	74725
originally licensed as residential facility beds by the department	74726
of developmental disabilities;	74727
(b) Seven dollars and twenty-three cents if the beds were	74728
originally licensed as nursing home beds by the department of	74729
health.	74730
(11) For ICFs/IID with dates of licensure after December 31,	74731
1984, but prior to January 1, 1986, not exceeding:	74732
(a) Twelve dollars and fifty-three cents if the beds were	74733
originally licensed as residential facility beds by the department	74734
of developmental disabilities;	74735
(b) Seven dollars and forty cents if the beds were originally	74736
licensed as nursing home beds by the department of health.	74737
(12) For ICFs/IID with dates of licensure after December 31,	74738
1985, but prior to January 1, 1987, not exceeding:	74739
(a) Twelve dollars and seventy cents if the beds were	74740
originally licensed as residential facility beds by the department	74741
of developmental disabilities;	74742
(b) Seven dollars and fifty cents if the beds were originally	74743
licensed as nursing home beds by the department of health.	74744
(13) For ICFs/IID with dates of licensure after December 31,	74745
1986, but prior to January 1, 1988, not exceeding:	74746
(a) Twelve dollars and ninety-nine cents if the beds were	74747
originally licensed as residential facility beds by the department	74748
of developmental disabilities;	74749
(b) Seven dollars and sixty-seven cents if the beds were	74750
originally licensed as nursing home beds by the department of	74751
health.	74752
(14) For ICFs/IID with dates of licensure after December 31,	74753
1987, but prior to January 1, 1989, not exceeding thirteen dollars	74754

and twenty-six cents; 74755

(15) For ICFs/IID with dates of licensure after December 31, 74756
1988, but prior to January 1, 1990, not exceeding thirteen dollars 74757
and forty-six cents; 74758

(16) For ICFs/IID with dates of licensure after December 31, 74759
1989, but prior to January 1, 1991, not exceeding thirteen dollars 74760
and sixty cents; 74761

(17) For ICFs/IID with dates of licensure after December 31, 74762
1990, but prior to January 1, 1992, not exceeding thirteen dollars 74763
and forty-nine cents; 74764

(18) For ICFs/IID with dates of licensure after December 31, 74765
1991, but prior to January 1, 1993, not exceeding thirteen dollars 74766
and sixty-seven cents; 74767

(19) For ICFs/IID with dates of licensure after December 31, 74768
1992, not exceeding fourteen dollars and twenty-eight cents. 74769

(C)(1) The costs of ownership per diem payment rate for an 74770
ICF/IID in peer group 2 shall not exceed the following limits: 74771

(a) Eighteen dollars and thirty cents as adjusted for 74772
inflation pursuant to division (C)(2) of this section if any of 74773
the following apply to the ICF/IID: 74774

(i) The ICF/IID has a date of licensure, or was granted 74775
project authorization by the department of developmental 74776
disabilities, before July 1, 1993. 74777

(ii) The ICF/IID has a date of licensure, or was granted 74778
project authorization by the department, on or after July 1, 1993, 74779
and the provider demonstrates that the provider made substantial 74780
commitments of funds for the ICF/IID before that date. 74781

(iii) The ICF/IID has a date of licensure, or was granted 74782
project authorization by the department, on or after July 1, 1993, 74783
the provider made no substantial commitment of funds for the 74784

ICF/IID before that date, and the department of job and family 74785
services or department of developmental disabilities gave prior 74786
approval for the ICF/IID's construction. 74787

(b) If division (C)(1)(a) of this section does not apply to 74788
the ICF/IID, the amount that would apply to the ICF/IID under 74789
division (B) of this section if it were in peer group 1. 74790

(2) The eighteen-dollar and thirty-cent payment rate 74791
specified in division (C)(1)(a) of this section shall be increased 74792
as follows: 74793

(a) For the period beginning June 30, 1990, and ending July 74794
1, 1993, by the change in the "Dodge building cost indexes, 74795
northeastern and north central states," published by Marshall and 74796
Swift; 74797

(b) For each fiscal year thereafter, in accordance with 74798
division (G) of this section. 74799

(D) The costs of ownership per diem payment rate for an 74800
ICF/IID in peer group 3 shall not exceed the amount that is used 74801
for the purpose of division (C)(1)(a) of this section and is in 74802
effect on July 1, 2014. That rate shall be increased each fiscal 74803
year that begins after ~~the effective date of this section~~ 74804
September 15, 2014, in accordance with division (G) of this 74805
section. 74806

(E)(1) Beginning January 1, 1981, regardless of the original 74807
date of licensure, the payment rate for the per diem capitalized 74808
costs of nonextensive renovations made after January 1, 1981, to a 74809
qualifying ICF/IID, shall not exceed six dollars per medicaid day 74810
using 1980 as the base year and adjusting the amount annually 74811
until June 30, 1993, for fluctuations in construction costs 74812
calculated by the department using the "Dodge building cost 74813
indexes, northeastern and north central states," published by 74814
Marshall and Swift. The payment rate shall be further adjusted in 74815

accordance with division (G) of this section. The payment provided 74816
for in this division is the only payment that shall be made for an 74817
ICF/IID's capitalized costs of nonextensive renovations. Costs of 74818
nonextensive renovations shall not be included in costs of 74819
ownership and shall not affect the date of licensure for purposes 74820
of division (B) or (C) of this section. This division applies to 74821
nonextensive renovations regardless of whether they are made by an 74822
owner or a lessee. If the tenancy of a lessee that has made 74823
nonextensive renovations ends before the depreciation expense for 74824
the costs of nonextensive renovations has been fully reported, the 74825
former lessee shall not report the undepreciated balance as an 74826
expense. 74827

(2) An ICF/IID qualifies for a payment for costs of 74828
nonextensive renovations if all of the following apply: 74829

(a) Either of the following applies: 74830

(i) The ICF/IID is in peer group 1 and either the department 74831
approved the nonextensive renovation before July 1, 2013, or the 74832
nonextensive renovation is part of a project that results in the 74833
ICF/IID becoming a downsized ICF/IID or partially converted 74834
ICF/IID. 74835

(ii) The ICF/IID is in peer group 2 or peer group 3. 74836

(b) At least five years have elapsed since the ICF/IID's date 74837
of licensure or date of an extensive renovation of the portion of 74838
the ICF/IID that is proposed to be nonextensively renovated, 74839
unless the nonextensive renovation is necessary to meet the 74840
requirements of federal, state, or local statutes, ordinances, 74841
rules, or policies. 74842

(c) The provider of the ICF/IID does both of the following: 74843

(i) Submits to the department a plan that describes in detail 74844
the changes in capital assets to be accomplished by means of the 74845
nonextensive renovation and the timetable for completing the 74846

project, which shall be not more than eighteen months after the 74847
nonextensive renovation begins; 74848

(ii) Obtains prior approval from the department for the 74849
nonextensive renovation. 74850

(3) The director of developmental disabilities shall adopt 74851
rules under section 5124.03 of the Revised Code that specify 74852
criteria and procedures for prior approval of nonextensive 74853
renovation and extensive renovation projects. No provider shall 74854
separate a project with the intent to evade the characterization 74855
of the project as a nonextensive renovation or as an extensive 74856
renovation. No provider shall increase the scope of a project 74857
after it is approved by the department unless the increase in 74858
scope is approved by the department. 74859

(F)(1) Subject to division (F)(2) of this section, an 74860
ICF/IID's per medicaid day efficiency incentive payment rate shall 74861
equal the following percentage of the difference between the 74862
ICF/IID's desk-reviewed, actual, allowable per diem costs of 74863
ownership and the applicable limit on costs of ownership payment 74864
rates established by division (B) of this section: 74865

(a) In the case of an ICF/IID in peer group 1, the following 74866
percentage: 74867

(i) Fifty per cent if the provider of the ICF/IID obtains the 74868
department's approval to become a downsized ICF/IID and the 74869
approval is conditioned on the downsizing being completed not 74870
later than July 1, 2018; 74871

(ii) Twenty-five per cent if division (F)(1)(a)(i) of this 74872
section does not apply; 74873

(b) In the case of an ICF/IID in peer group 2 or peer group 74874
3, fifty per cent. 74875

(2) The efficiency incentive payment rate for an ICF/IID in 74876

peer group 2 or peer group 3 shall not exceed three dollars per 74877
medicaid day, adjusted annually in accordance with division (G) of 74878
this section. For the purpose of determining an ICF/IID's 74879
efficiency incentive payment rate, both of the following apply: 74880

(a) Depreciation for costs paid or reimbursed by any 74881
government agency shall be considered as a cost of ownership; 74882

(b) The applicable limit under division (B) of this section 74883
shall apply to all ICFs/IID regardless of which peer group they 74884
are in. 74885

(G) The amounts specified in divisions (B), (C), (D), (E), 74886
and (F) of this section shall be adjusted beginning on the first 74887
day of each fiscal year for the estimated inflation rate for the 74888
twelve-month period beginning on the first day of July of the 74889
calendar year immediately preceding the calendar year that 74890
immediately precedes the fiscal year for which rate will be paid 74891
and ending on the thirtieth day of the following June, using the 74892
consumer price index for shelter costs for all urban consumers for 74893
the midwest region, as published by the United States bureau of 74894
labor statistics. 74895

(H) Notwithstanding divisions (C) and (E) of this section, 74896
the total payment rate for costs of ownership, capitalized costs 74897
of nonextensive renovations, and the efficiency incentive for an 74898
ICF/IID in peer group 2 shall not exceed the sum of the 74899
limitations specified in divisions (C) and (E) of this section. 74900
Notwithstanding divisions (D) and (E) of this section, the total 74901
payment rate for costs of ownership, capitalized costs of 74902
nonextensive renovations, and the efficiency incentive for an 74903
ICF/IID in peer group 3 shall not exceed the sum of the 74904
limitations specified in divisions (D) and (E) of this section. 74905

(I)(1) For the purpose of determining ICFs/IID's medicaid 74906
payment rates for capital costs: 74907

(a) Buildings shall be depreciated using the straight line 74908
method over forty years or over a different period approved by the 74909
department. 74910

(b) Components and equipment shall be depreciated using the 74911
straight line method over a period designated by the director of 74912
developmental disabilities in rules adopted under section 5124.03 74913
of the Revised Code, consistent with the guidelines of the 74914
American hospital association, or over a different period approved 74915
by the department. 74916

(2) Any rules authorized by division (I)(1) of this section 74917
that specify useful lives of buildings, components, or equipment 74918
apply only to assets acquired on or after July 1, 1993. 74919
Depreciation for costs paid or reimbursed by any government agency 74920
shall not be included in costs of ownership or costs of 74921
nonextensive renovations unless that part of the payment under 74922
this chapter is used to reimburse the government agency. 74923

(J)(1) Except as provided in division (J)(2) of this section, 74924
if a provider leases or transfers an interest in an ICF/IID to 74925
another provider who is a related party, the related party's 74926
allowable costs of ownership shall include the lesser of the 74927
following: 74928

(a) The annual lease expense or actual cost of ownership, 74929
whichever is applicable; 74930

(b) The reasonable cost to the lessor or provider making the 74931
transfer. 74932

(2) If a provider leases or transfers an interest in an 74933
ICF/IID to another provider who is a related party, regardless of 74934
the date of the lease or transfer, the related party's allowable 74935
cost of ownership shall include the annual lease expense or actual 74936
cost of ownership, whichever is applicable, subject to the 74937
limitations specified in divisions (B) to (I) of this section, if 74938

all of the following conditions are met: 74939

(a) The related party is a relative of owner; 74940

(b) In the case of a lease, if the lessor retains any 74941
ownership interest, it is, except as provided in division 74942
(J)(2)(d)(ii) of this section, in only the real property and any 74943
improvements on the real property; 74944

(c) In the case of a transfer, the provider making the 74945
transfer retains, except as provided in division (J)(2)(d)(iv) of 74946
this section, no ownership interest in the ICF/IID; 74947

(d) The department determines that the lease or transfer is 74948
an arm's length transaction pursuant to rules adopted under 74949
section 5124.03 of the Revised Code. The rules shall provide that 74950
a lease or transfer is an arm's length transaction if all of the 74951
following, as applicable, apply: 74952

(i) In the case of a lease, once the lease goes into effect, 74953
the lessor has no direct or indirect interest in the lessee or, 74954
except as provided in division (J)(2)(b) of this section, the 74955
ICF/IID itself, including interest as an owner, officer, director, 74956
employee, independent contractor, or consultant, but excluding 74957
interest as a lessor. 74958

(ii) In the case of a lease, the lessor does not reacquire an 74959
interest in the ICF/IID except through the exercise of a lessor's 74960
rights in the event of a default. If the lessor reacquires an 74961
interest in the ICF/IID in this manner, the department shall treat 74962
the ICF/IID as if the lease never occurred when the department 74963
determines its payment rate for capital costs. 74964

(iii) In the case of a transfer, once the transfer goes into 74965
effect, the provider that made the transfer has no direct or 74966
indirect interest in the provider that acquires the ICF/IID or the 74967
ICF/IID itself, including interest as an owner, officer, director, 74968
employee, independent contractor, or consultant, but excluding 74969

interest as a creditor. 74970

(iv) In the case of a transfer, the provider that made the 74971
transfer does not reacquire an interest in the ICF/IID except 74972
through the exercise of a creditor's rights in the event of a 74973
default. If the provider reacquires an interest in the ICF/IID in 74974
this manner, the department shall treat the ICF/IID as if the 74975
transfer never occurred when the department determines its payment 74976
rate for capital costs. 74977

(v) The lease or transfer satisfies any other criteria 74978
specified in the rules. 74979

(e) Except in the case of hardship caused by a catastrophic 74980
event, as determined by the department, or in the case of a lessor 74981
or provider making the transfer who is at least sixty-five years 74982
of age, not less than twenty years have elapsed since, for the 74983
same ICF/IID, allowable cost of ownership was determined most 74984
recently under this division. 74985

Sec. 5124.19. (A)(1) For each fiscal year, the department of 74986
developmental disabilities shall determine each ICF/IID's per 74987
medicaid day payment rate for direct care costs as follows: 74988

(a) Multiply the lesser of the following by the ICF/IID's 74989
annual average case-mix score determined or assigned under section 74990
5124.192 of the Revised Code for the calendar year immediately 74991
preceding the fiscal year for which the rate will be paid: 74992

(i) The ICF/IID's cost per case-mix unit for the calendar 74993
year immediately preceding the fiscal year for which the rate will 74994
be paid, as determined under division (B) of this section; 74995

(ii) The maximum cost per case-mix unit for the ICF/IID's 74996
peer group for the fiscal year for which the rate will be paid, as 74997
set under division (C) of this section; 74998

(b) Adjust the product determined under division (A)(1)(a) of 74999

this section by the inflation rate estimated under division (D)(1) 75000
of this section and modified under division (D)(2) of this 75001
section. 75002

(2) Except as otherwise directed by law enacted by the 75003
general assembly, the department shall determine each ICF/IID's 75004
rate for direct care costs prospectively. 75005

(B) To determine an ICF/IID's cost per case-mix unit for the 75006
calendar year immediately preceding the fiscal year in which the 75007
rate will be paid, the department shall divide the ICF/IID's 75008
desk-reviewed, actual, allowable, per diem direct care costs for 75009
that calendar year by its annual average case-mix score determined 75010
under section 5124.192 of the Revised Code for the same calendar 75011
year. 75012

(C)(1) For each fiscal year for which a rate will be paid, 75013
~~the department shall set the maximum cost per case-mix unit for~~ 75014
~~ICFs/IID an ICF/IID in peer group 1 at a percentage, peer group 2,~~ 75015
~~peer group 3, or peer group 4 shall be seven per cent above the~~ 75016
~~cost per case-mix unit determined under division (B) of this~~ 75017
~~section for the ICF/IID in peer group 1 that has the peer group's~~ 75018
~~that is the median number of medicaid days cost per case-mix unit~~ 75019
~~for the ICF/IID's peer group for the calendar year immediately~~ 75020
~~preceding the fiscal year in which the rate will be paid. The~~ 75021
~~percentage shall be no less than twenty-two and forty-six~~ 75022
~~hundredths per cent.~~ 75023

(2) ~~For each fiscal year for which a rate will be paid, the~~ 75024
~~department shall set the maximum cost per case-mix unit for~~ 75025
~~ICFs/IID in peer group 2 at a percentage above the cost per~~ 75026
~~case-mix unit determined under division (B) of this section for~~ 75027
~~the ICF/IID in peer group 2 that has the peer group's median~~ 75028
~~number of medicaid days for the calendar year immediately~~ 75029
~~preceding the fiscal year in which the rate will be paid. The~~ 75030
~~percentage shall be no less than eighteen and eight-tenths per~~ 75031

cent. 75032

(3) For each fiscal year for which a rate will be paid, the 75033
department shall set the maximum cost per case-mix unit for 75034
ICFs/IID in peer group 3 5 at the ninety-fifth percentile of all 75035
ICFs/IID in peer group 3 5 for the calendar year immediately 75036
preceding the fiscal year in which the rate will be paid. 75037

(4)(3) In determining the maximum cost per case-mix unit 75038
under ~~divisions~~ division (C)(1) and (2) of this section for peer 75039
group 1 and peer group 2, the department shall exclude from its 75040
determinations the cost per case-mix unit of any ICF/IID in peer 75041
group 1 or peer group 2 that participated in the medicaid program 75042
under the same provider for less than twelve months during the 75043
calendar year immediately preceding the fiscal year in which the 75044
rate will be paid. 75045

(5)(4) The department shall not reset a peer group's maximum 75046
cost per case-mix unit for a fiscal year under division (C)(1), 75047
(2), or (3) of this section based on additional information that 75048
it receives after it sets the maximum for that fiscal year. The 75049
department shall reset a peer group's maximum cost per case-mix 75050
unit for a fiscal year only if it made an error in setting the 75051
maximum for that fiscal year based on information available to the 75052
department at the time it originally sets the maximum for that 75053
fiscal year. 75054

(D)(1) The department shall estimate the rate of inflation 75055
for the eighteen-month period beginning on the first day of July 75056
of the calendar year preceding the fiscal year in which a rate 75057
will be paid and ending on the thirty-first day of December of the 75058
fiscal year in which the rate will be paid, using the following: 75059

(a) Subject to division (D)(1)(b) of this section, the 75060
employment cost index for total compensation, health care and 75061
social assistance component, published by the United States bureau 75062

of labor statistics; 75063

(b) If the United States bureau of labor statistics ceases to 75064
publish the index specified in division (D)(1)(a) of this section, 75065
the index that is subsequently published by the bureau and covers 75066
the staff costs of ICFs/IID. 75067

(2) If the estimated inflation rate for the eighteen-month 75068
period specified in division (D)(1) of this section is different 75069
from the actual inflation rate for that period, as measured using 75070
the same index, the difference shall be added to or subtracted 75071
from the inflation rate estimated under division (D)(1) of this 75072
section for the following fiscal year. 75073

Sec. 5124.191. Each calendar quarter, each ICF/IID provider 75074
shall ~~compile~~ ensure complete assessment data is compiled for each 75075
resident of each of the provider's ICFs/IID, regardless of payment 75076
source, who is in the ICF/IID, or on ~~hospital or therapeutic leave~~ 75077
a temporary absence from the ICF/IID that qualifies for payments 75078
under section 5124.34 of the Revised Code, on the last day of the 75079
quarter. A resident assessment instrument specified in rules 75080
adopted under section 5124.03 of the Revised Code shall be used to 75081
compile the resident assessment data. Each provider shall submit 75082
the resident assessment data to the department of developmental 75083
disabilities not later than fifteen days after the end of the 75084
calendar quarter for which the data is compiled, unless the most 75085
recently submitted resident assessment data remains accurate for 75086
each resident. The resident assessment data shall be submitted to 75087
the department through the medium or media specified in rules 75088
adopted under section 5124.03 of the Revised Code. 75089

Sec. 5124.21. (A) For each fiscal year, the department of 75090
developmental disabilities shall determine each ICF/IID's per 75091
medicaid day payment rate for indirect care costs. Except as 75092

otherwise provided in this chapter, an ICF/IID's rate shall be 75093
determined prospectively. ~~Subject to section 5124.28 of the~~ 75094
~~Revised Code, an~~ An ICF/IID's rate shall be the lesser of the 75095
individual rate determined under division (B) of this section and 75096
the maximum rate determined for the ICF/IID's peer group under 75097
division (C) of this section. 75098

(B) An ICF/IID's individual rate is the sum of the following: 75099

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 75100
indirect care costs from the calendar year immediately preceding 75101
the fiscal year in which the rate will be paid, adjusted for the 75102
inflation rate estimated under division (E)(1) of this section; 75103

(2) Subject to division (D) of this section, an efficiency 75104
incentive equal to the difference between the amount of the per 75105
diem indirect care costs determined for the ICF/IID under division 75106
(B)(1) of this section for the fiscal year in which the rate will 75107
be paid and the maximum rate established for the ICF/IID's peer 75108
group under division (C) of this section for that fiscal year. 75109

(C)(1) The maximum rate for indirect care costs for each 75110
ICF/IID in peer group 1 shall be ~~determined as follows:~~ 75111

~~(a) For each fiscal year ending in an even-numbered calendar~~ 75112
~~year, the maximum rate for ICFs/IID in peer group 1 shall be the~~ 75113
rate that is no less than twelve three and four-tenths one-half 75114
per cent above the median desk-reviewed, actual, allowable, per 75115
diem indirect care cost for all ICFs/IID in peer group 1 75116
(excluding ICFs/IID in peer group 1 whose indirect care costs for 75117
that period are more than three standard deviations from the mean 75118
desk-reviewed, actual, allowable, per diem indirect care cost for 75119
all ICFs/IID in peer group 1) for the calendar year immediately 75120
preceding the fiscal year in which the rate will be paid, adjusted 75121
by the inflation rate estimated under division (E)(1) of this 75122
section. 75123

~~(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for ICFs/IID in peer group 1 is the maximum rate for ICFs/IID in peer group 1 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.~~

(2) The maximum rate for indirect care costs for ICFs/IID in peer group 2 ~~or, peer group 3, peer group 4, or peer group 5~~ shall be determined as follows:

~~(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 shall be the rate that is no less than ten and three-tenths seven per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in the ICF/IID's peer group 2 or peer group 3 (excluding ICFs/IID in peer group 2 or peer group 3 whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in each peer group 2 or peer group 3) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division (E)(1) of this section.~~

~~(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for ICFs/IID in peer group 2 or peer group 3 is the maximum rate for ICFs/IID in peer group 2 or peer group 3 for the previous fiscal year, adjusted for the inflation rate estimated under division (E)(2) of this section.~~

(3) The department shall not redetermine a maximum rate for indirect care costs under division (C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department

at the time of the original calculation. 75156

(D)(1) The efficiency incentive for an ICF/IID in peer group 1 or peer group 2 shall not exceed the following: 75157
75158

(a) For fiscal year ~~2014, seven~~ 2019, the following amount: 75159

(i) ~~Two and one-tenth~~ one-half per cent of the maximum rate 75160
established for ~~ICFs/IID in the ICF/IID's~~ peer group ~~±~~ under 75161
division (C) of this section; 75162

~~(b) For fiscal year 2015, the following amount:~~ 75163

~~(i) The amount calculated for fiscal year 2014 under division~~ 75164
~~(D)(1)(a) of this section~~ if the provider of the ICF/IID obtains 75165
the department's approval to become a downsized or partially 75166
converted ICF/IID and the approval is conditioned on the 75167
downsizing or conversion being completed not later than July 1, 75168
2018; 75169

(ii) ~~One-half~~ One and one-quarter per cent of the amount 75170
~~calculated for fiscal year 2014~~ maximum rate established for the 75171
ICF/IID's peer group under division ~~(D)(1)(a)(C)~~ of this section 75172
if division (D)(1)~~(b)~~(a)(i) of this section does not apply to the 75173
ICF/IID. 75174

~~(c)(b)~~ For fiscal year ~~2016~~ (2020) and each fiscal year 75175
thereafter ~~ending in an even-numbered calendar year, the following~~ 75176
~~percentages~~ two and one-half per cent of the maximum rate 75177
established for ~~ICFs/IID in the ICF/IID's~~ peer group ~~±~~ under 75178
division (C) of this section; 75179

~~(i) Seven and one-tenth per cent if the provider of the~~ 75180
~~ICF/IID obtains the department's approval to become a downsized~~ 75181
~~ICF/IID and the approval is conditioned on the downsizing being~~ 75182
~~completed not later than July 1, 2018;~~ 75183

~~(ii) Three and fifty-five hundredths per cent if division~~ 75184
~~(D)(1)(c)(i) of this section does not apply to the ICF/IID.~~ 75185

~~(d) For fiscal year 2017 and each fiscal year thereafter~~ 75186
~~ending in an odd-numbered calendar year, the amount calculated for~~ 75187
~~the immediately preceding fiscal year under division (D)(1)(c) of~~ 75188
~~this section.~~ 75189

(2) The efficiency incentive for an ICF/IID in ~~peer group 2~~ 75190
~~or peer group 3 shall not exceed the following:~~ 75191

~~(a) For each fiscal year ending in an even-numbered calendar~~ 75192
~~year, seven two and one-half per cent of the maximum rate~~ 75193
~~established for ICFs/IID in peer group 2 or peer group 3 under~~ 75194
~~division (C) of this section;~~ 75195

~~(b) For each fiscal year ending in an odd-numbered calendar~~ 75196
~~year, the amount calculated for the immediately preceding fiscal~~ 75197
~~year under division (D)(2)(a) of this section.~~ 75198

(3) The efficiency incentive for an ICF/IID in peer group 4 75199
or peer group 5 shall not exceed five per cent of the maximum rate 75200
established for the ICF/IID's peer group under division (C) of 75201
this section. 75202

(E)(1) When adjusting rates for inflation under divisions 75203
(B)(1), (C)(1)~~(a)~~, and (C)(2)~~(a)~~ of this section, the department 75204
shall estimate the rate of inflation for the eighteen-month period 75205
beginning on the first day of July of the calendar year 75206
immediately preceding the fiscal year in which the rate will be 75207
paid and ending on the thirty-first day of December of the fiscal 75208
year in which the rate will be paid. To estimate the rate of 75209
inflation, the department shall use the following: 75210

(a) Subject to division (E)(1)(b) of this section, the 75211
consumer price index for all items for all urban consumers for the 75212
midwest region, published by the United States bureau of labor 75213
statistics; 75214

(b) If the United States bureau of labor statistics ceases to 75215
publish the index specified in division (E)(1)(a) of this section, 75216

a comparable index that the bureau publishes and the department
determines is appropriate. 75217
75218

~~(2) When adjusting rates for inflation under divisions 75219
(C)(1)(b) and (C)(2)(b) of this section, the department shall 75220
estimate the rate of inflation for the twelve month period 75221
beginning on the first day of January of the fiscal year 75222
immediately preceding the fiscal year in which the rate will be 75223
paid and ending on the thirty first day of December of the fiscal 75224
year in which the rate will be paid. To estimate the rate of 75225
inflation, the department shall use the following: 75226~~

~~(a) Subject to division (E)(2)(b) of this section, the 75227
consumer price index for all items for all urban consumers for the 75228
midwest region, published by the United States bureau of labor 75229
statistics; 75230~~

~~(b) If the United States bureau of labor statistics ceases to 75231
publish the index specified in division (E)(2)(a) of this section, 75232
a comparable index that the bureau publishes and the department 75233
determines is appropriate. 75234~~

~~(3) If an inflation rate estimated under division (E)(1) or 75235
(2) of this section is different from the actual inflation rate 75236
for the relevant time period, as measured using the same index, 75237
the difference shall be added to or subtracted from the inflation 75238
rate estimated pursuant to this division for the following fiscal 75239
year. 75240~~

Sec. 5124.25. (A) For fiscal year 2020 and each fiscal year 75241
thereafter, the department of developmental disabilities shall 75242
determine a per medicaid day quality incentive payment rate add on 75243
for each ICF/IID that qualifies for the add on for the fiscal 75244
year. 75245

(B) To qualify for a quality incentive payment rate add on 75246

for fiscal year 2020, an ICF/IID must do all of the following in 75247
accordance with rules authorized by this section: 75248

(1) Beginning January 1, 2018, participate in the collection 75249
of data; 75250

(2) Submit to the department a report of the data not later 75251
than June 30, 2018; 75252

(3) Earn for the fiscal year at least one point for meeting 75253
quality indicators established in rules authorized by this 75254
section. 75255

(C) To qualify for a quality incentive payment rate add on 75256
for fiscal year 2021 and each subsequent fiscal year, an ICF/IID 75257
must earn for the fiscal year for which the add on is to be paid 75258
at least one point for meeting quality indicators established in 75259
rules authorized by this section. 75260

(D) For fiscal year 2020 and each subsequent fiscal year, 75261
each ICF/IID's quality incentive payment rate add on shall equal 75262
the product of the following: 75263

(1) The relative point value determined under division (E) of 75264
this section for the fiscal year; 75265

(2) The number of quality indicator points the ICF/IID earns 75266
for the fiscal year. 75267

(E) The relative point value for a fiscal year shall be 75268
determined as follows: 75269

(1) For each ICF/IID, determine the product of the following: 75270

(a) The number of inpatient days the ICF/IID would have had 75271
for the reporting period if its occupancy rate had been one 75272
hundred per cent; 75273

(b) The number of quality indicator points the ICF/IID earns 75274
for the fiscal year. 75275

<u>(2) Determine the sum of the products determined under</u>	75276
<u>division (E)(1) of this section for all ICFs/IID;</u>	75277
<u>(3) Divide the total amount of funds available for quality</u>	75278
<u>incentive payments for the fiscal year by the sum determined under</u>	75279
<u>division (E)(2) of this section.</u>	75280
<u>(F) The director of developmental disabilities shall adopt</u>	75281
<u>rules under section 5124.03 of the Revised Code as necessary to</u>	75282
<u>implement this section. The rules shall do both of the following:</u>	75283
<u>(1) For the purpose of division (B) of this section, specify</u>	75284
<u>the data to be collected and the medium through which the report</u>	75285
<u>of the data is to be submitted to the department;</u>	75286
<u>(2) For the purpose of divisions (B)(3) and (C) of this</u>	75287
<u>section, establish or specify all of the following:</u>	75288
<u>(a) Quality indicators;</u>	75289
<u>(b) The method by which ICFs/IID earn points for meeting the</u>	75290
<u>quality indicators;</u>	75291
<u>(c) The medium through which an ICF/IID is to submit to the</u>	75292
<u>department satisfactory evidence that the ICF/IID has met the</u>	75293
<u>quality indicators.</u>	75294
Sec. ~~5124.25~~ 5124.26. (A) Subject to division (D) of this	75295
section, the department of developmental disabilities may pay a	75296
medicaid rate add-on to an ICF/IID provider for outlier ICF/IID	75297
services the ICF/IID provides to qualifying ventilator-dependent	75298
residents on or after ~~the effective date of this section~~ <u>September</u>	75299
<u>29, 2013</u> , if the provider applies to the department of	75300
developmental disabilities to receive the rate add-on and the	75301
department approves the application. The department of	75302
developmental disabilities may approve a provider's application if	75303
both of the following apply:	75304
(1) The provider submits to the department of developmental	75305

disabilities a best practices protocol for providing outlier 75306
ICF/IID services under this section and the department of 75307
developmental disabilities determines that the protocol is 75308
acceptable; 75309

(2) The provider and ICF/IID meet all other eligibility 75310
requirements for the rate add-on established in rules authorized 75311
by this section. 75312

(B) An ICF/IID that has been approved by the department of 75313
developmental disabilities to provider outlier ICF/IID services 75314
under this section shall provide the services in accordance with 75315
both of the following: 75316

(1) The best practices protocol the department of 75317
developmental disabilities determined is acceptable; 75318

(2) Requirements regarding the services established in rules 75319
authorized by this section. 75320

(C) To qualify to receive outlier ICF/IID services from an 75321
ICF/IID under this section, a resident of the ICF/IID must be a 75322
medicaid recipient, ~~be under twenty-two years of age,~~ be dependent 75323
on a ventilator, and meet all other eligibility requirements 75324
established in rules authorized by this section. 75325

(D) The department of developmental disabilities shall 75326
negotiate the amount of the medicaid payment rate add-on, if any, 75327
to be paid under this section, or the method by which that amount 75328
is to be determined, with the department of medicaid. The 75329
department of developmental disabilities shall not pay the rate 75330
add-on unless the department of medicaid has approved the amount 75331
of the rate add-on or method by which the amount is to be 75332
determined. 75333

Sec. 5124.30. ~~Except as provided in section 5124.17 of the~~ 75334
~~Revised Code, the~~ The costs of goods, services, and facilities, 75335

furnished to an ICF/IID provider by a related party are includable 75336
in the allowable costs of the provider at the reasonable cost to 75337
the related party. 75338

Sec. 5124.38. (A) The director of developmental disabilities 75339
shall establish a process under which an ICF/IID provider, or a 75340
group or association of ICF/IID providers, may seek 75341
reconsideration of medicaid payment rates established under this 75342
chapter, including a rate for direct care costs redetermined 75343
before the effective date of the rate as a result of an exception 75344
review conducted under section 5124.193 of the Revised Code. 75345
Except as provided in divisions (B) to ~~(D)~~(C) of this section, the 75346
only issue that a provider, group, or association may raise in the 75347
rate reconsideration is whether the rate was calculated in 75348
accordance with this chapter and the rules adopted under section 75349
5124.03 of the Revised Code. The provider, group, or association 75350
may submit written arguments or other materials that support its 75351
position. The provider, group, or association and department shall 75352
take actions regarding the rate reconsideration within time frames 75353
specified in rules authorized by this section. 75354

If the department determines, as a result of the rate 75355
reconsideration, that the rate established for one or more 75356
ICFs/IID is less than the rate to which the ICF/IID is entitled, 75357
the department shall increase the rate. If the department has paid 75358
the incorrect rate for a period of time, the department shall pay 75359
the provider of the ICF/IID the difference between the amount the 75360
provider was paid for that period for the ICF/IID and the amount 75361
the provider should have been paid for the ICF/IID. 75362

(B)(1) The department, through the rate reconsideration 75363
process, may increase during a fiscal year the medicaid payment 75364
rate determined for an ICF/IID under this chapter if the provider 75365
demonstrates that the ICF/IID's actual, allowable costs have 75366

increased because of any of the following extreme circumstances: 75367

(a) A natural disaster; 75368

(b) A ~~nonextensive renovation approved~~ change of twenty-five 75369
per cent or greater between the ICF/IID's most recent case-mix 75370
score and the ICF/IID's case-mix score for the immediately 75371
preceding calendar quarter determined ~~under division (E) of~~ 75372
~~section 5124.17~~ 5124.192 of the Revised Code; 75373

(c) If the ICF/IID has an appropriate claims management 75374
program, an increase in the ICF/IID's workers' compensation 75375
experience rating of greater than five per cent; 75376

(d) If the ICF/IID is an inner-city ICF/IID, increased 75377
security costs; 75378

(e) A change of ownership that results from bankruptcy, 75379
foreclosure, or findings by the department of health of violations 75380
of medicaid certification requirements; 75381

(f) Other extreme circumstances specified in rules authorized 75382
by this section. 75383

(2) An ICF/IID may qualify for a rate increase under this 75384
division only if its per diem, actual, allowable costs have 75385
increased to a level that exceeds its total rate. An increase 75386
under this division is subject to any rate limitations or maximum 75387
rates established by this chapter for specific cost centers. Any 75388
rate increase granted under this division shall take effect on the 75389
first day of the first month after the department receives the 75390
request. 75391

(C) The department, through the rate reconsideration process, 75392
may increase an ICF/IID's rate as determined under this chapter if 75393
the department, in the department's sole discretion, determines 75394
that the rate as determined under those sections works an extreme 75395
hardship on the ICF/IID. 75396

~~(D) When beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration process, may increase the ICF/IID's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. If the department makes this increase, it shall make the increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/IID shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/IID is operated by the same provider, the provider shall subtract from the interest costs it reports on its cost report an amount equal to the difference between the following:~~

~~(1) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;~~

~~(2) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.~~

~~(E)~~ The department's decision at the conclusion of the reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

~~(F)~~(E) The director of developmental disabilities shall adopt

rules under section 5124.03 of the Revised Code as necessary to 75429
implement this section. 75430

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) 75431
of this section, if the provider of an ICF/IID in peer group 1 75432
obtained approval from the department of developmental 75433
disabilities to become a downsized ICF/IID not later than July 1, 75434
2018, and the ICF/IID does not become a downsized ICF/IID by that 75435
date, the department shall recoup from the provider an amount 75436
equal to the sum of the following: 75437

(1) The difference between the amount of the efficiency 75438
incentive payments the ICF/IID earned under sections 5124.17 and 75439
5124.21 of the Revised Code before July 1, 2018, because the 75440
provider obtained such approval and the amount of the efficiency 75441
incentive payments the ICF/IID would have earned under those 75442
sections before that date had the provider not obtained such 75443
approval; 75444

(2) An amount of interest on the difference determined under 75445
division (A)(1) of this section. 75446

(B) The department shall exempt an ICF/IID provider from a 75447
recoupment otherwise required by this section if the provider 75448
voluntarily repays the department the difference determined under 75449
division (A)(1) of this section. No interest shall be charged on 75450
the amount voluntarily repaid. 75451

(C) The department may exempt an ICF/IID provider from a 75452
recoupment otherwise required by this section if both of the 75453
following apply: 75454

(1) The provider, on or before July 1, 2018, demonstrates to 75455
the department's satisfaction that the provider made a good faith 75456
effort to complete the downsizing by July 1, 2018, but the ICF/IID 75457
did not become a downsized ICF/IID by that date for reasons beyond 75458

the provider's control; 75459

(2) The ICF/IID becomes a downsized ICF/IID within a period 75460
of time after July 1, 2018, that the department determines is 75461
reasonable. 75462

(D) An ICF/IID provider subject to a recoupment under 75463
division (A) of this section or voluntarily making a repayment 75464
under division (B) of this section shall choose one of the 75465
following methods by which the recoupment or voluntary repayment 75466
shall be made: 75467

(1) In a lump sum payment; 75468

(2) Subject to the department's approval, in installment 75469
payments; 75470

(3) In a single deduction from the next available medicaid 75471
payment made to the provider if that payment at least equals the 75472
total amount of the recoupment or voluntary repayment; 75473

(4) Subject to the department's approval, in installment 75474
deductions from medicaid payments made to the provider. 75475

(E) An ICF/IID provider may request that the director of 75476
developmental disabilities reconsider either or both of the 75477
following: 75478

(1) A decision that the provider is subject to a recoupment 75479
under this section; 75480

(2) A determination under this section of the amount to be 75481
recouped from the provider. 75482

(F) The director shall adopt rules under section 5124.03 of 75483
the Revised Code as necessary to implement this section, including 75484
rules specifying how the amount of interest charged under division 75485
(A)(2) of this section is to be determined. 75486

Sec. 5149.311. (A) The department of rehabilitation and 75487

correction shall establish and administer the probation 75488
improvement grant and the probation incentive grant for common 75489
pleas, municipal, and county court probation departments that 75490
supervise offenders sentenced by courts of common pleas ~~or,~~ 75491
municipal courts, or county courts. 75492

(B)(1) The probation improvement grant shall provide funding 75493
to common pleas, municipal, and county court probation departments 75494
to adopt policies and practices based on the latest research on 75495
how to reduce the number of offenders on probation supervision who 75496
violate the conditions of their supervision. 75497

(2) The department shall adopt rules for the distribution of 75498
the probation improvement grant, including ~~the~~ both of the 75499
following: 75500

(a) The formula for the allocation of the subsidy based on 75501
the number of offenders placed on probation annually in each 75502
jurisdiction; 75503

(b) The allocation of funds for the purpose of offsetting 75504
costs incurred by political subdivisions in relation to offenders 75505
who are prohibited from serving the term of imprisonment in an 75506
institution under the control of the department of rehabilitation 75507
and correction pursuant to division (B)(3)(a) of section 2929.34 75508
of the Revised Code. 75509

(C)(1) The probation incentive grant shall provide a 75510
performance-based level of funding to common pleas, municipal, and 75511
county court probation departments that are successful in reducing 75512
the number of offenders on probation supervision whose terms of 75513
supervision are revoked. 75514

(2) The department shall calculate annually any cost savings 75515
realized by the state from a reduction in the percentage of people 75516
who are incarcerated because their terms of supervised probation 75517

were revoked. The cost savings estimate shall be calculated for 75518
each jurisdiction served by the probation department eligible for 75519
a grant under this section and be based on the difference from 75520
fiscal year 2010 the average of such commitments from the five 75521
calendar years immediately preceding the calendar year in which 75522
application for the grant was made and the fiscal year under 75523
examination. 75524

(3) The department shall adopt rules that specify the subsidy 75525
amount to be appropriated to common pleas, municipal, and county 75526
court probation departments that successfully reduce the 75527
percentage of people on probation who are incarcerated because 75528
their terms of supervision are revoked. 75529

(D) The following stipulations apply to both the probation 75530
improvement grant and the probation incentive grant: 75531

(1) In order to be eligible for the probation improvement 75532
grant and the probation incentive grant, common pleas, municipal, 75533
and county courts must satisfy all requirements under sections 75534
2301.27 and 2301.30 of the Revised Code. Except for sentencing 75535
decisions made by a court when use of the risk assessment tool is 75536
discretionary, in order to be eligible for the probation 75537
improvement grant and the probation incentive grant, a court must 75538
utilize the single validated risk assessment tool selected by the 75539
department of rehabilitation and correction under section 5120.114 75540
of the Revised Code. 75541

(2) The department may deny a subsidy under this section to 75542
any applicant if the applicant fails to comply with the terms of 75543
any agreement entered into pursuant to any of the provisions of 75544
this section. 75545

(3) The department shall evaluate or provide for the 75546
evaluation of the policies, practices, and programs the common 75547
pleas, municipal, or county court probation departments utilize 75548

with the programs of subsidies established under this section and 75549
establish means of measuring their effectiveness. 75550

(4) The department shall specify the policies, practices, and 75551
programs for which common pleas, municipal, or county court 75552
probation departments may use the program subsidy and shall 75553
establish minimum standards of quality and efficiency that 75554
recipients of the subsidy must follow. The department shall give 75555
priority to supporting evidence-based policies and practices, as 75556
defined by the department. 75557

Sec. 5160.01. As used in this chapter: 75558

(A) "Dual eligible individual" has the same meaning as in the 75559
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 75560
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 75561
enrollee (MME). 75562

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 75563

(C) "Federal financial participation" means the federal 75564
government's share of expenditures made by an entity in 75565
implementing a medical assistance program. 75566

(D) "Healthcheck" has the same meaning as in section 5164.01 75567
of the Revised Code. 75568

(E) "Medical assistance program" means all of the following: 75569

(1) The medicaid program; 75570

(2) The children's health insurance program; 75571

(3) The refugee medical assistance program; 75572

(4) The program established under section 5160.51 of the 75573
Revised Code; 75574

(5) Any other program that provides medical assistance and 75575
state statutes authorize the department of medicaid to administer. 75576

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 75577
medical assistance program. To the extent appropriate in the 75578
context, "medical assistance recipient" includes an individual 75579
applying for a medical assistance program, a former medical 75580
assistance recipient, or both. 75581

~~(F)~~(G) "Medicaid managed care organization" has the same 75582
meaning as in section 5167.01 of the Revised Code. 75583

~~(G)~~(H) "Refugee medical assistance program" means the program 75584
that the department of medicaid administers pursuant to section 75585
5160.50 of the Revised Code. 75586

Sec. 5160.052. The department of medicaid shall collaborate 75587
with the superintendent of the bureau of criminal identification 75588
and investigation to develop procedures and formats necessary to 75589
produce the notices described in division ~~(C)~~(D) of section 75590
109.5721 of the Revised Code in a format that is acceptable for 75591
use by the department. The medicaid director may adopt rules under 75592
section 5160.02 of the Revised Code necessary for such 75593
collaboration. Any such rules shall be adopted in accordance with 75594
section 111.15 of the Revised Code as if they were internal 75595
management rules. 75596

The medicaid director may adopt rules under section 5160.02 75597
of the Revised Code necessary for utilizing the information 75598
received pursuant to section 109.5721 of the Revised Code. The 75599
rules shall be adopted in accordance with Chapter 119. of the 75600
Revised Code. 75601

Sec. 5160.37. (A) A medical assistance recipient's enrollment 75602
in a medical assistance program gives an automatic right of 75603
recovery to the department of medicaid and a county department of 75604
job and family services against the liability of a third party for 75605
the cost of medical assistance paid on behalf of the recipient. 75606

When an action or claim is brought against a third party by a 75607
medical assistance recipient, any payment, settlement or 75608
compromise of the action or claim, or any court award or judgment, 75609
is subject to the recovery right of the department of medicaid or 75610
county department. Except in the case of a medical assistance 75611
recipient who receives medical assistance through a medicaid 75612
managed care organization, the department's or county department's 75613
claim shall not exceed the amount of medical assistance paid by 75614
the department or county department on behalf of the recipient. A 75615
payment, settlement, compromise, judgment, or award that excludes 75616
the cost of medical assistance paid for by the department or 75617
county department shall not preclude a department from enforcing 75618
its rights under this section. 75619

(B)(1) In the case of a medical assistance recipient who 75620
receives medical assistance through a medicaid managed care 75621
organization that has a capitation agreement with a provider, the 75622
amount of the department's or county department's claim shall be 75623
the amount the medicaid managed care organization would have paid 75624
in the absence of a capitation agreement. 75625

(2) In the case of a medical assistance recipient who 75626
receives medical assistance through a medicaid managed care 75627
organization that does not have a capitation agreement with a 75628
provider, the amount of the department's or county department's 75629
claim shall be the amount the medicaid managed care organization 75630
pays for medical assistance rendered to the recipient, even if 75631
that amount is more than the amount the department or county 75632
department pays to the medicaid managed care organization for the 75633
recipient's medical assistance. 75634

(C) A medical assistance recipient, and the recipient's 75635
attorney, if any, shall cooperate with the departments. In 75636
furtherance of this requirement, the medical assistance recipient, 75637
or the recipient's attorney, if any, shall, not later than thirty 75638

days after initiating informal recovery activity or filing a legal 75639
recovery action against a third party, provide written notice of 75640
the activity or action to the department of medicaid or county 75641
department if it has paid for medical assistance under a medical 75642
assistance program. 75643

(D) The written notice that must be given under division (C) 75644
of this section shall disclose the identity and address of any 75645
third party against whom the medical assistance recipient has or 75646
may have a right of recovery. 75647

(E) No settlement, compromise, judgment, or award or any 75648
recovery in any action or claim by a medical assistance recipient 75649
where the department or county department has a right of recovery 75650
shall be made final without first giving the department or county 75651
department written notice as described in division (C) of this 75652
section and a reasonable opportunity to perfect its rights of 75653
recovery. If the department or county department is not given the 75654
appropriate written notice, the medical assistance recipient and, 75655
if there is one, the recipient's attorney, are liable to reimburse 75656
the department or county department for the recovery received to 75657
the extent of medical assistance payments made by the department 75658
or county department. 75659

(F) The department or county department shall be permitted to 75660
enforce its recovery rights against the third party even though it 75661
accepted prior payments in discharge of its rights under this 75662
section if, at the time the department or county department 75663
received such payments, it was not aware that additional medical 75664
expenses had been incurred but had not yet been paid by the 75665
department or county department. The third party becomes liable to 75666
the department or county department as soon as the third party is 75667
notified in writing of the valid claims for recovery under this 75668
section. 75669

(G)(1) Subject to division (G)(2) of this section, the right 75670

of recovery of the department or county department does not apply 75671
to that portion of any judgment, award, settlement, or compromise 75672
of a claim, to the extent of attorneys' fees, costs, or other 75673
expenses incurred by a medical assistance recipient in securing 75674
the judgment, award, settlement, or compromise, or to the extent 75675
of medical, surgical, and hospital expenses paid by such recipient 75676
from the recipient's own resources. 75677

(2) Reasonable attorneys' fees, not to exceed one-third of 75678
the total judgment, award, settlement, or compromise, plus costs 75679
and other expenses incurred by the medical assistance recipient in 75680
securing the judgment, award, settlement, or compromise, shall 75681
first be deducted from the total judgment, award, settlement, or 75682
compromise. After fees, costs, and other expenses are deducted 75683
from the total judgment, award, settlement, or compromise, there 75684
shall be a rebuttable presumption that the department of medicaid 75685
or county department shall receive no less than one-half of the 75686
remaining amount, or the actual amount of medical assistance paid, 75687
whichever is less. A party may rebut the presumption in accordance 75688
with division (L)(1) or (2) of this section, as applicable. 75689

(H) A right of recovery created by this section may be 75690
enforced separately or jointly by the department of medicaid or 75691
county department. To enforce its recovery rights, the department 75692
or county department may do any of the following: 75693

(1) Intervene or join in any action or proceeding brought by 75694
the medical assistance recipient or on the recipient's behalf 75695
against any third party who may be liable for the cost of medical 75696
assistance paid; 75697

(2) Institute and pursue legal proceedings against any third 75698
party who may be liable for the cost of medical assistance paid; 75699

(3) Initiate legal proceedings in conjunction with any 75700
injured, diseased, or disabled medical assistance recipient or the 75701

recipient's attorney or representative. 75702

(I) A medical assistance recipient shall not assess attorney 75703
fees, costs, or other expenses against the department of medicaid 75704
or a county department when the department or county department 75705
enforces its right of recovery created by this section. 75706

(J) The right of recovery given to the department under this 75707
section includes payments made by a third party under contract 75708
with a person having a duty to support. 75709

(K) The department of medicaid may assign to a medical 75710
assistance provider the right of recovery given to the department 75711
under this section with respect to any claim for which the 75712
department has notified the provider that the department intends 75713
to recoup the department's prior payment for the claim. 75714

(L)(1) Prior to any payment to the department or a county 75715
department pursuant to the department's or county department's 75716
right of recovery under this section, a party that desires to 75717
rebut the presumption in division (G) of this section shall submit 75718
to the department or county department a request for a hearing in 75719
accordance with the procedure the department establishes in rules 75720
required by division (O) of this section. The amount sought by the 75721
department or county department shall be held in escrow or in an 75722
interest on lawyers' trust account until the hearing examiner 75723
renders a decision or the case is otherwise concluded. A party 75724
successfully rebuts the presumption by a showing of clear and 75725
convincing evidence that a different allocation is warranted. 75726

(2) A medical assistance recipient who has repaid money, on 75727
or after September 29, 2007, to the department or a county 75728
department pursuant to the department's or county department's 75729
right of recovery under this section, section 5160.38 of the 75730
Revised Code, or former section 5101.58 or 5101.59 of the Revised 75731
Code may request a hearing to rebut the presumption in division 75732

(G) of this section. The request shall be made in accordance with 75733
the procedure the department establishes for this purpose in rules 75734
required by division (O) of this section. It must be made not 75735
later than one hundred eighty days after ~~the effective date of~~ 75736
~~this amendment~~ September 29, 2015, or ninety days after the 75737
payment is made, whichever is later. A party successfully rebuts 75738
the presumption by a showing of clear and convincing evidence that 75739
a different allocation is warranted. 75740

(3) With respect to a hearing requested under division (L)(1) 75741
or (2) of this section, all of the following are the case: 75742

(a) The hearing examiner may consider, but is not bound by 75743
the allocation of, medical expenses specified in a settlement 75744
agreement between the medical assistance recipient and the 75745
relevant third party; 75746

(b) The department or county department may raise affirmative 75747
defenses during the hearing, including the existence of a prior 75748
settlement with the medical assistance recipient, the doctrine of 75749
accord and satisfaction, or the common law principle of res 75750
judicata; 75751

(c) If the parties agree, live testimony shall not be 75752
presented at the hearing; 75753

(d) The hearing may be governed by rules adopted under 75754
section 5160.02 of the Revised Code. If such rules are adopted, 75755
Chapter 119. of the Revised Code applies to the hearing only to 75756
the extent specified in those rules; 75757

(e) The hearing examiner's decision is binding on the 75758
department or county department and the medical assistance 75759
recipient unless the decision is reversed or modified on appeal to 75760
the medicaid director as described in division (M) of this 75761
section. 75762

(M)(1) A medical assistance recipient who disagrees with a 75763

hearing examiner's decision under division (L) of this section may 75764
file an administrative appeal with the medicaid director in 75765
accordance with the procedure the department establishes for this 75766
purpose in rules required by division (O) of this section. A 75767
hearing is not required during the administrative appeal, but the 75768
director or the director's designee shall review the hearing 75769
examiner's decision and any prior relevant administrative action. 75770
After the review, the director or the director's designee shall 75771
affirm, modify, remand, or reverse the hearing decision. A 75772
decision made under this division is final and binding on the 75773
department or county department and the medical assistance 75774
recipient unless it is reversed or modified on appeal to a court 75775
of common pleas as described in division (N) of this section. 75776

(2) An administrative appeal may be governed by rules adopted 75777
under section 5160.02 of the Revised Code. If such rules are 75778
adopted, Chapter 119. of the Revised Code applies to an 75779
administrative appeal only to the extent specified in those rules. 75780

(N) A party to an administrative appeal described in division 75781
(M) of this section may file an appeal with a court of common 75782
pleas in accordance with section 119.12 of the Revised Code. 75783

(O) The medicaid director shall adopt rules under section 75784
5160.02 of the Revised Code as necessary to implement this 75785
section, including rules establishing procedures a party may use 75786
to request a hearing under division (L)(1) or (2) of this section 75787
or an administrative appeal under division (M)(1) of this section. 75788
The rules shall be adopted in accordance with Chapter 119. of the 75789
Revised Code. 75790

(P) Divisions (L) to (N) of this section are remedial in 75791
nature and shall be liberally construed by the courts of this 75792
state in accordance with section 1.11 of the Revised Code. Those 75793
divisions specify the sole remedy available to a party who claims 75794
the department or a county department has received or is to 75795

receive more money than entitled to receive under this section, 75796
section 5160.38 of the Revised Code, or former section 5101.58 or 75797
5101.59 of the Revised Code. 75798

Sec. 5160.40. (A) As used in this section, "business day" 75799
means any day of the week excluding Saturday, Sunday, and a legal 75800
holiday, as defined in section 1.14 of the Revised Code. 75801

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 75802
third party shall do all of the following: 75803

(1) Accept the department of medicaid's right of recovery 75804
under section 5160.37 of the Revised Code and the assignment of 75805
rights to the department that are described in section 5160.38 of 75806
the Revised Code; 75807

(2) Respond to an inquiry by the department regarding a claim 75808
for payment of a medical item or service that was submitted to the 75809
third party not later than six years after the date of the 75810
provision of such medical item or service; 75811

(3) Respond to the department's request for payment of a 75812
claim described in division (B)(2) of this section not later than 75813
ninety business days after receipt of written proof of the claim, 75814
either by paying the claim or issuing a written denial to the 75815
department; 75816

(4) Not charge a fee to do either of the following for a 75817
claim described in division ~~(A)~~(B)(2) of this section: 75818

(a) Determine whether the claim should be paid; 75819

(b) Process the claim. 75820

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this 75821
section; 75822

~~(5)~~(6) Not deny a claim submitted by the department solely on 75823
the basis of the date of submission of the claim, type or format 75824

of the claim form, or a failure by the medical assistance 75825
recipient who is the subject of the claim to present proper 75826
documentation of coverage at the time of service, if both of the 75827
following have occurred: 75828

(a) The claim was submitted by the department not later than 75829
six years after the date of the provision of the medical item or 75830
service. 75831

(b) An action by the department to enforce its right of 75832
recovery under section 5160.37 of the Revised Code on the claim 75833
was commenced not later than six years after the department's 75834
submission of the claim. 75835

~~(6)~~(7) Consider the department's payment of a claim for a 75836
medical item or service to be the equivalent of the medical 75837
assistance recipient having obtained prior authorization for the 75838
item or service from the third party; 75839

~~(7)~~(8) Not deny a claim described in division ~~(A)~~~~(6)~~(B)(7) of 75840
this section that is submitted by the department solely on the 75841
basis of the medical assistance recipient's failure to obtain 75842
prior authorization for the medical item or service. 75843

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 75844
this section, a third party shall treat a medicaid managed care 75845
organization as the department for a claim if the individual who 75846
is the subject of the claim received a medical item or service 75847
through a medicaid managed care organization and the department 75848
has assigned its right of recovery for the claim to the medicaid 75849
managed care organization. Even if the department assigned its 75850
right of recovery to a medicaid managed care organization, the 75851
department may, beginning one year from the date the organization 75852
paid the claim, recoup from a third party an amount that was 75853
assigned to the organization but not collected. 75854

~~(C)~~(D) If the department of medicaid, as permitted by 75855

division (K) of section 5160.37 of the Revised Code, assigns to a 75856
medical assistance provider the department's right of recovery for 75857
a claim for which it has notified the provider that it intends to 75858
recoup its prior payment for a claim, a third party shall treat 75859
the provider as the department and shall pay the provider the 75860
greater of the following: 75861

(1) The amount the department intends to recoup from the 75862
provider for the claim. 75863

(2) If the third party and the provider have an agreement 75864
that requires the third party to pay the provider at the time the 75865
provider presents the claim to the third party, the amount that is 75866
to be paid under that agreement. 75867

~~(D)~~~~(E)~~ The time limitations associated with the requirements 75868
in divisions ~~(A)~~~~(B)~~(2) and ~~(5)~~~~(6)~~ of this section apply only to 75869
submissions of claims to, and payments of claims by, a health 75870
insurer to which the "Social Security Act," section 75871
1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 75872

Sec. 5160.401. (A) A payment made by a third party under 75873
division ~~(A)~~~~(4)~~~~(B)~~~~(5)~~ of section 5160.40 of the Revised Code on a 75874
claim for payment of a medical item or service provided to a 75875
medical assistance recipient is final on the date that is two 75876
years after the payment was made to the department of medicaid or 75877
the applicable medicaid managed care organization. After a claim 75878
is final, the claim is subject to adjustment only if an action for 75879
recovery of an overpayment was commenced under division (B) of 75880
this section before the date the claim became final and the 75881
recovery is agreed to by the department or medicaid managed care 75882
organization under division (C) of this section. 75883

(B) If a third party determines that it overpaid a claim for 75884
payment, the third party may seek to recover all or part of the 75885
overpayment by filing a notice of its intent to seek recovery with 75886

the department or medicaid managed care organization, as 75887
applicable. The notice of recovery must be filed in writing before 75888
the date the payment is final. The notice must specify all of the 75889
following: 75890

(1) The full name of the medical assistance recipient who 75891
received the medical item or service that is the subject of the 75892
claim; 75893

(2) The date or dates on which the medical item or service 75894
was provided; 75895

(3) The amount allegedly overpaid and the amount the third 75896
party seeks to recover; 75897

(4) The claim number and any other number the department or 75898
medicaid managed care organization has assigned to the claim; 75899

(5) The third party's rationale for seeking recovery; 75900

(6) The date the third party made the payment and the method 75901
of payment used; 75902

(7) If payment was made by check, the check number; 75903

(8) Whether the third party would prefer to receive the 75904
amount being sought by obtaining a payment from the department or 75905
medicaid managed care organization, either by check or electronic 75906
means, or by offsetting the amount from a future payment to be 75907
made to the department or medicaid managed care organization. 75908

(C) If the department or appropriate medicaid managed care 75909
organization determines that a notice of recovery was filed before 75910
the claim for payment is final and agrees to the amount sought by 75911
the third party, the department or medicaid managed care 75912
organization, as applicable, shall notify the third party in 75913
writing of its determination and agreement. Recovery of the amount 75914
shall proceed in accordance with the method specified by the third 75915
party pursuant to division (B)(8) of this section. 75916

Sec. 5160.51. (A) As used in this section: 75917

(1) "Cystic fibrosis program" means the cystic fibrosis 75918
program the department of health administers pursuant to division 75919
(H) of section 3701.023 of the Revised Code. 75920

(2) "Hemophilia program" means the hemophilia program the 75921
department of health is required to establish and administer under 75922
section 3701.029 of the Revised Code. 75923

(3) "Program for medically handicapped children" means the 75924
program for medically handicapped children the department of 75925
health administers pursuant to sections 3702.022 to 3702.028 of 75926
the Revised Code. 75927

(B) The department of medicaid shall establish a medical 75928
assistance program for individuals to whom all of the following 75929
apply: 75930

(1) They are ineligible for medicaid and the children's 75931
health insurance program. 75932

(2) They are not enrolled in the program for medically 75933
handicapped children, cystic fibrosis program, or hemophilia 75934
program. 75935

(3) They meet all other eligibility requirements for the 75936
program established in rules authorized by this section. 75937

(C) Individuals who meet the eligibility requirements for the 75938
program established under this section may begin to enroll in, and 75939
receive health care services and items covered by, the program 75940
beginning January 1, 2018. 75941

(D) The program established under this section shall cover 75942
only the health care services and items that healthcheck covers. 75943
The program's coverage of the health care services and items shall 75944
be in the same amount, duration, and scope as the healthcheck's 75945
coverage of the health care services and items. 75946

(E) The program established under this section shall have a 75947
payment rate for the health care services and items it covers that 75948
does not exceed the medicaid program's payment rate for the same 75949
health care services and items. 75950

(F) To be eligible to be a provider of health care services 75951
and items covered by the program established under this section, a 75952
person or government entity must be a medicaid provider. 75953

(G) The department may contract with other government 75954
entities and persons as the department determines necessary for 75955
the administration of, and delivery of health care services and 75956
items covered by, the program established under this section. 75957

(H) The medicaid director shall adopt rules under section 75958
5160.02 of the Revised Code as necessary to establish and 75959
implement the program under this section. The rules may reference 75960
other rules adopted by the director regarding the medicaid 75961
program. 75962

Sec. 5162.12. (A) The medicaid director shall enter into a 75963
contract with one or more persons to receive and process, on the 75964
director's behalf, requests for medicaid recipient or claims 75965
payment data, data from reports of audits conducted under section 75966
5165.109 of the Revised Code, or extracts or analyses of any of 75967
the foregoing data made by persons who intend to use the items 75968
prepared pursuant to the requests for commercial or academic 75969
purposes. 75970

(B) At a minimum, a contract entered into under this section 75971
shall do both of the following: 75972

(1) Authorize the contracting person to engage in the 75973
activities described in division (A) of this section for 75974
compensation, which must be stated as a percentage of the fees 75975
paid by persons who are provided the items; 75976

(2) Require the contracting person to charge for an item 75977
prepared pursuant to a request a fee in an amount equal to one 75978
hundred two per cent of the cost the department of medicaid incurs 75979
in making the data used to prepare the item available to the 75980
contracting person. 75981

(C) Except as required by federal or state law and subject to 75982
division (E) of this section, both of the following conditions 75983
apply with respect to a request for data described in division (A) 75984
of this section: 75985

(1) The request shall be made through a person who has 75986
entered into a contract with the medicaid director under this 75987
section. 75988

(2) An item prepared pursuant to the request may be provided 75989
to the department of medicaid and is confidential and not subject 75990
to disclosure under section 149.43 or 1347.08 of the Revised Code. 75991

(D) The medicaid director shall use fees the director 75992
receives pursuant to a contract entered into under this section to 75993
pay obligations specified in contracts entered under this section. 75994
Any money remaining after the obligations are paid shall be 75995
deposited in the health ~~care services administration~~ care/medicaid 75996
support and recoveries fund created under section ~~5162.54~~ 5162.52 75997
of the Revised Code. 75998

(E) This section does not apply to requests for medicaid 75999
recipient or claims payment data, data from reports of audits 76000
conducted under section 5165.109 of the Revised Code, or extracts 76001
or analyses of any of the foregoing data that are for any of the 76002
following purposes: 76003

(1) Treatment of medicaid recipients; 76004

(2) Payment of medicaid claims; 76005

(3) Establishment or management of medicaid third party 76006

liability pursuant to sections 5160.35 to 5160.43 of the Revised Code; 76007
76008

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program; 76009
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(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code. 76012
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Sec. 5162.16. A government entity that administers one or more components of the medicaid program and has reasonable cause to believe that an instance of fraud, waste, or abuse has occurred in the medicaid program shall inform the department of medicaid. The department shall collect the information in the medicaid data warehouse system established under section 5162.11 of the Revised Code. 76016
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~~Sec. 5162.40. (A)(1) Except as provided in division (B) of this section, if~~ If a state agency or political subdivision administers one or more components of the medicaid program ~~that the United States department of health and human services approved, and for which federal financial participation was initially obtained, prior to January 1, 2002,~~ or administers one or more aspects of such a component, the department of medicaid may retain or collect not more than ten per cent of the federal financial participation the state agency or political subdivision obtains through an approved, administrative claim regarding the component or aspect of the component. If the department retains or collects a percentage of such federal financial participation, the percentage the department retains or collects shall be specified in a contract the department enters into with the state agency or 76023
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political subdivision under section 5162.35 of the Revised Code. 76037

~~(2) Except as provided in division (B) of this section, if a 76038
state agency or political subdivision administers one or more 76039
components of the medicaid program that the United States 76040
department of health and human services approved on or after 76041
January 1, 2002, or administers one or more aspects of such a 76042
component, the department of medicaid shall retain or collect not 76043
less than three and not more than ten per cent of the federal 76044
financial participation the state agency or political subdivision 76045
obtains through an approved, administrative claim regarding the 76046
component or aspect of the component. The percentage the 76047
department retains or collects shall be specified in a contract 76048
the department enters into with the state agency or political 76049
subdivision under section 5162.35 of the Revised Code. 76050~~

(B) All amounts the department retains or collects under this 76051
section shall be deposited into the health ~~care services~~ 76052
~~administration~~ care/medicaid support and recoveries fund created 76053
under section ~~5162.54~~ 5162.52 of the Revised Code. 76054

Sec. 5162.41. The department of medicaid may retain or 76055
collect a percentage of the federal financial participation 76056
included in a supplemental medicaid payment to one or more 76057
medicaid providers owned or operated by a state agency or 76058
political subdivision that brings the payment to such provider or 76059
providers to the upper payment limit established by 42 C.F.R. 76060
447.272. If the department retains or collects a percentage of 76061
that federal financial participation, the medicaid director shall 76062
adopt a rule under section 5162.02 of the Revised Code specifying 76063
the percentage the department is to retain or collect. All amounts 76064
the department retains or collects under this section shall be 76065
deposited into the health ~~care services administration~~ 76066
care/medicaid support and recoveries fund created under section 76067

~~5162.54~~ 5162.52 of the Revised Code. 76068

Sec. 5162.52. (A) The health care/medicaid support and 76069
recoveries fund is hereby created in the state treasury. All of 76070
the following shall be credited to the fund: 76071

(1) Except as otherwise provided by statute or as authorized 76072
by the controlling board, the nonfederal share of all 76073
medicaid-related revenues, collections, and recoveries; 76074

(2) Federal reimbursement received for payment adjustments 76075
made pursuant to the "Social Security Act," section 1923, 42 76076
U.S.C. 1396r-4, under the medicaid program to state mental health 76077
hospitals maintained and operated by the department of mental 76078
health and addiction services under division (A) of section 76079
5119.14 of the Revised Code; 76080

(3) Revenues the department of medicaid receives from another 76081
state agency for medicaid services pursuant to an interagency 76082
~~agreement, other than such revenues required to be deposited into~~ 76083
~~the health care services administration fund created under section~~ 76084
~~5162.54 of the Revised Code;~~ 76085

(4) ~~The first seven hundred fifty thousand dollars~~ money the 76086
department of medicaid receives in a fiscal year for performing 76087
eligibility verification services necessary for compliance with 76088
the independent, certified audit requirement of 42 C.F.R. 455.304; 76089

(5) The nonfederal share of all rebates paid by drug 76090
manufacturers to the department of medicaid in accordance with a 76091
rebate agreement required by the "Social Security Act," section 76092
1927, 42 U.S.C. 1396r-8; 76093

(6) The nonfederal share of all supplemental rebates paid by 76094
drug manufacturers to the department of medicaid in accordance 76095
with the supplemental drug rebate program established under 76096
section 5164.755 of the Revised Code; 76097

<u>(7) Amounts deposited into the fund pursuant to sections</u>	76098
<u>5162.12, 5162.40, and 5162.41 of the Revised Code;</u>	76099
<u>(8) The application fees charged to providers under section</u>	76100
<u>5164.31 of the Revised Code;</u>	76101
<u>(9) The fines collected under section 5165.1010 of the</u>	76102
<u>Revised Code;</u>	76103
<u>(10) Amounts from assessments on hospitals under section</u>	76104
<u>5168.06 of the Revised Code and intergovernmental transfers by</u>	76105
<u>governmental hospitals under section 5168.07 of the Revised Code</u>	76106
<u>that are deposited into the fund in accordance with the law.</u>	76107
(B) The department of medicaid shall use money credited to	76108
the health care/medicaid support and recoveries fund to pay for	76109
medicaid services and ~~contracts~~ <u>costs associated with the</u>	76110
<u>administration of the medicaid program.</u>	76111
Sec. ~~5162.64~~ 5162.63. (A) There is hereby created in the	76112
state treasury the medicaid school program administrative fund.	76113
(B) Both of the following shall be deposited into the	76114
medicaid school program administrative fund:	76115
(1) The federal funds the department of education receives	76116
for the expenses the department incurs in administering the	76117
medicaid school component of the medicaid program created under	76118
section 5162.36 of the Revised Code;	76119
(2) The money the department collects from qualified medicaid	76120
school providers in the process established in rules authorized by	76121
section 5162.363 of the Revised Code.	76122
(C) The department of education shall use money in the	76123
medicaid school program administrative fund for both of the	76124
following purposes:	76125
(1) Paying for the expenses the department incurs in	76126

administering the medicaid school component of the medicaid 76127
program; 76128

(2) Paying a qualified medicaid school provider a refund for 76129
any overpayment the provider makes to the department under the 76130
process established in rules authorized by section 5162.363 of the 76131
Revised Code if the process results in an overpayment. 76132

Sec. 5162.64. There is hereby created in the state treasury 76133
the money follows the person enhanced reimbursement fund. 76134

The federal payments made to the state under subsection (e) 76135
of section 6071 of the "Deficit Reduction Act of 2005," Public Law 76136
109-171, as amended, shall be deposited into the fund. The 76137
Department of Medicaid shall use money deposited into the fund for 76138
reform activities related to a money follows the person 76139
demonstration project authorized by the United States secretary of 76140
health and human services, including the helping Ohioans move, 76141
expanding (HOME) choice component of the medicaid program operated 76142
pursuant to section 5164.90 of the Revised Code. 76143

Sec. 5162.65. There is hereby created in the state treasury 76144
the refunds and reconciliation fund. 76145

Money the department of medicaid receives from a refund or 76146
reconciliation shall be deposited into the refunds and 76147
reconciliation fund if the department does not know the 76148
appropriate fund for the money at the time the department receives 76149
the money or if the money is to go to another government entity. 76150
Money transferred from the department of job and family services 76151
under section 5101.074 of the Revised Code also shall be deposited 76152
into the refunds and reconciliation fund. 76153

Money in the refunds and reconciliation fund, including money 76154
transferred from the department of job and family services, shall 76155
be transferred to the appropriate fund once the appropriate fund 76156

is identified or shall be transferred to another government 76157
entity, as appropriate. 76158

Sec. 5162.66. (A) As used in this section, "deficiency" has 76159
the same meaning as in section 5165.60 of the Revised Code. 76160

~~The~~ (B) There is hereby created in the state treasury the 76161
residents protection fund. All of the following shall be deposited 76162
into the fund: 76163

(1) The proceeds of all fines, including interest, collected 76164
under sections 5165.60 to 5165.89 of the Revised Code shall be 76165
deposited in the state treasury to the credit of the residents 76166
protection fund, which is hereby created. The; 76167

(2) The proceeds of all fines, including interest, collected 76168
under section 173.42 of the Revised Code shall be deposited in the 76169
state treasury to the credit of the residents protection fund; 76170

(3) The portions of civil money penalties and corresponding 76171
interest that are dispersed on or after July 1, 2017, to the 76172
department of medicaid pursuant to 42 C.F.R. 488.845. 76173

~~Money~~ (C) Subject to 42 C.F.R. 488.845(g)(2), both of the 76174
following apply to the money in the fund: 76175

(1) It shall be used for the all of the following: 76176

(a) The protection of the health or property of residents of 76177
nursing facilities in which the department of health finds 76178
deficiencies, including payment for the costs of relocation of 76179
residents to other facilities, maintenance; 76180

(b) Maintenance of operation of a facility pending correction 76181
of deficiencies or closure, ~~and reimbursement;~~ 76182

(c) Reimbursement of residents for the loss of money managed 76183
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 76184
~~in the fund~~ 76185

(2) It may also be used to make payments under section 76186
5165.78 of the Revised Code. 76187

(D) The fund shall be maintained and administered by the 76188
department of medicaid under rules developed in consultation with 76189
the departments of health and aging and adopted under section 76190
5162.02 of the Revised Code. The rules shall be adopted in 76191
accordance with Chapter 119. of the Revised Code. 76192

Sec. 5164.01. As used in this chapter: 76193

(A) "Adjudication" has the same meaning as in section 119.01 76194
of the Revised Code. 76195

(B) "Early and periodic screening, diagnostic, and treatment 76196
services" has the same meaning as in the "Social Security Act," 76197
section 1905(r), 42 U.S.C. 1396d(r). 76198

(C) "Federal financial participation" has the same meaning as 76199
in section 5160.01 of the Revised Code. 76200

(D) "Federal poverty line" has the same meaning as in section 76201
5162.01 of the Revised Code. 76202

(E) "Healthcheck" means the component of the medicaid program 76203
that provides early and periodic screening, diagnostic, and 76204
treatment services. 76205

~~(E)~~(F) "Home and community-based services medicaid waiver 76206
component" has the same meaning as in section 5166.01 of the 76207
Revised Code. 76208

~~(F)~~(G) "Hospital" has the same meaning as in section 3727.01 76209
of the Revised Code. 76210

~~(G)~~(H) "ICDS participant" means a dual eligible individual 76211
who participates in the integrated care delivery system. 76212

~~(H)~~(I) "ICF/IID" has the same meaning as in section 5124.01 76213
of the Revised Code. 76214

~~(I)~~(J) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.

~~(J)~~(K) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.

~~(K)~~(L) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

~~(L)~~(M) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.

~~(M)~~(N) "Medicaid services" means either or both of the following:

- (1) Mandatory services;
- (2) Optional services that the medicaid program covers.

~~(N)~~(O) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

~~(O)~~(P) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

~~(Q)~~(R) "Provider agreement" means an agreement to which all of the following apply:

- (1) It is between a medicaid provider and the department of

medicaid; 76245

(2) It provides for the medicaid provider to provide medicaid 76246
services to medicaid recipients; 76247

(3) It complies with 42 C.F.R. 431.107(b). 76248

~~(R)~~(S) "State plan home and community-based services" means 76249
home and community-based services that, as authorized by section 76250
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 76251
covered by the medicaid program pursuant to an amendment to the 76252
medicaid state plan. 76253

(T) "Terminal distributor of dangerous drugs" has the same 76254
meaning as in section 4729.01 of the Revised Code. 76255

Sec. 5164.10. The medicaid program may cover one or more 76256
state plan home and community-based services that the department 76257
of medicaid selects for coverage. A medicaid recipient of any age 76258
may receive a state plan home and community-based service if the 76259
recipient has countable income not exceeding two hundred 76260
twenty-five per cent of the federal poverty line, has a medical 76261
need for the service, and meets all other eligibility requirements 76262
for the service specified in rules adopted under section 5164.02 76263
of the Revised Code. The rules may not require a medicaid 76264
recipient to undergo a level of care determination to be eligible 76265
for a state plan home and community-based service. 76266

Sec. 5164.29. Not later than December 31, 2018, the 76267
department of medicaid shall develop and implement revisions to 76268
the system by which persons and government entities become and 76269
remain medicaid providers so that there is a single system of 76270
records for the system and the persons and government entities do 76271
not have to submit duplicate data to the state to become or remain 76272
medicaid providers for any component or aspect of a component of 76273
the medicaid program, including a component or aspect of a 76274

component administered by another state agency or political 76275
subdivision pursuant to a contract entered into under section 76276
5162.35 of the Revised Code. The departments of aging, 76277
developmental disabilities, and mental health and addiction 76278
services shall participate in the development of the revisions and 76279
shall utilize the revised system. 76280

Sec. 5164.31. (A) For the purpose of raising funds necessary 76281
to pay the expenses of implementing the provider screening 76282
requirements of subpart E of 42 C.F.R. Part 455 and except as 76283
provided in division (B) of this section, the department of 76284
medicaid shall collect an application fee from a medicaid provider 76285
before doing any of the following: 76286

(1) Entering into a provider agreement with a medicaid 76287
provider that seeks initial enrollment as a provider; 76288

(2) Entering into a provider agreement with a former medicaid 76289
provider that seeks re-enrollment as a provider; 76290

(3) Revalidating a medicaid provider's continued enrollment 76291
as a provider. 76292

(B) The department is not to collect an application fee from 76293
a medicaid provider that is exempt from paying the fee under 42 76294
C.F.R. 455.460(a). 76295

(C) The application fees shall be deposited into the health 76296
~~care services administration~~ care/medicaid support and recoveries 76297
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 76298
Application fees are nonrefundable when collected in accordance 76299
with 42 C.F.R. 455.460(a). 76300

(D) The medicaid director shall adopt rules under section 76301
5164.02 of the Revised Code as necessary to implement this 76302
section, including a rule establishing the amount of the 76303
application fee to be collected under this section. The amount of 76304

the application fee shall not be set at an amount that is more 76305
than necessary to pay for the expenses of implementing the 76306
provider screening requirements. 76307

Sec. 5164.34. (A) As used in this section: 76308

(1) "Criminal records check" has the same meaning as in 76309
section 109.572 of the Revised Code. 76310

(2) "Disqualifying offense" means any of the offenses listed 76311
or described in divisions (A)(3)(a) to (e) of section 109.572 of 76312
the Revised Code. 76313

(3) "Owner" means a person who has an ownership interest in a 76314
medicaid provider in an amount designated in rules authorized by 76315
this section. 76316

(4) "Person subject to the criminal records check 76317
requirement" means the following: 76318

(a) A medicaid provider who is notified under division (E)(1) 76319
of this section that the provider is subject to a criminal records 76320
check; 76321

(b) An owner or prospective owner, officer or prospective 76322
officer, or board member or prospective board member of a medicaid 76323
provider if, pursuant to division (E)(1)(a) of this section, the 76324
owner or prospective owner, officer or prospective officer, or 76325
board member or prospective board member is specified in 76326
information given to the provider under division (E)(1) of this 76327
section; 76328

(c) An employee or prospective employee of a medicaid 76329
provider if both of the following apply: 76330

(i) The employee or prospective employee is specified, 76331
pursuant to division (E)(1)(b) of this section, in information 76332
given to the provider under division (E)(1) of this section. 76333

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 76334
76335

(5) "Responsible entity" means the following: 76336

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 76337
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 76340
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(B) This section does not apply to any of the following: 76345

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169, or 5164.341 of the Revised Code or any; 76346
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3701.881, or 5164.342 of the Revised Code; 76349
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 76352
76353

(C) The department of medicaid may do any of the following: 76354

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 76355
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 76358
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(3) Require that any medicaid provider do the following: 76363

(a) If so required by rules authorized by this section, 76364
determine pursuant to a database review conducted under division 76365
(F)(1)(a) of this section whether any employee or prospective 76366
employee of the provider is included in a database; 76367

(b) Unless the provider is prohibited by division (D)(3)(b) 76368
of this section from employing the employee or prospective 76369
employee, require the employee or prospective employee to submit 76370
to a criminal records check as a condition of being an employee of 76371
the provider. 76372

(D)(1) The department or the department's designee shall deny 76373
or terminate a medicaid provider's provider agreement if the 76374
provider is a person subject to the criminal records check 76375
requirement and either of the following applies: 76376

(a) The provider fails to obtain the criminal records check 76377
after being given the information specified in division (G)(1) of 76378
this section. 76379

(b) Except as provided in rules authorized by this section, 76380
the provider is found by the criminal records check to have been 76381
convicted of or have pleaded guilty to a disqualifying offense, 76382
regardless of the date of the conviction or the date of entry of 76383
the guilty plea. 76384

(2) No medicaid provider shall permit a person to be an 76385
owner, officer, or board member of the provider if the person is a 76386
person subject to the criminal records check requirement and 76387
either of the following applies: 76388

(a) The person fails to obtain the criminal records check 76389
after being given the information specified in division (G)(1) of 76390
this section. 76391

(b) Except as provided in rules authorized by this section, 76392
the person is found by the criminal records check to have been 76393
convicted of or have pleaded guilty to a disqualifying offense, 76394

regardless of the date of the conviction or the date of entry of the guilty plea. 76395
76396

(3) No medicaid provider shall employ a person if any of the following apply: 76397
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(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 76399
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 76402
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 76407
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 76409
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 76412
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 76417
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(a) Which of the provider's owners or prospective owners, 76425
officers or prospective officers, or board members or prospective 76426
board members are subject to a criminal records check; 76427

(b) Which of the provider's employees or prospective 76428
employees are subject to division (C)(3) of this section. 76429

(2) At times designated in rules authorized by this section, 76430
a medicaid provider that is a person subject to the criminal 76431
records check requirement shall do the following: 76432

(a) Inform each person specified under division (E)(1)(a) of 76433
this section that the person is required to submit to a criminal 76434
records check as a condition of being an owner, officer, or board 76435
member of the provider; 76436

(b) Inform each person specified under division (E)(1)(b) of 76437
this section that the person is subject to division (C)(3) of this 76438
section. 76439

(F)(1) If a medicaid provider is a person subject to the 76440
criminal records check requirement, the department or the 76441
department's designee shall require the conduct of a criminal 76442
records check by the superintendent of the bureau of criminal 76443
identification and investigation. A medicaid provider shall 76444
require the conduct of a criminal records check by the 76445
superintendent with respect to each of the persons specified under 76446
division (E)(1)(a) of this section. With respect to each employee 76447
and prospective employee specified under division (E)(1)(b) of 76448
this section, a medicaid provider shall do the following: 76449

(a) If rules authorized by this section require the provider 76450
to conduct a database review to determine whether the employee or 76451
prospective employee is included in a database, conduct the 76452
database review in accordance with the rules; 76453

(b) Unless the provider is prohibited by division (D)(3)(b) 76454
of this section from employing the employee or prospective 76455

employee, require the conduct of a criminal records check of the 76456
employee or prospective employee by the superintendent. 76457

(2) If a person subject to the criminal records check 76458
requirement does not present proof of having been a resident of 76459
this state for the five-year period immediately prior to the date 76460
the criminal records check is requested or provide evidence that 76461
within that five-year period the superintendent has requested 76462
information about the person from the federal bureau of 76463
investigation in a criminal records check, the responsible entity 76464
shall require the person to request that the superintendent obtain 76465
information from the federal bureau of investigation as part of 76466
the criminal records check of the person. Even if the person 76467
presents proof of having been a resident of this state for the 76468
five-year period, the responsible entity may require that the 76469
person request that the superintendent obtain information from the 76470
federal bureau of investigation and include it in the criminal 76471
records check of the person. 76472

(G) Criminal records checks required by this section shall be 76473
obtained as follows: 76474

(1) The responsible entity shall provide each person subject 76475
to the criminal records check requirement information about 76476
accessing and completing the form prescribed pursuant to division 76477
(C)(1) of section 109.572 of the Revised Code and the standard 76478
impression sheet prescribed pursuant to division (C)(2) of that 76479
section. 76480

(2) The person subject to the criminal records check 76481
requirement shall submit the required form and one complete set of 76482
the person's fingerprint impressions directly to the 76483
superintendent for purposes of conducting the criminal records 76484
check using the applicable methods prescribed by division (C) of 76485
section 109.572 of the Revised Code. The person shall pay all fees 76486
associated with obtaining the criminal records check. 76487

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, the provider shall terminate the person's employment unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any

person other than the following: 76519

(1) The person who is the subject of the criminal records 76520
check or the person's representative; 76521

(2) The medicaid director and the staff of the department who 76522
are involved in the administration of the medicaid program; 76523

(3) The department's designee; 76524

(4) The medicaid provider who required the person who is the 76525
subject of the criminal records check to submit to the criminal 76526
records check; 76527

(5) An individual receiving or deciding whether to receive, 76528
from the subject of the criminal records check, home and 76529
community-based services available under the medicaid state plan; 76530

(6) A court, hearing officer, or other necessary individual 76531
involved in a case dealing with any of the following: 76532

(a) The denial or termination of a provider agreement; 76533

(b) A person's denial of employment, termination of 76534
employment, or employment or unemployment benefits; 76535

(c) A civil or criminal action regarding the medicaid 76536
program. 76537

(J) The medicaid director may adopt rules under section 76538
5164.02 of the Revised Code to implement this section. If the 76539
director adopts such rules, the rules shall designate the times at 76540
which a criminal records check must be conducted under this 76541
section. The rules may do any of the following: 76542

(1) Designate the categories of persons who are subject to a 76543
criminal records check under this section; 76544

(2) Specify circumstances under which the department or the 76545
department's designee may continue a provider agreement or issue a 76546
provider agreement when the medicaid provider is found by a 76547

criminal records check to have been convicted of, pleaded guilty 76548
to, or been found eligible for intervention in lieu of conviction 76549
for a disqualifying offense; 76550

(3) Specify circumstances under which a medicaid provider may 76551
permit a person to be an employee, owner, officer, or board member 76552
of the provider when the person is found by a criminal records 76553
check conducted pursuant to this section to have been convicted of 76554
or have pleaded guilty to a disqualifying offense; 76555

(4) Specify all of the following: 76556

(a) The circumstances under which a database review must be 76557
conducted under division (F)(1)(a) of this section to determine 76558
whether an employee or prospective employee of a medicaid provider 76559
is included in a database; 76560

(b) The procedures for conducting the database review; 76561

(c) The databases that are to be checked; 76562

(d) The circumstances under which a medicaid provider is 76563
prohibited from employing a person who is found by the database 76564
review to be included in a database. 76565

Sec. 5164.341. (A) As used in this section: 76566

"Anniversary date" means the later of the effective date of 76567
the provider agreement relating to the independent provider or 76568
sixty days after September 26, 2003. 76569

"Applicant" means a person who has applied for a provider 76570
agreement to provide home and community-based services as an 76571
independent provider under a home and community-based medicaid 76572
waiver component administered by the department of medicaid. 76573

"Criminal records check" has the same meaning as in section 76574
109.572 of the Revised Code. 76575

"Disqualifying offense" means any of the offenses listed or 76576

described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 76577
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"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid. 76579
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(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies: 76584
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(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following: 76588
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76591

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 76592
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee. 76597
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76599

(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by ~~a criminal records check required by this section~~ either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea; 76600
76601
76602
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76605

(a) A criminal records check required by this section; 76606

(b) In the case of an independent provider, a notice provided 76607
by the bureau of criminal identification and investigation under 76608
division (D) of section 109.5721 of the Revised Code. 76609

(C)(1) The department or the department's designee shall 76610
inform each applicant, at the time of initial application for a 76611
provider agreement, that the applicant is required to provide a 76612
set of the applicant's fingerprint impressions and that a criminal 76613
records check is required to be conducted as a condition of the 76614
department's approving the application. 76615

~~(2) Beginning on September 26, 2003~~ Unless the department 76616
elects to receive notices about independent providers from the 76617
bureau of criminal identification and investigation pursuant to 76618
division (D) of section 109.5721 of the Revised Code, the 76619
department or the department's designee shall inform each 76620
independent provider on or before the time of the anniversary date 76621
of the provider agreement that the independent provider is 76622
required to provide a set of the independent provider's 76623
fingerprint impressions and that a criminal records check is 76624
required to be conducted. 76625

(D)(1) The department or the department's designee shall 76626
require an applicant to complete a criminal records check prior to 76627
entering into a provider agreement with the applicant. The 76628
department or the department's designee shall require an 76629
independent provider to complete a criminal records check at least 76630
annually unless the department elects to receive notices about 76631
independent providers from the bureau of criminal identification 76632
and investigation pursuant to division (D) of section 109.5721 of 76633
the Revised Code. If an applicant or independent provider for whom 76634
a criminal records check is required by this section does not 76635
present proof of having been a resident of this state for the 76636
five-year period immediately prior to the date the criminal 76637
records check is requested or provide evidence that within that 76638

five-year period the superintendent of the bureau of criminal 76639
identification and investigation has requested information about 76640
the applicant or independent provider from the federal bureau of 76641
investigation in a criminal records check, the department or the 76642
department's designee shall request that the applicant or 76643
independent provider obtain through the superintendent a criminal 76644
records request from the federal bureau of investigation as part 76645
of the criminal records check of the applicant or independent 76646
provider. Even if an applicant or independent provider for whom a 76647
criminal records check request is required by this section 76648
presents proof of having been a resident of this state for the 76649
five-year period, the department or the department's designee may 76650
request that the applicant or independent provider obtain 76651
information through the superintendent from the federal bureau of 76652
investigation in the criminal records check. 76653

(2) The department or the department's designee shall provide 76654
the following to each applicant and independent provider for whom 76655
a criminal records check is required by this section: 76656

(a) Information about accessing, completing, and forwarding 76657
to the superintendent of the bureau of criminal identification and 76658
investigation the form prescribed pursuant to division (C)(1) of 76659
section 109.572 of the Revised Code and the standard impression 76660
sheet prescribed pursuant to division (C)(2) of that section; 76661

(b) Written notification that the applicant or independent 76662
provider is to instruct the superintendent to submit the completed 76663
report of the criminal records check directly to the department or 76664
the department's designee. 76665

(3) Each applicant and independent provider for whom a 76666
criminal records check is required by this section shall pay to 76667
the bureau of criminal identification and investigation the fee 76668
prescribed pursuant to division (C)(3) of section 109.572 of the 76669
Revised Code for the criminal records check conducted of the 76670

applicant or independent provider. 76671

(E) ~~The~~ Neither the report of any criminal records check 76672
conducted by the bureau of criminal identification and 76673
investigation in accordance with section 109.572 of the Revised 76674
Code and pursuant to a request made under this section nor a 76675
notice provided by the bureau under division (D) of section 76676
109.5721 of the Revised Code is ~~not~~ a public record for the 76677
purposes of section 149.43 of the Revised Code ~~and~~. Such a report 76678
or notice shall not be made available to any person other than the 76679
following: 76680

(1) The person who is the subject of the criminal records 76681
check or the person's representative; 76682

(2) The medicaid director and the staff of the department who 76683
are involved in the administration of the medicaid program; 76684

(3) The department's designee; 76685

(4) An individual receiving or deciding whether to receive 76686
home and community-based services from the person who is the 76687
subject of the criminal records check or notice from the bureau; 76688

(5) A court, hearing officer, or other necessary individual 76689
involved in a case dealing with either of the following: 76690

(a) A denial or termination of a provider agreement related 76691
to the criminal records check or notice from the bureau; 76692

(b) A civil or criminal action regarding the medicaid 76693
program. 76694

(F) The medicaid director shall adopt rules under section 76695
5164.02 of the Revised Code to implement this section. The rules 76696
shall specify circumstances under which the department or the 76697
department's designee may either approve an applicant's 76698
application or allow an independent provider to maintain an 76699
existing provider agreement even though the applicant or 76700

independent provider is found by ~~a criminal records check required~~ 76701
~~by this section either of the following~~ to have been convicted of 76702
or have pleaded guilty to a disqualifying offense: 76703

(1) A criminal records check required by this section; 76704

(2) In the case of an independent provider, a notice provided 76705
by the bureau of criminal identification and investigation under 76706
division (D) of section 109.5721 of the Revised Code. 76707

Sec. 5164.342. (A) As used in this section: 76708

"Applicant" means a person who is under final consideration 76709
for employment with a waiver agency in a full-time, part-time, or 76710
temporary position that involves providing home and 76711
community-based services. 76712

"Community-based long-term care provider" means a provider as 76713
defined in section 173.39 of the Revised Code. 76714

"Community-based long-term care subcontractor" means a 76715
subcontractor as defined in section 173.38 of the Revised Code. 76716

"Criminal records check" has the same meaning as in section 76717
109.572 of the Revised Code. 76718

"Disqualifying offense" means any of the offenses listed or 76719
described in divisions (A)(3)(a) to (e) of section 109.572 of the 76720
Revised Code. 76721

"Employee" means a person employed by a waiver agency in a 76722
full-time, part-time, or temporary position that involves 76723
providing home and community-based services. 76724

"Waiver agency" means a person or government entity that 76725
provides home and community-based services under a home and 76726
community-based services medicaid waiver component administered by 76727
the department of medicaid, other than such a person or government 76728
entity that is certified under the medicare program. "Waiver 76729

agency" does not mean an independent provider as defined in 76730
section 5164.341 of the Revised Code. 76731

(B) This section does not apply to any individual who is 76732
subject to a database review or criminal records check under 76733
section 3701.881 of the Revised Code. If a waiver agency also is a 76734
community-based long-term care provider or community-based 76735
long-term care subcontractor, the waiver agency may provide for 76736
applicants and employees to undergo database reviews and criminal 76737
records checks in accordance with section 173.38 of the Revised 76738
Code rather than this section. 76739

(C) No waiver agency shall employ an applicant or continue to 76740
employ an employee in a position that involves providing home and 76741
community-based services if any of the following apply: 76742

(1) A review of the databases listed in division (E) of this 76743
section reveals any of the following: 76744

(a) That the applicant or employee is included in one or more 76745
of the databases listed in divisions (E)(1) to (5) of this 76746
section; 76747

(b) That there is in the state nurse aide registry 76748
established under section 3721.32 of the Revised Code a statement 76749
detailing findings by the director of health that the applicant or 76750
employee abused, neglected, or ~~abused~~ exploited a long-term care 76751
facility or residential care facility resident or misappropriated 76752
property of such a resident; 76753

(c) That the applicant or employee is included in one or more 76754
of the databases, if any, specified in rules authorized by this 76755
section and the rules prohibit the waiver agency from employing an 76756
applicant or continuing to employ an employee included in such a 76757
database in a position that involves providing home and 76758
community-based services. 76759

(2) After the applicant or employee is given the information 76760

and notification required by divisions (F)(2)(a) and (b) of this 76761
section, the applicant or employee fails to do either of the 76762
following: 76763

(a) Access, complete, or forward to the superintendent of the 76764
bureau of criminal identification and investigation the form 76765
prescribed to division (C)(1) of section 109.572 of the Revised 76766
Code or the standard impression sheet prescribed pursuant to 76767
division (C)(2) of that section; 76768

(b) Instruct the superintendent to submit the completed 76769
report of the criminal records check required by this section 76770
directly to the chief administrator of the waiver agency. 76771

(3) Except as provided in rules authorized by this section, 76772
the applicant or employee is found by a criminal records check 76773
required by this section to have been convicted of or have pleaded 76774
guilty to a disqualifying offense, regardless of the date of the 76775
conviction or date of entry of the guilty plea. 76776

(D) At the time of each applicant's initial application for 76777
employment in a position that involves providing home and 76778
community-based services, the chief administrator of a waiver 76779
agency shall inform the applicant of both of the following: 76780

(1) That a review of the databases listed in division (E) of 76781
this section will be conducted to determine whether the waiver 76782
agency is prohibited by division (C)(1) of this section from 76783
employing the applicant in the position; 76784

(2) That, unless the database review reveals that the 76785
applicant may not be employed in the position, a criminal records 76786
check of the applicant will be conducted and the applicant is 76787
required to provide a set of the applicant's fingerprint 76788
impressions as part of the criminal records check. 76789

(E) As a condition of employing any applicant in a position 76790
that involves providing home and community-based services, the 76791

chief administrator of a waiver agency shall conduct a database 76792
review of the applicant in accordance with rules authorized by 76793
this section. If rules authorized by this section so require, the 76794
chief administrator of a waiver agency shall conduct a database 76795
review of an employee in accordance with the rules as a condition 76796
of continuing to employ the employee in a position that involves 76797
providing home and community-based services. A database review 76798
shall determine whether the applicant or employee is included in 76799
any of the following: 76800

(1) The excluded parties list system that is maintained by 76801
the United States general services administration pursuant to 76802
subpart 9.4 of the federal acquisition regulation and available at 76803
the federal web site known as the system for award management; 76804

(2) The list of excluded individuals and entities maintained 76805
by the office of inspector general in the United States department 76806
of health and human services pursuant to the "Social Security 76807
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 76808

(3) The registry of developmental disabilities employees 76809
established under section 5123.52 of the Revised Code; 76810

(4) The internet-based sex offender and child-victim offender 76811
database established under division (A)(11) of section 2950.13 of 76812
the Revised Code; 76813

(5) The internet-based database of inmates established under 76814
section 5120.66 of the Revised Code; 76815

(6) The state nurse aide registry established under section 76816
3721.32 of the Revised Code; 76817

(7) Any other database, if any, specified in rules authorized 76818
by this section. 76819

(F)(1) As a condition of employing any applicant in a 76820
position that involves providing home and community-based 76821

services, the chief administrator of a waiver agency shall require 76822
the applicant to request that the superintendent of the bureau of 76823
criminal identification and investigation conduct a criminal 76824
records check of the applicant. If rules authorized by this 76825
section so require, the chief administrator of a waiver agency 76826
shall require an employee to request that the superintendent 76827
conduct a criminal records check of the employee at times 76828
specified in the rules as a condition of continuing to employ the 76829
employee in a position that involves providing home and 76830
community-based services. However, a criminal records check is not 76831
required for an applicant or employee if the waiver agency is 76832
prohibited by division (C)(1) of this section from employing the 76833
applicant or continuing to employ the employee in a position that 76834
involves providing home and community-based services. If an 76835
applicant or employee for whom a criminal records check request is 76836
required by this section does not present proof of having been a 76837
resident of this state for the five-year period immediately prior 76838
to the date the criminal records check is requested or provide 76839
evidence that within that five-year period the superintendent has 76840
requested information about the applicant or employee from the 76841
federal bureau of investigation in a criminal records check, the 76842
chief administrator shall require the applicant or employee to 76843
request that the superintendent obtain information from the 76844
federal bureau of investigation as part of the criminal records 76845
check. Even if an applicant or employee for whom a criminal 76846
records check request is required by this section presents proof 76847
of having been a resident of this state for the five-year period, 76848
the chief administrator may require the applicant or employee to 76849
request that the superintendent include information from the 76850
federal bureau of investigation in the criminal records check. 76851

(2) The chief administrator shall provide the following to 76852
each applicant and employee for whom a criminal records check is 76853
required by this section: 76854

(a) Information about accessing, completing, and forwarding 76855
to the superintendent of the bureau of criminal identification and 76856
investigation the form prescribed pursuant to division (C)(1) of 76857
section 109.572 of the Revised Code and the standard impression 76858
sheet prescribed pursuant to division (C)(2) of that section; 76859

(b) Written notification that the applicant or employee is to 76860
instruct the superintendent to submit the completed report of the 76861
criminal records check directly to the chief administrator. 76862

(3) A waiver agency shall pay to the bureau of criminal 76863
identification and investigation the fee prescribed pursuant to 76864
division (C)(3) of section 109.572 of the Revised Code for any 76865
criminal records check required by this section. However, a waiver 76866
agency may require an applicant to pay to the bureau the fee for a 76867
criminal records check of the applicant. If the waiver agency pays 76868
the fee for an applicant, it may charge the applicant a fee not 76869
exceeding the amount the waiver agency pays to the bureau under 76870
this section if the waiver agency notifies the applicant at the 76871
time of initial application for employment of the amount of the 76872
fee and that, unless the fee is paid, the applicant will not be 76873
considered for employment. 76874

(G)(1) A waiver agency may employ conditionally an applicant 76875
for whom a criminal records check is required by this section 76876
prior to obtaining the results of the criminal records check if 76877
both of the following apply: 76878

(a) The waiver agency is not prohibited by division (C)(1) of 76879
this section from employing the applicant in a position that 76880
involves providing home and community-based services. 76881

(b) The chief administrator of the waiver agency requires the 76882
applicant to request a criminal records check regarding the 76883
applicant in accordance with division (F)(1) of this section not 76884
later than five business days after the applicant begins 76885

conditional employment. 76886

(2) A waiver agency that employs an applicant conditionally 76887
under division (G)(1) of this section shall terminate the 76888
applicant's employment if the results of the criminal records 76889
check, other than the results of any request for information from 76890
the federal bureau of investigation, are not obtained within the 76891
period ending sixty days after the date the request for the 76892
criminal records check is made. Regardless of when the results of 76893
the criminal records check are obtained, if the results indicate 76894
that the applicant has been convicted of or has pleaded guilty to 76895
a disqualifying offense, the waiver agency shall terminate the 76896
applicant's employment unless circumstances specified in rules 76897
authorized by this section exist that permit the waiver agency to 76898
employ the applicant and the waiver agency chooses to employ the 76899
applicant. 76900

(H) The report of any criminal records check conducted 76901
pursuant to a request made under this section is not a public 76902
record for the purposes of section 149.43 of the Revised Code and 76903
shall not be made available to any person other than the 76904
following: 76905

(1) The applicant or employee who is the subject of the 76906
criminal records check or the representative of the applicant or 76907
employee; 76908

(2) The chief administrator of the waiver agency that 76909
requires the applicant or employee to request the criminal records 76910
check or the administrator's representative; 76911

(3) The medicaid director and the staff of the department who 76912
are involved in the administration of the medicaid program; 76913

(4) The director of aging or the director's designee if the 76914
waiver agency also is a community-based long-term care provider or 76915
community-based long-term care subcontractor; 76916

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check; 76917
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(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 76920
76921

(a) A denial of employment of the applicant or employee; 76922

(b) Employment or unemployment benefits of the applicant or employee; 76923
76924

(c) A civil or criminal action regarding the medicaid program. 76925
76926

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. 76927
76928

(1) The rules may do the following: 76929

(a) Require employees to undergo database reviews and criminal records checks under this section; 76930
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 76932
76933
76934

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 76935
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76937

(2) The rules shall specify all of the following: 76938

(a) The procedures for conducting a database review under this section; 76939
76940

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 76941
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(c) If the rules specify other databases to be checked as 76945

part of a database review, the circumstances under which a waiver 76946
agency is prohibited from employing an applicant or continuing to 76947
employ an employee who is found by the database review to be 76948
included in one or more of those databases; 76949

(d) The circumstances under which a waiver agency may employ 76950
an applicant or employee who is found by a criminal records check 76951
required by this section to have been convicted of or have pleaded 76952
guilty to a disqualifying offense. 76953

(J) The amendments made by H.B. 487 of the 129th general 76954
assembly to this section do not preclude the department of 76955
medicaid from taking action against a person for failure to comply 76956
with former division (H) of this section as that division existed 76957
on the day preceding January 1, 2013. 76958

Sec. 5164.37. (A) As used in this section: 76959

(1) "Independent provider" has the same meaning as in section 76960
5164.341 of the Revised Code. 76961

(2) "Noninstitutional medicaid provider" means any person or 76962
entity with a provider agreement other than a hospital, nursing 76963
facility, or ICF/IID. 76964

(3) "Owner" means any person having at least five per cent 76965
ownership in a noninstitutional medicaid provider. 76966

(B) Notwithstanding any provision of this chapter to the 76967
contrary, the department of medicaid shall take action under this 76968
section against a noninstitutional medicaid provider or its owner, 76969
officer, authorized agent, associate, manager, or employee. 76970

(C) Except as provided in division (D) of this section and in 76971
rules authorized by this section, on receiving notice and a copy 76972
of an indictment that is issued on or after September 29, 2007, 76973
and charges a noninstitutional medicaid provider or its owner, 76974
officer, authorized agent, associate, manager, or employee with 76975

committing an offense specified in division (E) of this section, 76976
the department shall suspend the provider agreement held by the 76977
noninstitutional medicaid provider. Subject to division (D) of 76978
this section, the department shall also terminate medicaid 76979
payments to the provider for medicaid services rendered. 76980

The suspension shall continue in effect until the proceedings 76981
in the criminal case are completed through dismissal of the 76982
indictment or through conviction, entry of a guilty plea, or 76983
finding of not guilty. If the department commences a process to 76984
terminate the suspended provider agreement, the suspension shall 76985
also continue in effect until the termination process is 76986
concluded. 76987

When subject to a suspension under this division, a provider, 76988
owner, officer, authorized agent, associate, manager, or employee 76989
shall not own or provide medicaid services to any other medicaid 76990
provider or risk contractor or arrange for, render, or order 76991
medicaid services for medicaid recipients during the period of 76992
suspension. During the period of suspension, the provider, owner, 76993
officer, authorized agent, associate, manager, or employee shall 76994
not receive direct payments under the medicaid program or indirect 76995
payments of medicaid funds in the form of salary, shared fees, 76996
contracts, kickbacks, or rebates from or through any other 76997
medicaid provider or risk contractor. 76998

(D)(1) The department shall not suspend a provider agreement 76999
or terminate medicaid payments under division (C) of this section 77000
if the provider or owner can demonstrate through the submission of 77001
written evidence that the provider or owner did not directly or 77002
indirectly sanction the action of its authorized agent, associate, 77003
manager, or employee that resulted in the indictment. 77004

(2) The termination of medicaid payments applies only to 77005
payments for medicaid services rendered subsequent to the date on 77006
which the notice required under division (F) of this section is 77007

sent. Claims for payment for medicaid services rendered by the 77008
provider prior to the issuance of the notice may be subject to 77009
prepayment review procedures whereby the department reviews claims 77010
to determine whether they are supported by sufficient 77011
documentation, are in compliance with state and federal statutes 77012
and rules, and are otherwise complete. 77013

(E)(1) In the case of a noninstitutional medicaid provider 77014
that is not an independent provider, the suspension of a provider 77015
agreement under division (C) of this section applies when an 77016
indictment charges a person with committing an act that would be a 77017
felony or misdemeanor under the laws of this state and the act 77018
relates to or results from either of the following: 77019

(a) Furnishing or billing for medicaid services under the 77020
medicaid program; 77021

(b) Participating in the performance of management or 77022
administrative services relating to furnishing medicaid services 77023
under the medicaid program. 77024

(2) In the case of a noninstitutional medicaid provider that 77025
is an independent provider, the suspension of a provider agreement 77026
under division (C) of this section applies when an indictment 77027
charges a person with committing an act that would constitute a 77028
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 77029
the Revised Code. 77030

(F) Not later than five days after suspending a provider 77031
agreement under division (C) of this section, the department shall 77032
send notice of the suspension to the affected provider or owner. 77033
In providing the notice, the department shall do all of the 77034
following: 77035

(1) Describe the indictment that was the cause of the 77036
suspension, without necessarily disclosing specific information 77037
concerning any ongoing civil or criminal investigation; 77038

(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded;

(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section.

(G)(1) Pursuant to the procedure specified in division (G)(2) of this section, a noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;

(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(3) The department shall review the information and documents

submitted in a request for reconsideration. After the review, the
suspension may be affirmed, reversed, or modified, in whole or in
part. The department shall notify the affected provider or owner
of the results of the review. The review and notification of its
results shall be completed not later than forty-five days after
receiving the information and documents submitted in a request for
reconsideration.

(H) Rules adopted under section 5164.02 of the Revised Code
may specify circumstances under which the department would not
suspend a provider agreement pursuant to this section.

Sec. 5164.70. Except as otherwise required by federal statute
or regulation, no medicaid payment for any medicaid service
provided by a hospital, nursing facility, or ICF/IID shall exceed
~~the following:~~

~~(A) If the medicaid provider is a hospital, nursing facility,
or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R.
Part 447;

~~(B) If the medicaid provider is other than a provider
described in division (A) of this section, the authorized payment
limits for the same service under the medicare program.~~

Sec. 5164.752. In July of every even-numbered year, the
department of medicaid shall initiate a confidential survey of the
cost of dispensing drugs incurred by terminal distributors of
dangerous drugs in this state. The survey shall be used as the
basis for establishing the medicaid program's dispensing ~~fee~~ fees
for terminal distributors in accordance with section 5164.753 of
the Revised Code. The survey shall be completed and its results
published not later than the last day of ~~October~~ November of the
year in which it is conducted.

Each terminal distributor that is a provider of drugs under

the medicaid program shall participate in the survey. The 77100
department may reduce the dispensing fees paid to a terminal 77101
distributor if the terminal distributor fails to participate in 77102
the survey. Except as necessary to publish the survey's results, a 77103
terminal distributor's responses to the survey are confidential 77104
and not a public record under section 149.43 of the Revised Code. 77105

The survey shall be conducted in conformance with the 77106
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 77107
shall include operational data and direct prescription expenses, 77108
professional services and personnel costs, and usual and customary 77109
overhead expenses of the terminal distributors surveyed. The 77110
survey shall compute and report the cost of dispensing ~~on a basis~~ 77111
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 77112
~~their customers for dispensing drugs.~~ 77113

Sec. 5164.753. In December of every even-numbered year, the 77114
medicaid director shall establish a dispensing fee fees, effective 77115
the following July, for terminal distributors of dangerous drugs 77116
that are providers of drugs under the medicaid program. In 77117
establishing the ~~dispensing fee fees~~, the director shall take into 77118
consideration the results of the survey conducted under section 77119
5164.752 of the Revised Code. The director may establish fees that 77120
vary by terminal distributor, taking into consideration the volume 77121
of drugs a terminal distributor dispenses under the medicaid 77122
program or any other criteria the director considers relevant. 77123

Sec. 5164.7510. (A) There is hereby established the pharmacy 77124
and therapeutics committee of the department of medicaid. The 77125
committee shall assist the department with developing and 77126
maintaining a preferred drug list for the medicaid program. 77127

The committee shall review and recommend to the medicaid 77128
director the drugs that should be included on the preferred drug 77129

list. The recommendations shall be made based on the evaluation of 77130
competent evidence regarding the relative safety, efficacy, ~~and~~ 77131
effectiveness, and cost-effectiveness of prescribed drugs within a 77132
class or classes of prescribed drugs. 77133

(B) The committee shall consist of ~~ten~~ nine members and shall 77134
be appointed by the medicaid director. The director shall seek 77135
recommendations for membership from relevant professional 77136
organizations. A candidate for membership recommended by a 77137
professional organization shall have professional experience 77138
working with medicaid recipients. 77139

The membership of the committee shall include: 77140

(1) Three pharmacists licensed under Chapter 4729. of the 77141
Revised Code; 77142

(2) Two doctors of medicine and two doctors of osteopathy who 77143
hold certificates to practice issued under Chapter 4731. of the 77144
Revised Code, one of whom is a family practice physician; 77145

(3) A registered nurse licensed under Chapter 4723. of the 77146
Revised Code; 77147

(4) ~~A pharmacologist who has a doctoral degree;~~ 77148

~~(5)~~ A psychiatrist who holds a certificate to practice issued 77149
under Chapter 4731. of the Revised Code and specializes in 77150
psychiatry. 77151

(C) The committee shall elect from among its members a 77152
chairperson. Five committee members constitute a quorum. 77153

The committee shall establish guidelines necessary for the 77154
committee's operation. 77155

The committee may establish one or more subcommittees to 77156
investigate and analyze issues consistent with the duties of the 77157
committee under this section. The subcommittees may submit 77158
proposals regarding the issues to the committee and the committee 77159

may adopt, reject, or modify the proposals. 77160

A vote by a majority of a quorum is necessary to make 77161
recommendations to the director. In the case of a tie, the 77162
chairperson shall decide the outcome. 77163

(D) The director shall act on the committee's recommendations 77164
not later than thirty days after the recommendation is posted on 77165
the department's web site under division (F) of this section. If 77166
the director does not accept a recommendation of the committee, 77167
the director shall present the basis for this determination not 77168
later than fourteen days after making the determination or at the 77169
next scheduled meeting of the committee, whichever is sooner. 77170

(E) An interested party may request, and shall be permitted, 77171
to make a presentation or submit written materials to the 77172
committee during a committee meeting. The presentation or other 77173
materials shall be relevant to an issue under consideration by the 77174
committee and any written material, including a transcript of 77175
testimony to be given on the day of the meeting, may be submitted 77176
to the committee in advance of the meeting. 77177

(F) The department shall post the following on the 77178
department's web site: 77179

(1) Guidelines established by the committee under division 77180
(C) of this section; 77181

(2) A detailed committee agenda not later than fourteen days 77182
prior to the date of a regularly scheduled meeting and not later 77183
than seventy-two hours prior to the date of a special meeting 77184
called by the committee; 77185

(3) Committee recommendations not later than seven days after 77186
the meeting at which the recommendation was approved; 77187

(4) The director's final determination as to the 77188
recommendations made by the committee under this section. 77189

Sec. 5164.90. (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as amended).

(B) ~~To the extent funds are available under an MFP demonstration project awarded to the department of medicaid, the~~
The director of medicaid may operate the helping Ohioans move, expanding (HOME) choice demonstration component of the medicaid program to transition qualifying medicaid recipients who qualify for the demonstration component to community settings. In operating the component, the director may do either or both of the following:

(1) Use the following:

(a) Funds that are awarded to the department of medicaid for an MFP demonstration project and appropriated to the department for this purpose, if such funds are available to the department;

(b) State funds appropriated to the department for this purpose, if no funds are available to the department under an MFP demonstration project.

(2) Integrate the component, or one or more aspects of the component, into a home and community-based services medicaid waiver component.

Sec. 5165.1010. (A) Subject to division (D) of this section, the department of medicaid shall fine the provider of a nursing facility if the report of an audit conducted under section 5165.109 of the Revised Code regarding a cost report for the nursing facility includes either of the following:

(1) Adverse findings that exceed three per cent of the total

amount of medicaid-allowable costs reported in the cost report;	77220
(2) Adverse findings that exceed twenty per cent of	77221
medicaid-allowable costs for a particular cost center reported in	77222
the cost report.	77223
(B) A fine issued under this section shall equal the greatest	77224
of the following:	77225
(1) If the adverse findings exceed three per cent but do not	77226
exceed ten per cent of the total amount of medicaid-allowable	77227
costs reported in the cost report, the greater of three per cent	77228
of those reported costs or ten thousand dollars;	77229
(2) If the adverse findings exceed ten per cent but do not	77230
exceed twenty per cent of the total amount of medicaid-allowable	77231
costs reported in the cost report, the greater of six per cent of	77232
those reported costs or twenty-five thousand dollars;	77233
(3) If the adverse findings exceed twenty per cent of the	77234
total amount of medicaid-allowable costs reported in the cost	77235
report, the greater of ten per cent of those reported costs or	77236
fifty thousand dollars;	77237
(4) If the adverse findings exceed twenty per cent but do not	77238
exceed twenty-five per cent of medicaid-allowable costs for a	77239
particular cost center reported in the cost report, the greater of	77240
three per cent of the total amount of medicaid-allowable costs	77241
reported in the cost report or ten thousand dollars;	77242
(5) If the adverse findings exceed twenty-five per cent but	77243
do not exceed thirty per cent of medicaid-allowable costs for a	77244
particular cost center reported in the cost report, the greater of	77245
six per cent of the total amount of medicaid-allowable costs	77246
reported in the cost report or twenty-five thousand dollars;	77247
(6) If the adverse findings exceed thirty per cent of	77248
medicaid-allowable costs for a particular cost center reported in	77249

the cost report, the greater of ten per cent of the total amount 77250
of medicaid-allowable costs reported in the cost report or fifty 77251
thousand dollars. 77252

(C) Fines paid under this section shall be deposited into the 77253
~~health care services administration~~ care/medicaid support and 77254
recoveries fund created under section ~~5162.54~~ 5162.52 of the 77255
Revised Code. 77256

(D) The department may not collect a fine under this section 77257
until all appeal rights relating to the audit report that is the 77258
basis for the fine are exhausted. 77259

Sec. 5165.152. The total per medicaid day payment rate 77260
determined under section 5165.15 of the Revised Code shall not be 77261
paid for nursing facility services provided to low resource 77262
utilization residents. Instead, the total rate for such nursing 77263
facility services shall be ~~the following:~~ 77264

~~(A) One one hundred fifteen dollars per medicaid day if the 77265
department of medicaid is satisfied that the nursing facility's 77266
provider is cooperating with the long term care ombudsman program 77267
in efforts to help the nursing facility's low resource utilization 77268
residents receive the services that are most appropriate for such 77269
residents' level of care needs;~~ 77270

~~(B) Ninety one dollars and seventy cents per medicaid day if 77271
division (A) of this section does not apply to the nursing 77272
facility. 77273~~

Sec. 5165.157. (A) The medicaid director shall establish an 77274
alternative purchasing model for nursing facility services 77275
provided by designated discrete units of nursing facilities to 77276
medicaid recipients with specialized health care needs. The 77277
director shall do all of the following with regard to the model: 77278

(1) Establish criteria that a discrete unit of a nursing 77279

facility must meet to be designated as a unit that, under the 77280
alternative purchasing model, may admit and provide nursing 77281
facility services to medicaid recipients with specialized health 77282
care needs; 77283

(2) Specify the health care conditions that medicaid 77284
recipients must have to have specialized health care needs, which 77285
may include dependency on a ventilator, severe traumatic brain 77286
injury, the need to be admitted to a long-term acute care hospital 77287
or rehabilitation hospital if not for nursing facility services, 77288
and other serious health care conditions; 77289

(3) ~~For each fiscal year, set~~ Determine the total per 77290
medicaid day payment rate for nursing facility services provided 77291
by designated discrete units of nursing facilities under the 77292
alternative purchasing model ~~at either of the following:~~ 77293

~~(a) Sixty per cent of the statewide average of the total per~~ 77294
~~medicaid day payment rate for long-term acute care hospital~~ 77295
~~services as of the first day of the fiscal year;~~ 77296

~~(b) Another amount determined in accordance with an~~ 77297
~~alternative a methodology that includes improved health outcomes~~ 77298
~~as a factor in determining the payment rate~~ established for each 77299
such service in rules authorized by section 5165.02 of the Revised 77300
Code; 77301

(4) Require, to the extent the director considers necessary, 77302
a medicaid recipient to obtain prior authorization for admission 77303
to a long-term acute care hospital or rehabilitation hospital as a 77304
condition of medicaid payment for long-term acute care hospital or 77305
rehabilitation hospital services. 77306

(B) The criteria established under division (A)(1) of this 77307
section shall provide for a discrete unit of a nursing facility to 77308
be excluded from the alternative purchasing model if the unit is 77309
paid for nursing facility services in accordance with section 77310

5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 77311
may require the provider of a nursing facility that has a discrete 77312
unit designated for participation in the alternative purchasing 77313
model to report health outcome measurement data to the department 77314
of medicaid. 77315

(C) A discrete unit of a nursing facility that provides 77316
nursing facility services to medicaid recipients with specialized 77317
health care needs under the alternative purchasing model shall be 77318
paid for those services in accordance with division (A)(3) of this 77319
section instead of the total per medicaid day payment rate 77320
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 77321
of the Revised Code. 77322

Sec. 5165.192. (A)(1) Except as provided in division (B) of 77323
this section and in accordance with the process specified in rules 77324
authorized by this section, the department of medicaid shall do 77325
all of the following: 77326

(a) Every quarter, determine the following two case-mix 77327
scores for each nursing facility: 77328

(i) A quarterly case-mix score that includes each resident 77329
who is a medicaid recipient ~~and is not a low resource utilization~~ 77330
~~resident~~; 77331

(ii) A quarterly case-mix score that includes each resident 77332
regardless of payment source. 77333

(b) Every six months, determine a semiannual average case-mix 77334
score for each nursing facility by using the quarterly case-mix 77335
scores determined for the nursing facility pursuant to division 77336
(A)(1)(a)(i) of this section; 77337

(c) After the end of each calendar year, determine an annual 77338
average case-mix score for each nursing facility by using the 77339
quarterly case-mix scores determined for the nursing facility 77340

pursuant to division (A)(1)(a)(ii) of this section. 77341

(2) When determining case-mix scores under division (A)(1) of 77342
this section, the department shall use all of the following: 77343

(a) Data from a resident assessment instrument specified in 77344
rules authorized by section 5165.191 of the Revised Code; 77345

(b) Except as provided in rules authorized by this section, 77346
the case-mix values established by the United States department of 77347
health and human services; 77348

(c) Except as modified in rules authorized by this section, 77349
the grouper methodology used on June 30, 1999, by the United 77350
States department of health and human services for prospective 77351
payment of skilled nursing facilities under the medicare program. 77352

(B)(1) Subject to division (B)(2) of this section, the 77353
department, for one or more months of a calendar quarter, may 77354
assign to a nursing facility a case-mix score that is five per 77355
cent less than the nursing facility's case-mix score for the 77356
immediately preceding calendar quarter if any of the following 77357
apply: 77358

(a) The provider does not timely submit complete and accurate 77359
resident assessment data necessary to determine the nursing 77360
facility's case-mix score for the calendar quarter; 77361

(b) The nursing facility was subject to an exception review 77362
under section 5165.193 of the Revised Code for the immediately 77363
preceding calendar quarter; 77364

(c) The nursing facility was assigned a case-mix score for 77365
the immediately preceding calendar quarter. 77366

(2) Before assigning a case-mix score to a nursing facility 77367
due to the submission of incorrect resident assessment data, the 77368
department shall permit the provider to correct the data. The 77369
department may assign the case-mix score if the provider fails to 77370

submit the corrected resident assessment data not later than the 77371
earlier of the forty-fifth day after the end of the calendar 77372
quarter to which the data pertains or the deadline for submission 77373
of such corrections established by regulations adopted by the 77374
United States department of health and human services under Title 77375
XVIII and Title XIX. 77376

(3) If, for more than six months in a calendar year, a 77377
provider is paid a rate determined for a nursing facility using a 77378
case-mix score assigned to the nursing facility under division 77379
(B)(1) of this section, the department may assign the nursing 77380
facility a cost per case-mix unit that is five per cent less than 77381
the nursing facility's actual or assigned cost per case-mix unit 77382
for the immediately preceding calendar year. The department may 77383
use the assigned cost per case-mix unit, instead of determining 77384
the nursing facility's actual cost per case-mix unit in accordance 77385
with section 5165.19 of the Revised Code, to establish the nursing 77386
facility's rate for direct care costs for the fiscal year 77387
immediately following the calendar year for which the cost per 77388
case-mix unit is assigned. 77389

(4) The department shall take action under division (B)(1), 77390
(2), or (3) of this section only in accordance with rules 77391
authorized by this section. The department shall not take an 77392
action that affects rates for prior payment periods except in 77393
accordance with sections 5165.41 and 5165.42 of the Revised Code. 77394

(C) The medicaid director shall adopt rules under section 77395
5165.02 of the Revised Code as necessary to implement this 77396
section. 77397

(1) The rules shall do all of the following: 77398

(a) Specify the process for determining the semiannual and 77399
annual average case-mix scores for nursing facilities; 77400

(b) Adjust the case-mix values specified in division 77401

(A)(2)(b) of this section to reflect changes in relative wage 77402
differentials that are specific to this state; 77403

(c) Express all of those case-mix values in numeric terms 77404
that are different from the terms specified by the United States 77405
department of health and human services but that do not alter the 77406
relationship of the case-mix values to one another; 77407

(d) Modify the grouper methodology specified in division 77408
(A)(2)(c) of this section as follows: 77409

(i) Establish a different hierarchy for assigning residents 77410
to case-mix categories under the methodology; 77411

(ii) Prohibit the use of the index maximizer element of the 77412
methodology; 77413

(iii) Incorporate changes to the methodology the United 77414
States department of health and human services makes after June 77415
30, 1999; 77416

(iv) Make other changes the department determines are 77417
necessary. 77418

(e) Establish procedures under which resident assessment data 77419
shall be reviewed for accuracy and providers shall be notified of 77420
any data that requires correction; 77421

(f) Establish procedures for providers to correct resident 77422
assessment data and specify a reasonable period of time by which 77423
providers shall submit the corrections. The procedures may limit 77424
the content of corrections in the manner required by regulations 77425
adopted by the United States department of health and human 77426
services under Title XVIII and Title XIX. 77427

(g) Specify when and how the department will assign case-mix 77428
scores or costs per case-mix unit to a nursing facility under 77429
division (B) of this section if information necessary to calculate 77430
the nursing facility's case-mix score is not provided or corrected 77431

in accordance with the procedures established by the rules. 77432

(2) Notwithstanding any other provision of this chapter, the 77433
rules may provide for the exclusion of case-mix scores assigned to 77434
a nursing facility under division (B) of this section from the 77435
determination of the nursing facility's semiannual or annual 77436
average case-mix score and the cost per case-mix unit for the 77437
nursing facility's peer group. 77438

Sec. 5166.01. As used in this chapter: 77439

"209(b) option" means the option described in section 1902(f) 77440
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 77441
medicaid program's eligibility requirements for aged, blind, and 77442
disabled individuals are more restrictive than the eligibility 77443
requirements for the supplemental security income program. 77444

"Administrative agency" means, with respect to a home and 77445
community-based services medicaid waiver component, the department 77446
of medicaid or, if a state agency or political subdivision 77447
contracts with the department under section 5162.35 of the Revised 77448
Code to administer the component, that state agency or political 77449
subdivision. 77450

"Care management system" means the system established under 77451
section 5167.03 of the Revised Code. 77452

"Dual eligible individual" has the same meaning as in section 77453
5160.01 of the Revised Code. 77454

"Federal poverty line" has the same meaning as in section 77455
5162.01 of the Revised Code. 77456

"Home and community-based services medicaid waiver component" 77457
means a medicaid waiver component under which home and 77458
community-based services are provided as an alternative to 77459
hospital services, nursing facility services, or ICF/IID services. 77460

"Hospital" has the same meaning as in section 3727.01 of the 77461

Revised Code.	77462
"Hospital long-term care unit" has the same meaning as in	77463
section 5168.40 of the Revised Code.	77464
"ICDS participant" has the same meaning as in section 5164.01	77465
of the Revised Code.	77466
"ICF/IID" and "ICF/IID services" have the same meanings as in	77467
section 5124.01 of the Revised Code.	77468
"Integrated care delivery system" and "ICDS" have the same	77469
meanings as in section 5164.01 of the Revised Code.	77470
"Level of care determination" means a determination of	77471
whether an individual needs the level of care provided by a	77472
hospital, nursing facility, or ICF/IID and whether the individual,	77473
if determined to need that level of care, would receive hospital	77474
services, nursing facility services, or ICF/IID services if not	77475
for a home and community-based services medicaid waiver component.	77476
"Medicaid buy-in for workers with disabilities program" has	77477
the same meaning as in section 5163.01 of the Revised Code.	77478
"Medicaid provider" has the same meaning as in section	77479
5164.01 of the Revised Code.	77480
"Medicaid services" has the same meaning as in section	77481
5164.01 of the Revised Code.	77482
"Medicaid waiver component" means a component of the medicaid	77483
program authorized by a waiver granted by the United States	77484
department of health and human services under the "Social Security	77485
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid	77486
waiver component" does not include a care management system	77487
established under section 5167.03 of the Revised Code.	77488
"Medically fragile child" means an individual who is under	77489
eighteen years of age, has intensive health care needs, and is	77490
considered blind or disabled under section 1614(a)(2) or (3) of	77491

the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 77492

"Nursing facility" and "nursing facility services" have the 77493
same meanings as in section 5165.01 of the Revised Code. 77494

"Ohio home care waiver program" means the home and 77495
community-based services medicaid waiver component that is known 77496
as Ohio home care and was created pursuant to section 5166.11 of 77497
the Revised Code. 77498

~~"Ohio transitions II aging carve out program" means the home 77499
and community-based services medicaid waiver component that is 77500
known as Ohio transitions II aging carve out and was created 77501
pursuant to section 5166.11 of the Revised Code. 77502~~

"Provider agreement" has the same meaning as in section 77503
5164.01 of the Revised Code. 77504

"Residential treatment facility" means a residential facility 77505
licensed by the department of mental health and addiction services 77506
under section 5119.34 of the Revised Code, or an institution 77507
certified by the department of job and family services under 77508
section 5103.03 of the Revised Code, that serves children and 77509
either has more than sixteen beds or is part of a campus of 77510
multiple facilities or institutions that, combined, have a total 77511
of more than sixteen beds. 77512

"Skilled nursing facility" has the same meaning as in section 77513
5165.01 of the Revised Code. 77514

"Unified long-term services and support medicaid waiver 77515
component" means the medicaid waiver component authorized by 77516
section 5166.14 of the Revised Code. 77517

Sec. 5166.16. (A) As used in this section and section 77518
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 77519
component" means all of the following: 77520

(1) The medicaid-funded component of the PASSPORT program, 77521

unless it is terminated pursuant to division (C) of section 173.52 77522
of the Revised Code; 77523

~~(2) The choices program, unless it is terminated pursuant to 77524~~
~~division (B) of section 173.53 of the Revised Code; 77525~~

~~(3)~~ The medicaid-funded component of the assisted living 77526
program, unless it is terminated pursuant to division (C) of 77527
section 173.54 of the Revised Code; 77528

~~(4)~~(3) The Ohio home care waiver program, unless it is 77529
terminated pursuant to section 5166.12 of the Revised Code; 77530

~~(5) The Ohio transitions II aging carve-out program, unless 77531~~
~~it is terminated pursuant to section 5166.13 of the Revised Code. 77532~~

(B) The medicaid director may create a home and 77533
community-based services medicaid waiver component as part of the 77534
integrated care delivery system. If the ICDS medicaid waiver 77535
component is created, both of the following apply: 77536

(1) The department of medicaid shall administer it; 77537

(2) When it begins to accept enrollments, no ICDS participant 77538
who is eligible for the ICDS medicaid waiver component shall be 77539
enrolled in an ODA or MCD medicaid waiver component regardless of 77540
whether the participant prefers to remain or be enrolled in an ODA 77541
or MCD medicaid waiver component. 77542

(C) A dual eligible individual who is eligible for an ODA or 77543
MCD medicaid waiver component may enroll in the component before 77544
the individual becomes an ICDS participant. The dual eligible 77545
individual shall disenroll from the ODA or MCD medicaid waiver 77546
component and enroll in the ICDS medicaid waiver component once 77547
the individual becomes an ICDS participant and it is possible to 77548
enroll the individual in the ICDS medicaid waiver component. The 77549
disenrollment from the ODA or MCD medicaid waiver component and 77550
enrollment into the ICDS medicaid waiver component shall occur 77551

regardless of whether the individual prefers to remain enrolled in 77552
the ODA or MCD medicaid waiver component. 77553

(D) An ICDS participant's disenrollment from an ODA or MCD 77554
medicaid waiver component and enrollment in the ICDS medicaid 77555
waiver component resulting from division (B)(2) or (C) of this 77556
section shall be accomplished without a disruption in the 77557
participant's services under the components. 77558

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 77559
the Revised Code: 77560

(1) "Adult" means an individual at least eighteen years of 77561
age. 77562

(2) "Appropriate director" means the following: 77563

(a) The medicaid director in the context of ~~all~~ both of the 77564
following: 77565

(i) The Ohio home care waiver program, unless it is 77566
terminated pursuant to section 5166.12 of the Revised Code; 77567

(ii) ~~The Ohio transitions II aging carve-out program, unless~~ 77568
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 77569

~~(iii)~~ The integrated care delivery system medicaid waiver 77570
component authorized by section 5166.16 of the Revised Code. 77571

(b) The director of aging in the context of the 77572
medicaid-funded component of the PASSPORT program, unless it is 77573
terminated pursuant to division (C) of section 173.52 of the 77574
Revised Code. 77575

(3) "Authorized representative" means the following: 77576

(a) In the case of a consumer who is a minor, the consumer's 77577
parent, custodian, or guardian; 77578

(b) In the case of a consumer who is an adult, an individual 77579
selected by the consumer pursuant to section 5166.3010 of the 77580

Revised Code to act on the consumer's behalf for purposes 77581
regarding home care attendant services. 77582

(4) "Authorizing health care professional" means a health 77583
care professional who, pursuant to section 5166.307 of the Revised 77584
Code, authorizes a home care attendant to assist a consumer with 77585
self-administration of medication, nursing tasks, or both. 77586

(5) "Consumer" means an individual to whom all of the 77587
following apply: 77588

(a) The individual is enrolled in a participating medicaid 77589
waiver component. 77590

(b) The individual has a medically determinable physical 77591
impairment to which both of the following apply: 77592

(i) It is expected to last for a continuous period of not 77593
less than twelve months. 77594

(ii) It causes the individual to require assistance with 77595
activities of daily living, self-care, and mobility, including 77596
either assistance with self-administration of medication or the 77597
performance of nursing tasks, or both. 77598

(c) In the case of an individual who is an adult, the 77599
individual is mentally alert and is, or has an authorized 77600
representative who is, capable of selecting, directing the actions 77601
of, and dismissing a home care attendant. 77602

(d) In the case of an individual who is a minor, the 77603
individual has an authorized representative who is capable of 77604
selecting, directing the actions of, and dismissing a home care 77605
attendant. 77606

(6) "Controlled substance" has the same meaning as in section 77607
3719.01 of the Revised Code. 77608

(7) "Custodian" has the same meaning as in section 2151.011 77609
of the Revised Code. 77610

- (8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 77611
77612
- (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 77613
77614
- (10) "Health care professional" means a physician or registered nurse. 77615
77616
- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 77617
77618
77619
77620
- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 77621
77622
- (a) Personal care aide services; 77623
- (b) Assistance with the self-administration of medication; 77624
- (c) Assistance with nursing tasks. 77625
- (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 77626
77627
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 77628
77629
- (15) "Minor" means an individual under eighteen years of age. 77630
- (16) "Participating medicaid waiver component" means all of the following: 77631
77632
- (a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code; 77633
77634
77635
- (b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 77636
77637
- (c) ~~The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;~~ 77638
77639

~~(d)~~ The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 77640
77641

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 77642
77643
77644

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 77645
77646
77647
"Registered nurse" includes an advanced practice registered nurse, 77648
as defined in section 4723.01 of the Revised Code. 77649

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 77650
77651
77652

(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code. 77653
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77655
77656

Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of the Revised Code: 77657
77658

(1) "Adult" means an individual who is at least eighteen years of age. 77659
77660

(2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code. 77661
77662

(3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. 77663
77664
77665
77666
"Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 77667
77668
77669

5166.404 of the Revised Code. 77670

(4) "Core portion" means the portion of a healthy Ohio 77671
program participant's buckeye account that consists of the 77672
following: 77673

(a) The amount of contributions to the account; 77674

(b) The amounts awarded to the account under divisions (C) 77675
and (D) of section 5166.404 of the Revised Code. 77676

(5) "Eligible employer-sponsored health plan" has the same 77677
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 77678
1986," 26 U.S.C. 5000A(f)(2). 77679

(6) "Healthy Ohio program" means the medicaid waiver 77680
component established under sections 5166.40 to 5166.409 of the 77681
Revised Code under which medicaid recipients specified in division 77682
(B) of this section enroll in comprehensive health plans and 77683
contribute to buckeye accounts. 77684

(7) "Healthy Ohio program debit swipe card" means a debit 77685
swipe card issued by a managed care organization to a healthy Ohio 77686
program participant under section 5166.403 of the Revised Code. 77687

(8) "Not-for-profit organization" means an organization that 77688
is exempt from federal income taxation under section 501(a) and 77689
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 77690
and (c)(3). 77691

(9) "Ward of the state" means ~~both of the following:~~ an 77692
individual who is a ward, as defined in section 2111.01 of the 77693
Revised Code. 77694

(10) "Workforce development activity" and "~~workforce~~ 77695
~~development agency~~ local board" have the same meanings as in 77696
section 6301.01 of the Revised Code. 77697

(B) The medicaid director shall establish a medicaid waiver 77698
component to be known as the healthy Ohio program. Each adult 77699

medicaid recipient, other than a ward of the state, determined to 77700
be eligible for medicaid on the basis of either of the following 77701
shall participate in the healthy Ohio program: 77702

(1) On the basis of being included in the category identified 77703
by the department of medicaid as covered families and children; 77704

(2) On the basis of being included in the eligibility group 77705
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 77706
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 77707

(C) Except as provided in section 5166.406 of the Revised 77708
Code, a healthy Ohio program participant shall not receive 77709
medicaid services under the fee-for-service component of medicaid 77710
or participate in the care management system. 77711

Sec. 5166.408. Each county department of job and family 77712
services shall offer to refer to a ~~workforce development agency~~ 77713
local board each healthy Ohio program participant who resides in 77714
the county served by the county department and is either 77715
unemployed or employed for less than an average of twenty hours 77716
per week. The referral shall include information about the 77717
workforce development activities available from the ~~workforce~~ 77718
~~development agency~~ local board. A participant may refuse to accept 77719
the referral and to participate in the workforce development 77720
activities without any affect on the participant's eligibility 77721
for, or participation in, the healthy Ohio program. 77722

Sec. 5167.18. Each contract the department of medicaid enters 77723
into with a managed care organization under section 5167.10 of the 77724
Revised Code shall require the managed care organization to do all 77725
of the following: 77726

(A) Designate a committee located in this state dedicated 77727
solely to conducting internal investigations of fraud, waste, 77728
abuse, and overpayments within the medicaid program; 77729

(B) Comply with federal and state efforts to identify fraud, 77730
waste, and abuse in the medicaid program. 77731

Sec. 5167.20. (A) Except as provided in division (B) of this 77732
section, when a participant in the care management system 77733
established under this chapter is enrolled in a medicaid managed 77734
care organization and the organization ~~refers~~ authorizes the 77735
participant to receive services, ~~other than emergency services~~ 77736
~~provided on or after January 1, 2007,~~ at a hospital that 77737
participates in the medicaid program but is not under contract 77738
with the organization, the hospital shall ~~provide~~ do both of the 77739
following: 77740

(1) Provide the authorized service for which the referral was 77741
~~made and shall accept~~ as long as it is medically necessary and 77742
covered by medicaid; 77743

(2) Accept from the organization, as payment in full, the 77744
amount derived from the payment rate used by the department to pay 77745
other hospitals of the same type for providing the same service to 77746
a medicaid recipient who is not enrolled in a medicaid managed 77747
care organization. 77748

~~(B) A hospital is not subject to division (A) of this section~~ 77749
~~if all of the following are the case:~~ 77750

~~(1) The hospital is located in a county in which participants~~ 77751
~~in the care management system are required before January 1, 2006,~~ 77752
~~to be enrolled in a medicaid managed care organization that is a~~ 77753
~~health insuring corporation;~~ 77754

~~(2) The hospital has entered into a contract before January~~ 77755
~~1, 2006, with at least one health insuring corporation serving the~~ 77756
~~participants specified in division (B)(1) of this section;~~ 77757

~~(3) The hospital remains under contract with at least one~~ 77758
~~health insuring corporation serving participants in the care~~ 77759

~~management system who are required to be enrolled in a health 77760~~
~~insuring corporation Section 5167.201 of the Revised Code applies 77761~~
~~to payments for emergency services provided by a hospital that is 77762~~
~~not under contract with the medicaid managed care organization in 77763~~
~~which a participant in the care management system is enrolled. 77764~~

(C) The medicaid director ~~shall~~ may adopt rules under section 77765
5167.02 of the Revised Code ~~specifying the circumstances under 77766~~
~~which a medicaid managed care organization is permitted to refer a 77767~~
~~participant in the care management system to a hospital that is 77768~~
~~not under contract with the organization~~ as necessary to implement 77769
this section. 77770

Sec. 5167.30. (A)(1) The department of medicaid shall 77771
establish a managed care performance payment program. Under the 77772
program, the department may provide payments to medicaid managed 77773
care organizations that meet performance standards established by 77774
the department. 77775

(2) In establishing performance standards, the department may 77776
consult any of the following: 77777

(a) Any quality measurements developed under the pediatric 77778
quality measures program established pursuant to the "Social 77779
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 77780

(b) Any core set of adult health quality measures for 77781
medicaid eligible adults used for purposes of the "Social Security 77782
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 77783
quality used for purposes of the medicaid quality measurement 77784
program when the program is established under that section of the 77785
"Social Security Act"; 77786

(c) The most recent healthcare effectiveness data and 77787
information set and quality measurement tool established by the 77788
national committee for quality assurance. 77789

(3) The standards that must be met to receive the payments 77790
may be specified in the contract the department enters into with a 77791
medicaid managed care organization. 77792

(4) If a medicaid managed care organization meets the 77793
performance standards established by the department, the 77794
department shall make one or more performance payments to the 77795
organization. The amount of each performance payment, the number 77796
of payments, and the schedule for making the payments shall be 77797
established by the department. The payments shall be discontinued 77798
if the department determines that the organization no longer meets 77799
the performance standards. The department shall not make or 77800
discontinue payments based on any performance standard that has 77801
been in effect as part of the organization's contract for less 77802
than six months. 77803

(B) For purposes of the program, the department shall 77804
establish an amount that is to be withheld each time a premium 77805
payment is made to a medicaid managed care organization. The 77806
amount shall be established as a percentage of each premium 77807
payment. The percentage shall be the same for all medicaid managed 77808
care organizations. The sum of all withholdings under this 77809
division shall not exceed ~~two~~ five per cent of the total of all 77810
premium payments made to all medicaid managed care organizations. 77811

Each medicaid managed care organization shall agree to the 77812
withholding as a condition of receiving or maintaining its 77813
provider agreement with the department. 77814

When the amount is established and each time the amount is 77815
modified thereafter, the department shall certify the amount to 77816
the director of budget and management and begin withholding the 77817
amount from each premium the department pays to a medicaid managed 77818
care organization. 77819

Sec. 5167.34. A medicaid managed care organization, its 77820

officers, employees, or other persons associated with the managed 77821
care organization are not liable in a civil action for damages or 77822
other relief for furnishing information to the department of 77823
medicaid regarding potential fraud, waste, or abuse in the 77824
medicaid program. 77825

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the 77826
Revised Code: 77827

(A) "Bad debt," "charity care," "courtesy care," and 77828
"contractual allowances" have the same meanings given these terms 77829
in regulations adopted under Title XVIII of the "Social Security 77830
Act," 42 U.S.C. 1395 et seq. 77831

(B) "Cost reporting period" means the twelve-month period 77832
used by a hospital in reporting costs for purposes of Title XVIII 77833
of the "Social Security Act," 42 U.S.C. 1395 et seq. 77834

(C) "Disproportionate share hospital" means a hospital that 77835
meets the definition of a disproportionate share hospital in rules 77836
adopted under section 5168.02 of the Revised Code. 77837

(D) "Federal poverty line" means the official poverty line 77838
defined by the United States office of management and budget based 77839
on the most recent data available from the United States bureau of 77840
the census and revised by the United States secretary of health 77841
and human services pursuant to the "Omnibus Budget Reconciliation 77842
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 77843

(E) "Governmental hospital" means a county hospital with more 77844
than five hundred registered beds or a state-owned and -operated 77845
hospital with more than five hundred registered beds. 77846

(F)(1) "Hospital" means a nonfederal hospital to which either 77847
of the following applies: 77848

(a) The hospital is registered under section 3701.07 of the 77849

Revised Code as a general medical and surgical hospital or a 77850
pediatric general hospital, and provides inpatient hospital 77851
services, as defined in 42 C.F.R. 440.10; 77852

(b) The hospital is recognized under the medicare program as 77853
a cancer hospital and is exempt from the medicare prospective 77854
payment system. 77855

(2) "Hospital" does not include a hospital operated by a 77856
health insuring corporation that has been issued a certificate of 77857
authority under section 1751.05 of the Revised Code or a hospital 77858
that does not charge patients for services. 77859

(G) "Indigent care pool" means the sum of the following: 77860

(1) The total of assessments to be paid in a program year by 77861
all hospitals under section 5168.06 of the Revised Code, less the 77862
assessments deposited into the health ~~care services administration~~ 77863
care/medicaid support and recoveries fund created under section 77864
~~5162.54~~ 5162.52 of the Revised Code; 77865

(2) The total amount of intergovernmental transfers required 77866
to be made in the same program year by governmental hospitals 77867
under section 5168.07 of the Revised Code, less the amount of 77868
transfers deposited into the health ~~care services administration~~ 77869
care/medicaid support and recoveries fund created under section 77870
~~5162.54~~ 5162.52 of the Revised Code; 77871

(3) The total amount of federal matching funds that will be 77872
made available in the same program year as a result of funds 77873
distributed by the department of medicaid to hospitals under 77874
section 5168.09 of the Revised Code. 77875

(H) "Intergovernmental transfer" means any transfer of money 77876
by a governmental hospital under section 5168.07 of the Revised 77877
Code. 77878

(I) "Medicaid services" has the same meaning as in section 77879

5164.01 of the Revised Code. 77880

(J) "Program year" means a period beginning the first day of 77881
October, or a later date designated in rules adopted under section 77882
5168.02 of the Revised Code, and ending the thirtieth day of 77883
September, or an earlier date designated in rules adopted under 77884
that section. 77885

(K) "Registered beds" means the total number of hospital beds 77886
registered with the department of health, as reported in the most 77887
recent "directory of registered hospitals" published by the 77888
department of health. 77889

(L) "Third-party payer" means any person or government entity 77890
that may be liable by law or contract to make payment to or on 77891
behalf of an individual for health care services. "Third-party 77892
payer" does not include a hospital. 77893

(M) "Total facility costs" means the total costs for all 77894
services rendered to all patients, including the direct, indirect, 77895
and overhead cost to the hospital of all services, supplies, 77896
equipment, and capital related to the care of patients, regardless 77897
of whether patients are enrolled in a health insuring corporation, 77898
excluding costs associated with providing skilled nursing services 77899
in distinct-part nursing facility units, as shown on the 77900
hospital's cost report filed under section 5168.05 of the Revised 77901
Code. Effective October 1, 1993, if rules adopted under section 77902
5168.02 of the Revised Code so provide, "total facility costs" may 77903
exclude costs associated with providing care to recipients of any 77904
of the governmental programs listed in division (B) of that 77905
section. 77906

(N) "Uncompensated care" means bad debt and charity care. 77907

Sec. 5168.02. (A) The medicaid director shall adopt rules in 77908
accordance with Chapter 119. of the Revised Code for the purpose 77909

of administering sections 5168.01 to 5168.14 of the Revised Code, 77910
including rules that do all of the following: 77911

(1) Define as a "disproportionate share hospital" any 77912
hospital included under the "Social Security Act," section 77913
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 77914
determines appropriate; 77915

(2) Prescribe the form for submission of cost reports under 77916
section 5168.05 of the Revised Code; 77917

(3) Establish, in accordance with division (A) of section 77918
5168.06 of the Revised Code, the assessment rate or rates to be 77919
applied to hospitals under that section; 77920

(4) Establish schedules for hospitals to pay installments on 77921
their assessments under section 5168.06 of the Revised Code and 77922
for governmental hospitals to pay installments on their 77923
intergovernmental transfers under section 5168.07 of the Revised 77924
Code; 77925

(5) Establish procedures to notify hospitals of adjustments 77926
made under division (B)(2)(b) of section 5168.06 of the Revised 77927
Code in the amount of installments on their assessment; 77928

(6) Establish procedures to notify hospitals of adjustments 77929
made under division (D) of section 5168.08 of the Revised Code in 77930
the total amount of their assessment and to adjust for the 77931
remainder of the program year the amount of the installments on 77932
the assessments; 77933

(7) Establish, in accordance with section 5168.09 of the 77934
Revised Code, the methodology for paying hospitals under that 77935
section. 77936

The director shall consult with hospitals when adopting the 77937
rules required by divisions (A)(4) and (5) of this section in 77938
order to minimize hospitals' cash flow difficulties. 77939

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

~~(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~

~~(3)~~ Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;

~~(4)~~(3) Medicare beneficiaries;

~~(5)~~(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

~~(6)~~(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

Sec. 5168.06. (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care services administration care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under section 5168.02 of the Revised Code. The department shall assess all hospitals uniformly and in a manner consistent with federal statutes and regulations. During any program year, the department shall not assess any hospital more than two per cent of the hospital's total facility costs.

The department shall establish an assessment rate or rates

each program year that will do both of the following: 77970

(1) Yield funds that, when combined with intergovernmental 77971
transfers and federal matching funds, will produce a program of 77972
sufficient size to pay a substantial portion of the indigent care 77973
provided by hospitals; 77974

(2) Yield funds that, when combined with intergovernmental 77975
transfers and federal matching funds, will produce amounts for 77976
distribution to disproportionate share hospitals that do not 77977
exceed, in the aggregate, the limits prescribed by the United 77978
States health care financing administration under the "Social 77979
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 77980

(B)(1) Except as provided in division (B)(3) of this section, 77981
each hospital shall pay its assessment in periodic installments in 77982
accordance with a schedule established in rules adopted under 77983
section 5168.02 of the Revised Code. 77984

(2) The installments shall be equal in amount, unless either 77985
of the following applies: 77986

(a) The department makes adjustments during a program year 77987
under division (D) of section 5168.08 of the Revised Code in the 77988
total amount of hospitals' assessments; 77989

(b) The medicaid director determines that adjustments in the 77990
amounts of installments are necessary for the administration of 77991
sections 5168.01 to 5168.14 of the Revised Code and that unequal 77992
installments will not create cash flow difficulties for hospitals. 77993

(3) The director may adopt rules under section 5168.02 of the 77994
Revised Code establishing alternate schedules for hospitals to pay 77995
assessments under this section in order to reduce hospitals' cash 77996
flow difficulties. 77997

Sec. 5168.07. (A) The department of medicaid may require 77998
governmental hospitals to make intergovernmental transfers each 77999

program year for the purpose of distributing funds to hospitals 78000
under the medicaid program pursuant to sections 5168.01 to 5168.14 78001
of the Revised Code and depositing funds into the health ~~care~~ 78002
~~services administration~~ care/medicaid support and recoveries fund 78003
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 78004
department shall not require transfers in an amount that, when 78005
combined with hospital assessments paid under section 5168.06 of 78006
the Revised Code and federal matching funds, produce amounts for 78007
distribution to disproportionate share hospitals that, in the 78008
aggregate, exceed limits prescribed by the United States health 78009
care financing administration under the "Social Security Act," 78010
section 1923(f), 42 U.S.C. 1396r-4(f). 78011

(B) Before or during each program year, the department shall 78012
notify each governmental hospital of the amount of the 78013
intergovernmental transfer it is required to make during the 78014
program year. Each governmental hospital shall make 78015
intergovernmental transfers as required by the department under 78016
this section in periodic installments, executed by electronic fund 78017
transfer, in accordance with a schedule established in rules 78018
adopted under section 5168.02 of the Revised Code. 78019

Sec. 5168.09. The medicaid director shall adopt rules under 78020
section 5168.02 of the Revised Code establishing a methodology to 78021
pay hospitals that is sufficient to expend all money in the 78022
indigent care pool. Under the rules: 78023

(A) The department of medicaid may classify similar hospitals 78024
into groups and allocate funds for distribution within each group. 78025

(B) The department shall establish a method of allocating 78026
funds to hospitals, taking into consideration the relative amount 78027
of indigent care provided by each hospital or group of hospitals. 78028
The amount to be allocated shall be based on any combination of 78029
the following indicators of indigent care that the director 78030

considers appropriate: 78031

(1) Total costs, volume, or proportion of services to 78032
recipients of the medical assistance program, including recipients 78033
enrolled in health insuring corporations; 78034

(2) Total costs, volume, or proportion of services to 78035
low-income patients in addition to medicaid recipients, which may 78036
include recipients of Title V of the "Social Security Act," 42 78037
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 78038
~~assistance provided under Chapter 5115. of the Revised Code;~~ 78039

(3) The amount of uncompensated care provided by the hospital 78040
or group of hospitals; 78041

(4) Other factors that the director considers to be 78042
appropriate indicators of indigent care. 78043

(C) The department shall distribute funds to each hospital or 78044
group of hospitals in a manner that first may provide for an 78045
additional distribution to individual hospitals that provide a 78046
high proportion of indigent care in relation to the total care 78047
provided by the hospital or in relation to other hospitals. The 78048
department shall establish a formula to distribute the remainder 78049
of the funds. The formula shall be consistent with the "Social 78050
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 78051
on any combination of the indicators of indigent care listed in 78052
division (B) of this section that the director considers 78053
appropriate. 78054

(D) The department shall distribute funds to each hospital in 78055
installments not later than ten working days after the deadline 78056
established in rules for each hospital to pay an installment on 78057
its assessment under section 5168.06 of the Revised Code. In the 78058
case of a governmental hospital that makes intergovernmental 78059
transfers, the department shall pay an installment under this 78060
section not later than ten working days after the earlier of that 78061

deadline or the deadline established in rules for the governmental 78062
hospital to pay an installment on its intergovernmental transfer. 78063
If the amount in the hospital care assurance program fund created 78064
under section 5168.11 of the Revised Code and the portion of the 78065
health care - federal fund created under section 5162.50 of the 78066
Revised Code that is credited to that fund pursuant to division 78067
(B) of section 5168.11 of the Revised Code are insufficient to 78068
make the total distributions for which hospitals are eligible to 78069
receive in any period, the department shall reduce the amount of 78070
each distribution by the percentage by which the amount and 78071
portion are insufficient. The department shall distribute to 78072
hospitals any amounts not distributed in the period in which they 78073
are due as soon as moneys are available in the funds. 78074

Sec. 5168.10. Except for moneys deposited into the health 78075
~~care services administration~~ care/medicaid support and recoveries 78076
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 78077
the department of medicaid shall not use money paid to the 78078
department under sections 5168.06 and 5168.07 of the Revised Code 78079
or money that the department pays to hospitals under section 78080
5168.09 of the Revised Code to replace any funds appropriated by 78081
the general assembly for the medicaid program. 78082

Sec. 5168.11. (A) Except as provided in section ~~5162.54~~ 78083
5162.52 of the Revised Code, all payments of assessments by 78084
hospitals under section 5168.06 of the Revised Code and all 78085
intergovernmental transfers under section 5168.07 of the Revised 78086
Code shall be deposited in the state treasury to the credit of the 78087
hospital care assurance program fund, hereby created. All 78088
investment earnings of the hospital care assurance program fund 78089
shall be credited to the fund. The department of medicaid shall 78090
maintain records that show the amount of money in the hospital 78091
care assurance program fund at any time that has been paid by each 78092

hospital and the amount of any investment earnings on that amount. 78093
All moneys credited to the hospital care assurance program fund 78094
shall be used solely to make payments to hospitals under division 78095
(D) of this section and section 5168.09 of the Revised Code. 78096

(B) All federal matching funds received as a result of the 78097
department distributing funds from the hospital care assurance 78098
program fund to hospitals under section 5168.09 of the Revised 78099
Code shall be credited to the health care - federal fund created 78100
under section 5162.50 of the Revised Code. 78101

(C) All distributions of funds to hospitals under section 78102
5168.09 of the Revised Code are conditional on: 78103

(1) Expiration of the time for appeals under section 5168.08 78104
of the Revised Code without the filing of an appeal, or on court 78105
determinations, in the event of appeals, that the hospital is 78106
entitled to the funds; 78107

(2) The sum of the following being sufficient to distribute 78108
the funds after the final determination of any appeals: 78109

(a) The available money in the hospital care assurance 78110
program fund; 78111

(b) The available portion of the money in the health care - 78112
federal fund that is credited to that fund pursuant to division 78113
(B) of this section. 78114

(3) The hospital's compliance with section 5168.14 of the 78115
Revised Code. 78116

(D) If an audit conducted by the department of the amounts of 78117
payments made and funds received by hospitals under sections 78118
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 78119
amounts that, due to errors by the department, a hospital should 78120
not have been required to pay but did pay, should have been 78121
required to pay but did not pay, should not have received but did 78122

receive, or should have received but did not receive, the 78123
department shall: 78124

(1) Make payments to any hospital that the audit reveals paid 78125
amounts it should not have been required to pay or did not receive 78126
amounts it should have received; 78127

(2) Take action to recover from a hospital any amounts that 78128
the audit reveals it should have been required to pay but did not 78129
pay or that it should not have received but did receive. 78130

Payments made under division (D)(1) of this section shall be 78131
made from the hospital care assurance program fund. Amounts 78132
recovered under division (D)(2) of this section shall be deposited 78133
to the credit of that fund. Any hospital may appeal the amount the 78134
hospital is to be paid under division (D)(1) or the amount that is 78135
to be recovered from the hospital under division (D)(2) of this 78136
section to the court of common pleas of Franklin county. 78137

Sec. 5168.14. (A) Each hospital that receives funds 78138
distributed under sections 5168.01 to 5168.14 of the Revised Code 78139
shall provide, without charge to the individual, basic, medically 78140
necessary hospital-level services to individuals who are residents 78141
of this state, are not medicaid recipients, and whose income is at 78142
or below the federal poverty line. ~~Recipients of disability~~ 78143
~~financial assistance provided under Chapter 5115. of the Revised~~ 78144
~~Code qualify for services under this section.~~ The medicaid 78145
director shall adopt rules under section 5168.02 of the Revised 78146
Code specifying the hospital services to be provided under this 78147
section. 78148

(B) Nothing in this section shall be construed to prevent a 78149
hospital from requiring an individual to apply for the medicaid 78150
program before the hospital processes an application under this 78151
section. Hospitals may bill any third-party payer for services 78152
rendered under this section. Hospitals may bill the medicaid 78153

program, in accordance with state statutes governing the medicaid 78154
program and rules adopted under those statutes, for medicaid 78155
services rendered under this section if the individual becomes a 78156
medicaid recipient. Hospitals may bill individuals for services 78157
under this section if all of the following apply: 78158

(1) The hospital has an established post-billing procedure 78159
for determining the individual's income and canceling the charges 78160
if the individual is found to qualify for services under this 78161
section. 78162

(2) The initial bill, and at least the first follow-up bill, 78163
is accompanied by a written statement that does all of the 78164
following: 78165

(a) Explains that individuals with income at or below the 78166
federal poverty line are eligible for services without charge; 78167

(b) Specifies the federal poverty line for individuals and 78168
families of various sizes at the time the bill is sent; 78169

(c) Describes the procedure required by division (C)(1) of 78170
this section. 78171

(3) The hospital complies with any additional rules adopted 78172
under section 5168.02 of the Revised Code. 78173

Notwithstanding division (B) of this section, a hospital 78174
providing care to an individual under this section is subrogated 78175
to the rights of any individual to receive compensation or 78176
benefits from any person or governmental entity for the hospital 78177
goods and services rendered. 78178

(C) Each hospital shall collect and report to the department 78179
of medicaid, in the form and manner prescribed by the department, 78180
information on the number and identity of patients served pursuant 78181
to this section. 78182

(D) This section applies beginning May 22, 1992, regardless 78183

of whether rules specifying the services to be provided have been 78184
adopted. Nothing in this section alters the scope or limits the 78185
obligation of any governmental entity or program, including the 78186
program awarding reparations to victims of crime under sections 78187
2743.51 to 2743.72 of the Revised Code and the program for 78188
medically handicapped children established under section 3701.023 78189
of the Revised Code, to pay for hospital services in accordance 78190
with state or local law. 78191

Sec. 5168.26. (A) The medicaid director shall adopt rules in 78192
accordance with Chapter 119. of the Revised Code as necessary to 78193
implement sections 5168.20 to 5168.28 of the Revised Code, 78194
including rules that specify the percentage of hospitals' total 78195
facility costs to be used in calculating hospitals' assessments 78196
under section 5168.21 of the Revised Code. 78197

(B) The rules adopted under this section may do the 78198
following: 78199

(1) Provide that a hospital's total facility costs for the 78200
purpose of the assessment under section 5168.21 of the Revised 78201
Code exclude any of the following: 78202

(a) A hospital's costs associated with providing care to 78203
recipients of any of the following: 78204

(i) The medicaid program; 78205

(ii) The medicare program; 78206

(iii) ~~The disability financial assistance program established~~ 78207
~~under Chapter 5115. of the Revised Code;~~ 78208

~~(iv)~~ The program for medically handicapped children 78209
established under section 3701.023 of the Revised Code; 78210

~~(v)~~(iv) Services provided under the maternal and child health 78211
services block grant established under Title V of the "Social 78212
Security Act," 42 U.S.C. 701 et seq. 78213

(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:

(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code.

(B) "Franchise fee" means the fee imposed on health insuring corporations under section 5168.76 of the Revised Code.

(C) "Health insuring corporation" means a health insuring corporation, as defined in section 1751.01 of the Revised Code, that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services pursuant to a policy, contract, certificate, or agreement. "Health insuring corporation" does not mean a health insuring corporation that pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services, or only specialty health care services, pursuant to a policy, contract, certificate, or agreement.

(D) "Indirect guarantee percentage" means the percentage

specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(E) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(F) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(G) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation, except any such month in which either of the following applies:

(1) The recipient is enrolled in an approved health benefits plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and including the month of such enrollment for the purpose of calculating a health insuring corporation's franchise fee would violate 5 U.S.C. 8909(f).

(2) The recipient is enrolled in a medicare advantage plan pursuant to Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.

(H) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation, except any such month in which

either of the following applies: 78274

(1) The resident is enrolled in an approved health benefits 78275
plan pursuant to 5 U.S.C. Pt. III, Subpart G, Chapter 89, and 78276
including the month of such enrollment for the purpose of 78277
calculating a health insuring corporation's franchise fee would 78278
violate 5 U.S.C. 8909(f). 78279

(2) The resident is enrolled in a medicare advantage plan 78280
pursuant to Part C of Title XVIII of the "Social Security Act," 42 78281
U.S.C. 1395w-21 et seq. 78282

Sec. 5168.76. (A) For the purposes specified in section 78283
5168.85 of the Revised Code and subject to sections 5168.82, 78284
5168.83, and 5168.84 of the Revised Code, a franchise fee is 78285
hereby imposed each month beginning with July 2017 on each health 78286
insuring corporation. 78287

(B) The amount of a health insuring corporation's franchise 78288
fee for a month shall be determined as follows: 78289

(1) Multiply the number of Ohio medicaid member months that 78290
the health insuring corporation had for the month by the 78291
applicable rate or rates as determined in accordance with division 78292
(C) of this section; 78293

(2) Multiply the number of other Ohio member months that the 78294
health insuring corporation had for the month by the applicable 78295
rate or rates as determined in accordance with division (D) of 78296
this section; 78297

(3) Determine the sum of the products determined under 78298
divisions (B)(1) and (2) of this section. 78299

(C) The applicable rate or rates to be used in the 78300
calculation under division (B)(1) of this section for a health 78301
insuring corporation for a month shall depend on the cumulative 78302
total number of Ohio medicaid member months the health insuring 78303

corporation had for all of a fiscal year's months that ended 78304
before the beginning of the month in which the franchise fee is 78305
due. 78306

The following table shows the applicable rate or rates: 78307

<u>CUMULATIVE TOTAL NUMBER OF OHIO</u>	<u>APPLICABLE RATE</u>

 78308

MEDICAID MEMBER MONTHS

<u>For the first 250,000</u>	<u>\$56</u>

 78309

<u>For 250,001 to 500,000</u>	<u>\$45</u>

 78310

<u>For 500,001 and above</u>	<u>\$26</u>

 78311

(D) The applicable rate or rates to be used in the 78312
calculation under division (B)(2) of this section for a health 78313
insuring corporation for a month shall depend on the cumulative 78314
total number of other Ohio member months the health insuring 78315
corporation had for all of a fiscal year's months that ended 78316
before the beginning of the month in which the franchise fee is 78317
due. 78318

The following table shows the applicable rate or rates: 78319

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>

 78320

MEMBER MONTHS

<u>For the first 150,000</u>	<u>\$2</u>

 78321

<u>For 150,001 and above</u>	<u>\$1</u>

 78322

Sec. 5168.77. Beginning in August 2017, each health insuring 78324
corporation shall do both of the following not later than the 78325
fifth business day of each month: 78326

(A) Inform the department of medicaid of both of the 78327
following in a manner the department prescribes: 78328

(1) The cumulative total number of Ohio medicaid member 78329
months the health insuring corporation had for all of a fiscal 78330
year's months that ended before the beginning of the month in 78331
which the information is being provided; 78332

(2) The cumulative total number of other Ohio member months 78333
the health insuring corporation had for all of a fiscal year's 78334
months that ended before the beginning of the month in which the 78335
information is being provided. 78336

(B) Pay to the department the amount of its franchise fee for 78337
the immediately preceding month. 78338

Sec. 5168.78. The department of medicaid may request that a 78339
health insuring corporation provide the department documentation 78340
the department needs to verify the health insuring corporation's 78341
cumulative total number of Ohio medicaid member months and other 78342
Ohio member months. On receipt of the request, the health insuring 78343
corporation shall provide the department the requested 78344
documentation. The department also may review relevant 78345
documentation possessed by other entities for the purpose of 78346
making such verifications. 78347

Sec. 5168.79. If the department of medicaid determines that 78348
the amount of the franchise fee that a health insuring corporation 78349
pays for a month is less than the amount it should have paid, the 78350
department shall notify the health insuring corporation. Except as 78351
otherwise provided by the results of a reconsideration conducted 78352
under section 5168.80 of the Revised Code, the health insuring 78353
corporation shall pay the amount due. 78354

Sec. 5168.80. A health insuring corporation may request a 78355
reconsideration of a determination made by the department of 78356
medicaid under section 5168.79 of the Revised Code. A 78357
reconsideration may be requested solely on the grounds that the 78358
department made a material error in making the determination. A 78359
request for a reconsideration must be received by the department 78360
not later than fifteen days after the date the department notifies 78361
the health insuring corporation of the department's determination 78362

and must include written materials setting forth the basis for the 78363
reconsideration. If a health insuring corporation requests a 78364
reconsideration within the time required, the department shall 78365
reconsider the determination and issue a final decision not later 78366
than thirty days after the date the department receives the 78367
request. 78368

Sec. 5168.81. If a health insuring corporation fails to pay 78369
the full amount of a franchise fee when due, the department of 78370
medicaid may assess a ten per cent penalty on the amount due for 78371
each month or fraction thereof that the franchise fee is overdue. 78372

Sec. 5168.82. The franchise fee shall not be imposed on any 78373
health insuring corporation unless there is in effect a waiver 78374
authorizing the franchise fee issued by the United States 78375
secretary of health and human services pursuant to section 78376
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 78377
1396b(w)(3)(E). 78378

Sec. 5168.83. If the total amount of franchise fees imposed 78379
on all health insuring corporations under section 5168.76 of the 78380
Revised Code during a fiscal year exceeds the indirect guarantee 78381
percentage of the net patient revenue for all health insuring 78382
corporations for that fiscal year and seventy-five per cent or 78383
more of all health insuring corporations receive enhanced medicaid 78384
payments or other state payments equal to seventy-five per cent or 78385
more of their total franchise fees, the department of medicaid 78386
shall refund the excess amount of the franchise fees to the health 78387
insuring corporations. 78388

Sec. 5168.84. If the United States centers for medicare and 78389
medicaid services determines that the franchise fee is an 78390
impermissible health care-related tax under the section 1903(w) of 78391

the "Social Security Act," 42 U.S.C. 1396b(w), the department of 78392
medicaid shall do either of the following as appropriate: 78393

(A) Modify the imposition of the franchise fee, including (if 78394
necessary) the amount of the franchise fee, in a manner needed for 78395
the United States centers to reverse its determination; 78396

(B) Take all necessary actions to cease the imposition of the 78397
franchise fee until the determination is reversed. 78398

Sec. 5168.85. (A) There is hereby created in the state 78399
treasury the health insuring corporation franchise fee fund. All 78400
payments and penalties paid by health insuring corporations under 78401
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 78402
be deposited into the fund. Money in the fund shall be used to 78403
make medicaid payments to medicaid providers and medicaid managed 78404
care organizations. 78405

(B) Any money remaining in the health insuring corporation 78406
franchise fee fund after payments specified in division (A) of 78407
this section are made shall be retained in the fund. Any interest 78408
or other investment proceeds earned on money in the fund shall be 78409
credited to the fund and used to make medicaid payments in 78410
accordance with division (A) of this section. 78411

Sec. 5168.86. The medicaid director may adopt rules in 78412
accordance with Chapter 119. as necessary to implement sections 78413
5168.75 to 5168.86 of the Revised Code. 78414

Sec. 5168.99. (A) The medicaid director shall impose a 78415
penalty for each day that a hospital fails to report the 78416
information required under section 5168.05 of the Revised Code on 78417
or before the dates specified in that section. The amount of the 78418
penalty shall be established by the director in rules adopted 78419
under section 5168.02 of the Revised Code. 78420

(B) In addition to any other remedy available to the 78421
department of medicaid under law to collect unpaid assessments and 78422
transfers under sections 5168.01 to 5168.14 of the Revised Code, 78423
the director shall impose a penalty of ten per cent of the amount 78424
due on any hospital that fails to pay assessments or make 78425
intergovernmental transfers by the dates required by rules adopted 78426
under section 5168.02 of the Revised Code. 78427

(C) In addition to any other remedy available to the 78428
department of medicaid under law to collect unpaid assessments 78429
imposed under section 5168.21 of the Revised Code, the director 78430
shall impose a penalty of ten per cent of the amount due on any 78431
hospital that fails to pay the assessment by the date it is due. 78432

(D) The director shall waive the penalties provided for in 78433
this section for good cause shown by the hospital. 78434

(E) All penalties imposed under this section shall be 78435
deposited into the health ~~care administration~~ care/medicaid 78436
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 78437
the Revised Code. 78438

Sec. 5502.13. The department of public safety shall maintain 78439
an investigative unit in order to conduct investigations and other 78440
enforcement activity authorized by Chapters 4301., 4303., 5101., 78441
5107., and 5108., ~~and 5115.~~ and sections 2903.12, 2903.13, 78442
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 78443
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 78444
of the Revised Code. The director of public safety shall appoint 78445
the employees of the unit who are necessary, designate the 78446
activities to be performed by those employees, and prescribe their 78447
titles and duties. 78448

Sec. 5502.1321. (A) There is hereby created the Ohio 78449
investigative unit contingency fund, which shall be in the custody 78450

of the treasurer of state but shall not be part of the state 78451
treasury. All money seized during investigations or other 78452
enforcement activities of the investigative unit of the department 78453
of public safety prior to January 1, 2017 shall be deposited into 78454
the fund. The director of public safety shall transfer money upon 78455
resolution of all legal proceedings in accordance with Chapter 78456
2981. of the Revised Code. 78457

(B) There is hereby created the Ohio investigative unit 78458
custodial fund, which shall be in the custody of the treasurer of 78459
state, but shall not be part of the state treasury. All money 78460
seized during investigations or other enforcement activities of 78461
the investigative unit of the department of public safety on and 78462
after January 1, 2017, shall be deposited into the fund. The 78463
director of public safety shall transfer money upon resolution of 78464
all legal proceedings in accordance with Chapter 2981. of the 78465
Revised Code. 78466

Sec. 5575.02. After the board of township trustees has 78467
decided to proceed with a road improvement, it shall advertise for 78468
bids once, not later than two weeks prior to the date fixed for 78469
the letting of contracts, in a newspaper of general circulation 78470
within the township. Such notice shall state that copies of the 78471
surveys, plans, profiles, cross sections, ~~estimates~~, and 78472
specifications for such improvement are on file with the board, 78473
and the time within which bids will be received. The board may let 78474
the work as a whole or in convenient sections, as it determines. 78475
The contract shall be awarded to the lowest and best bidder who 78476
meets the requirements of section 153.54 of the Revised Code, and 78477
shall be let upon the basis of lump sum bids, unless the board 78478
orders that it be let upon the basis of unit price bids, in which 78479
event it shall be let upon such basis. 78480

The board is not required to provide notice of the project 78481

cost estimate when advertising for bids under this section. 78482

Sec. 5575.03. No contract for any road improvement shall be 78483
awarded at a price more than ten per cent in excess of the 78484
estimated cost. The bids received shall be opened at the time 78485
stated in the notice. If no bids are made that equal one hundred 78486
ten per cent of the estimate or less, the board of township 78487
trustees shall either readvertise ~~at~~ based upon the original 78488
estimate, or request an amended estimate from the county engineer, 78489
who shall proceed to make such an estimate as provided in section 78490
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 78491
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 78492
The board is not required to provide notice of the estimate or 78493
amended estimate when readvertising under this section. 78494

No contract shall be awarded for any road improvement without 78495
the certification as to funding required under section 5705.41 of 78496
the Revised Code. The board may reject all bids. 78497

Sec. 5577.081. (A) Except when transferring unfinished 78498
aggregate material between facilities that are under the control 78499
of the same owner or operator that is subject to Chapter 1514. of 78500
the Revised Code or when unloading or loading finished aggregate 78501
product within a ten-mile radius of a surface mining operation 78502
that is permitted and regulated under that chapter, all vehicles 78503
entering or leaving such an operation that have a gross vehicle 78504
weight as defined in division (JJ) of section 4501.01 of the 78505
Revised Code that is in excess of sixty-six thousand pounds shall 78506
use the specific roads designated pursuant to sections 303.14 and 78507
303.141 or 519.14 and 519.141 of the Revised Code as the primary 78508
means of ingress to and egress from the facilities or operation. 78509

(B) The owner or operator of a surface mining operation that 78510
is permitted under Chapter 1514. of the Revised Code and that is 78511

subject to the use of specific roads as the primary means of 78512
ingress to and egress from the operation pursuant to sections 78513
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 78514
post a sign in a conspicuous location to inform the drivers of 78515
trucks entering and leaving the operation of the roads to use as 78516
the primary means of ingress to and egress from the operation. 78517

(C)(1) Whoever violates this section shall receive a written 78518
warning in such a manner that it becomes a part of the person's 78519
permanent record that is maintained by the bureau of motor 78520
vehicles and assists in monitoring violations of this section. 78521

(2) A person who commits a second offense within one year 78522
after committing the first offense is guilty of a minor 78523
misdemeanor. 78524

(3) A person who commits a third or subsequent offense within 78525
one year after committing the first offense is guilty of a 78526
misdemeanor of the fourth degree. 78527

(D) Fine money that is collected under division (C) of this 78528
section shall be deposited in the state treasury to the credit of 78529
the ~~surface~~ mining regulation and safety fund created in section 78530
~~1514.06~~ 1513.30 of the Revised Code. 78531

Sec. 5701.11. The effective date to which this section refers 78532
is the effective date of this section as amended by S.B. 2 of the 78533
131st general assembly. 78534

(A)(1) Except as provided under division (A)(2) or (B) of 78535
this section, any reference in Title LVII of the Revised Code to 78536
the Internal Revenue Code, to the Internal Revenue Code "as 78537
amended," to other laws of the United States, or to other laws of 78538
the United States, "as amended," means the Internal Revenue Code 78539
or other laws of the United States as they exist on the effective 78540
date. 78541

(2) This section does not apply to any reference in Title 78542
LVII of the Revised Code to the Internal Revenue Code as of a date 78543
certain specifying the day, month, and year, or to other laws of 78544
the United States as of a date certain specifying the day, month, 78545
and year. 78546

(B)(1) For purposes of applying section 5718.01, 5733.04, 78547
5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable 78548
year ending after April 1, 2015, and before the effective date, a 78549
taxpayer may irrevocably elect to incorporate the provisions of 78550
the Internal Revenue Code or other laws of the United States that 78551
are in effect for federal income tax purposes for that taxable 78552
year if those provisions differ from the provisions that, under 78553
division (A) of this section, would otherwise apply. The filing by 78554
the taxpayer for that taxable year of a report or return that 78555
incorporates the provisions of the Internal Revenue Code or other 78556
laws of the United States applicable for federal income tax 78557
purposes for that taxable year, and that does not include any 78558
adjustments to reverse the effects of any differences between 78559
those provisions and the provisions that would otherwise apply, 78560
constitutes the making of an irrevocable election under this 78561
division for that taxable year. 78562

(2) Elections under prior versions of division (B)(1) of this 78563
section remain in effect for the taxable years to which they 78564
apply. 78565

Sec. 5703.052. (A) There is hereby created in the state 78566
treasury the tax refund fund, from which refunds shall be paid for 78567
taxes illegally or erroneously assessed or collected, or for any 78568
other reason overpaid, that are levied by or in accordance with 78569
Chapter 4301., 4305., 5718., 5726., 5728., 5729., 5731., 5733., 78570
5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 78571
5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 78572

5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 78573
Code. Refunds for fees or wireless 9-1-1 charges illegally or 78574
erroneously assessed or collected, or for any other reason 78575
overpaid, that are levied by sections 128.42 or 3734.90 to 78576
3734.9014 of the Revised Code also shall be paid from the fund. 78577
Refunds for amounts illegally or erroneously assessed or collected 78578
by the tax commissioner, or for any other reason overpaid, that 78579
are due under former section 1509.50 of the Revised Code as that 78580
section existed before its repeal by ...B... of the 131st general 78581
assembly shall be paid from the fund. However, refunds for taxes 78582
levied under section 5739.101 of the Revised Code shall not be 78583
paid from the tax refund fund, but shall be paid as provided in 78584
section 5739.104 of the Revised Code. 78585

(B)(1) Upon certification by the tax commissioner to the 78586
treasurer of state of a tax refund, a wireless 9-1-1 charge 78587
refund, or another amount refunded, or by the superintendent of 78588
insurance of a domestic or foreign insurance tax refund, the 78589
treasurer of state shall place the amount certified to the credit 78590
of the fund. The certified amount transferred shall be derived 78591
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 78592
other amount from which the refund arose. 78593

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 78594
or other amount that is not levied by the state or that was 78595
illegally or erroneously distributed to a taxing jurisdiction, the 78596
tax commissioner shall recover the amount of that refund from the 78597
next distribution of that tax, fee, wireless 9-1-1 charge, or 78598
other amount that otherwise would be made to the taxing 78599
jurisdiction. If the amount to be recovered would exceed 78600
twenty-five per cent of the next distribution of that tax, fee, 78601
wireless 9-1-1 charge, or other amount, the commissioner may 78602
spread the recovery over more than one future distribution, taking 78603
into account the amount to be recovered and the amount of the 78604

anticipated future distributions. In no event may the commissioner 78605
spread the recovery over a period to exceed thirty-six months. 78606

Sec. 5703.053. As used in this section, "postal service" 78607
means the United States postal service. 78608

An application to the tax commissioner for a tax refund under 78609
section 4307.05, 4307.07, 5718.19, 5726.30, 5727.28, 5727.91, 78610
5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 78611
5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 78612
of the Revised Code or division (B) of section 5703.05 of the 78613
Revised Code, or a fee refunded under section 3734.905 of the 78614
Revised Code, that is received after the last day for filing under 78615
such section shall be considered to have been filed in a timely 78616
manner if: 78617

(A) The application is delivered by the postal service and 78618
the earliest postal service postmark on the cover in which the 78619
application is enclosed is not later than the last day for filing 78620
the application; 78621

(B) The application is delivered by the postal service, the 78622
only postmark on the cover in which the application is enclosed 78623
was affixed by a private postal meter, the date of that postmark 78624
is not later than the last day for filing the application, and the 78625
application is received within seven days of such last day; or 78626

(C) The application is delivered by the postal service, no 78627
postmark date was affixed to the cover in which the application is 78628
enclosed or the date of the postmark so affixed is not legible, 78629
and the application is received within seven days of the last day 78630
for making the application. 78631

Sec. 5703.0510. (A) Notwithstanding any other provision of 78632
the Revised Code that requires a taxpayer to provide a tax credit 78633
certificate to the tax commissioner upon the commissioner's 78634

request, any person claiming a credit against a tax or fee 78635
administered by the commissioner shall provide a copy of any 78636
accompanying certificate issued by the director of development 78637
services or by another state agency, if applicable, demonstrating 78638
the person's eligibility for the credit claimed. 78639

(B) If the commissioner prescribes a form for the purpose of 78640
tracking the credits claimed by a person against any tax or fee 78641
administered by the commissioner, the person shall provide the 78642
completed form and a copy of any certificate described in division 78643
(A) of this section on or before the due date of the return, 78644
report, or schedule for the tax or fee against which the credit is 78645
claimed. 78646

(C) If a person fails to provide a certificate or form as 78647
required under this section, the commissioner shall deny the 78648
credit claimed by the person until such certificate or form is 78649
provided to the commissioner. Any amount denied under this section 78650
may be assessed in the same manner as the underlying tax or fee. 78651

Sec. 5703.19. (A) To carry out the purposes of the laws that 78652
the tax commissioner is required to administer, the commissioner 78653
or any person employed by the commissioner for that purpose, upon 78654
demand, may inspect books, accounts, records, and memoranda of any 78655
person or public utility subject to those laws, and may examine 78656
under oath any officer, agent, or employee of that person or 78657
public utility. Any person other than the commissioner who makes a 78658
demand pursuant to this section shall produce the person's 78659
authority to make the inspection. 78660

(B) If a person or public utility receives at least ten days' 78661
written notice of a demand made under division (A) of this section 78662
and refuses to comply with that demand, a penalty of five hundred 78663
dollars shall be imposed upon the person or public utility for 78664

each day the person or public utility refuses to comply with the 78665
demand. Penalties imposed under this division may be assessed and 78666
collected in the same manner as assessments made under Chapter 78667
3769., 4305., 5718., 5727., 5728., 5733., 5735., 5736., 5739., 78668
5743., 5745., 5747., 5749., 5751., or 5753., or sections 3734.90 78669
to 3734.9014, of the Revised Code. 78670

(C) For the purpose of ensuring compliance with divisions 78671
(A)(5) to (8) of section 5749.02 of the Revised Code, the 78672
commissioner or any person employed by the commissioner for that 78673
purpose, upon demand, may perform the same functions referenced in 78674
division (A) of this section for any person involved in the sale, 78675
transfer, or other disposition of oil, gas, condensate, or natural 78676
gas liquids as those terms are defined in section 5749.01 of the 78677
Revised Code. 78678

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 78679
of this section, no agent of the department of taxation, except in 78680
the agent's report to the department or when called on to testify 78681
in any court or proceeding, shall divulge any information acquired 78682
by the agent as to the transactions, property, or business of any 78683
person while acting or claiming to act under orders of the 78684
department. Whoever violates this provision shall thereafter be 78685
disqualified from acting as an officer or employee or in any other 78686
capacity under appointment or employment of the department. 78687
78688

(B)(1) For purposes of an audit pursuant to section 117.15 of 78689
the Revised Code, or an audit of the department pursuant to 78690
Chapter 117. of the Revised Code, or an audit, pursuant to that 78691
chapter, the objective of which is to express an opinion on a 78692
financial report or statement prepared or issued pursuant to 78693
division (A)(7) or (9) of section 126.21 of the Revised Code, the 78694
officers and employees of the auditor of state charged with 78695

conducting the audit shall have access to and the right to examine 78696
any state tax returns and state tax return information in the 78697
possession of the department to the extent that the access and 78698
examination are necessary for purposes of the audit. Any 78699
information acquired as the result of that access and examination 78700
shall not be divulged for any purpose other than as required for 78701
the audit or unless the officers and employees are required to 78702
testify in a court or proceeding under compulsion of legal 78703
process. Whoever violates this provision shall thereafter be 78704
disqualified from acting as an officer or employee or in any other 78705
capacity under appointment or employment of the auditor of state. 78706

(2) For purposes of an internal audit pursuant to section 78707
126.45 of the Revised Code, the officers and employees of the 78708
office of internal audit in the office of budget and management 78709
charged with directing the internal audit shall have access to and 78710
the right to examine any state tax returns and state tax return 78711
information in the possession of the department to the extent that 78712
the access and examination are necessary for purposes of the 78713
internal audit. Any information acquired as the result of that 78714
access and examination shall not be divulged for any purpose other 78715
than as required for the internal audit or unless the officers and 78716
employees are required to testify in a court or proceeding under 78717
compulsion of legal process. Whoever violates this provision shall 78718
thereafter be disqualified from acting as an officer or employee 78719
or in any other capacity under appointment or employment of the 78720
office of internal audit. 78721

(3) As provided by section 6103(d)(2) of the Internal Revenue 78722
Code, any federal tax returns or federal tax information that the 78723
department has acquired from the internal revenue service, through 78724
federal and state statutory authority, may be disclosed to the 78725
auditor of state or the office of internal audit solely for 78726
purposes of an audit of the department. 78727

(4) For purposes of Chapter 3739. of the Revised Code, an 78728
agent of the department of taxation may share information with the 78729
division of state fire marshal that the agent finds during the 78730
course of an investigation. 78731

(C) Division (A) of this section does not prohibit any of the 78732
following: 78733

(1) Divulging information contained in applications, 78734
complaints, and related documents filed with the department under 78735
section 5715.27 of the Revised Code or in applications filed with 78736
the department under section 5715.39 of the Revised Code; 78737

(2) Providing information to the office of child support 78738
within the department of job and family services pursuant to 78739
section 3125.43 of the Revised Code; 78740

(3) Disclosing to the motor vehicle repair board any 78741
information in the possession of the department that is necessary 78742
for the board to verify the existence of an applicant's valid 78743
vendor's license and current state tax identification number under 78744
section 4775.07 of the Revised Code; 78745

(4) Providing information to the administrator of workers' 78746
compensation pursuant to sections 4123.271 and 4123.591 of the 78747
Revised Code; 78748

(5) Providing to the attorney general information the 78749
department obtains under division (J) of section 1346.01 of the 78750
Revised Code; 78751

(6) Permitting properly authorized officers, employees, or 78752
agents of a municipal corporation from inspecting reports or 78753
information pursuant to rules adopted under section 5718.13 or 78754
5745.16 of the Revised Code; 78755

(7) Providing information regarding the name, account number, 78756
or business address of a holder of a vendor's license issued 78757

pursuant to section 5739.17 of the Revised Code, a holder of a 78758
direct payment permit issued pursuant to section 5739.031 of the 78759
Revised Code, or a seller having a use tax account maintained 78760
pursuant to section 5741.17 of the Revised Code, or information 78761
regarding the active or inactive status of a vendor's license, 78762
direct payment permit, or seller's use tax account; 78763

(8) Releasing invoices or invoice information furnished under 78764
section 4301.433 of the Revised Code pursuant to that section; 78765

(9) Providing to a county auditor notices or documents 78766
concerning or affecting the taxable value of property in the 78767
county auditor's county. Unless authorized by law to disclose 78768
documents so provided, the county auditor shall not disclose such 78769
documents; 78770

(10) Providing to a county auditor sales or use tax return or 78771
audit information under section 333.06 of the Revised Code; 78772

(11) Subject to section 4301.441 of the Revised Code, 78773
disclosing to the appropriate state agency information in the 78774
possession of the department of taxation that is necessary to 78775
verify a permit holder's gallonage or noncompliance with taxes 78776
levied under Chapter 4301. or 4305. of the Revised Code; 78777

(12) Disclosing to the department of natural resources 78778
information in the possession of the department of taxation that 78779
is necessary for the department of taxation to verify the 78780
taxpayer's compliance with section 5749.02 of the Revised Code or 78781
to allow the department of natural resources to enforce Chapter 78782
1509. of the Revised Code; 78783

(13) Disclosing to the department of job and family services, 78784
industrial commission, and bureau of workers' compensation 78785
information in the possession of the department of taxation solely 78786
for the purpose of identifying employers that misclassify 78787
employees as independent contractors or that fail to properly 78788

report and pay employer tax liabilities. The department of 78789
taxation shall disclose only such information that is necessary to 78790
verify employer compliance with law administered by those 78791
agencies. 78792

(14) Disclosing to the Ohio casino control commission 78793
information in the possession of the department of taxation that 78794
is necessary to verify a casino operator's compliance with section 78795
5747.063 or 5753.02 of the Revised Code and sections related 78796
thereto; 78797

(15) Disclosing to the state lottery commission information 78798
in the possession of the department of taxation that is necessary 78799
to verify a lottery sales agent's compliance with section 5747.064 78800
of the Revised Code. 78801

(16) Disclosing to the development services agency 78802
information in the possession of the department of taxation that 78803
is necessary to ensure compliance with the laws of this state 78804
governing taxation and to verify information reported to the 78805
development services agency for the purpose of evaluating 78806
potential tax credits, grants, or loans. Such information shall 78807
not include information received from the internal revenue service 78808
the disclosure of which is prohibited by section 6103 of the 78809
Internal Revenue Code. No officer, employee, or agent of the 78810
development services agency shall disclose any information 78811
provided to the development services agency by the department of 78812
taxation under division (C)(16) of this section except when 78813
disclosure of the information is necessary for, and made solely 78814
for the purpose of facilitating, the evaluation of potential tax 78815
credits, grants, or loans. 78816

(17) Disclosing to the department of insurance information in 78817
the possession of the department of taxation that is necessary to 78818
ensure a taxpayer's compliance with the requirements with any tax 78819
credit administered by the development services agency and claimed 78820

by the taxpayer against any tax administered by the superintendent 78821
of insurance. No officer, employee, or agent of the department of 78822
insurance shall disclose any information provided to the 78823
department of insurance by the department of taxation under 78824
division (C)(17) of this section. 78825

(18) Disclosing to the division of liquor control information 78826
in the possession of the department of taxation that is necessary 78827
for the division and department to comply with the requirements of 78828
sections 4303.26 and 4303.271 of the Revised Code. 78829

Sec. 5703.26. No person shall knowingly make, present, aid, 78830
or assist in the preparation or presentation of a false or 78831
fraudulent report, return, schedule, statement, claim, or document 78832
authorized or required by law to be filed with the department of 78833
taxation, the treasurer of state, a county auditor, a county 78834
treasurer, or a county clerk of courts, or knowingly procure, 78835
counsel, or advise the preparation or presentation of such report, 78836
return, schedule, statement, claim, or document, or knowingly 78837
change, alter, or amend, or knowingly procure, counsel, or advise 78838
such change, alteration, or amendment of the records upon which 78839
such report, return, schedule, statement, claim, or document is 78840
based with intent to defraud the state or any of its subdivisions. 78841

If the report, return, schedule, statement, claim, or 78842
document involves the application for or renewal of a license, 78843
such acts or conduct may result in the denial or revocation of the 78844
license. 78845

With respect to such acts or conduct, no conviction shall be 78846
had under any other section of the Revised Code. 78847

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 78848
Revised Code: 78849

(A) "Tax" includes only those taxes imposed on tangible 78850

personal property listed in accordance with Chapter 5711. of the 78851
Revised Code and taxes imposed under or in accordance with 78852
Chapters 5718., 5733., 5736., 5739., 5741., 5747., and 5751. of 78853
the Revised Code. 78854

(B) "Taxpayer" means a person subject to or potentially 78855
subject to a tax including an employer required to deduct and 78856
withhold any amount under section 5747.06 of the Revised Code. 78857

(C) "Audit" means the examination of a taxpayer or the 78858
inspection of the books, records, memoranda, or accounts of a 78859
taxpayer for the purpose of determining liability for a tax. 78860

(D) "Assessment" means a notice of underpayment or nonpayment 78861
of a tax issued pursuant to section 5711.26, 5711.32, 5718.12, 78862
5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 78863
of the Revised Code. 78864

(E) "County auditor" means the auditor of the county in which 78865
the tangible personal property subject to a tax is located. 78866

Sec. 5703.57. (A) As used in this section, "Ohio business 78867
gateway" has the same meaning as in section 718.01 of the Revised 78868
Code. 78869

(B) There is hereby created the Ohio business gateway 78870
steering committee to direct the continuing development of the 78871
Ohio business gateway and to oversee its operations. The committee 78872
shall provide general oversight regarding operation of the Ohio 78873
business gateway and shall recommend to the department of 78874
administrative services enhancements that will improve the Ohio 78875
business gateway. The committee shall consider all banking, 78876
technological, administrative, and other issues associated with 78877
the Ohio business gateway and shall make recommendations regarding 78878
the type of reporting forms or other tax documents to be filed 78879
through the Ohio business gateway. 78880

(C) The committee shall consist of: 78881

(1) The following members, appointed by the governor with the 78882
advice and consent of the senate: 78883

(a) Not more than four representatives of the business 78884
community; 78885

(b) Not more than ~~three representatives~~ one representative of 78886
municipal tax administrators, as defined in section 718.01 of the 78887
Revised Code, selected from a list of candidates provided by the 78888
Ohio municipal league; and 78889

(c) Not more than two tax practitioners. 78890

(2) The following ex officio members: 78891

(a) The director or other highest officer of each state 78892
agency that has tax reporting forms or other tax documents filed 78893
with it through the Ohio business gateway or the director's 78894
designee; 78895

(b) The secretary of state or the secretary of state's 78896
designee; 78897

(c) The treasurer of state or the treasurer of state's 78898
designee; 78899

(d) The director of budget and management or the director's 78900
designee; 78901

(e) The state chief information officer or the officer's 78902
designee; 78903

(f) The tax commissioner or the tax commissioner's designee; 78904
and 78905

(g) The director of development or the director's designee; 78906

(h) The governor or the governor's designee. 78907

An appointed member shall serve until the member resigns or 78908
is removed by the governor. Vacancies shall be filled in the same 78909

manner as original appointments. 78910

(D) A vacancy on the committee does not impair the right of 78911
the other members to exercise all the functions of the committee. 78912
The presence of a majority of the members of the committee 78913
constitutes a quorum for the conduct of business of the committee. 78914
The concurrence of at least a majority of the members of the 78915
committee is necessary for any action to be taken by the 78916
committee. On request, each member of the committee shall be 78917
reimbursed for the actual and necessary expenses incurred in the 78918
discharge of the member's duties. 78919

(E) The committee is a part of the department of taxation for 78920
administrative purposes. 78921

(F) Each year, the governor shall select a member of the 78922
committee to serve as chairperson. The chairperson shall appoint 78923
an official or employee of the department of taxation to act as 78924
the committee's secretary. The secretary shall keep minutes of the 78925
committee's meetings and a journal of all meetings, proceedings, 78926
findings, and determinations of the committee. 78927

(G) The committee may hire professional, technical, and 78928
clerical staff needed to support its activities. 78929

(H) The committee shall meet as often as necessary to perform 78930
its duties. 78931

Sec. 5703.70. (A) On the filing of an application for refund 78932
under section 3734.905, 4307.05, 4307.07, 5718.19, 5726.30, 78933
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 78934
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 78935
5741.10, 5743.05, 5743.53, 5749.08, 5751.08, or 5753.06 of the 78936
Revised Code, or an application for compensation under section 78937
5739.061 of the Revised Code, if the tax commissioner determines 78938
that the amount of the refund or compensation to which the 78939

applicant is entitled is less than the amount claimed in the 78940
application, the commissioner shall give the applicant written 78941
notice by ordinary mail of the amount. The notice shall be sent to 78942
the address shown on the application unless the applicant notifies 78943
the commissioner of a different address. The applicant shall have 78944
sixty days from the date the commissioner mails the notice to 78945
provide additional information to the commissioner or request a 78946
hearing, or both. 78947

(B) If the applicant neither requests a hearing nor provides 78948
additional information to the tax commissioner within the time 78949
prescribed by division (A) of this section, the commissioner shall 78950
take no further action, and the refund or compensation amount 78951
denied becomes final. 78952

(C)(1) If the applicant requests a hearing within the time 78953
prescribed by division (A) of this section, the tax commissioner 78954
shall assign a time and place for the hearing and notify the 78955
applicant of such time and place, but the commissioner may 78956
continue the hearing from time to time as necessary. After the 78957
hearing, the commissioner may make such adjustments to the refund 78958
or compensation as the commissioner finds proper, and shall issue 78959
a final determination thereon. 78960

(2) If the applicant does not request a hearing, but provides 78961
additional information, within the time prescribed by division (A) 78962
of this section, the commissioner shall review the information, 78963
make such adjustments to the refund or compensation as the 78964
commissioner finds proper, and issue a final determination 78965
thereon. 78966

(3) The commissioner shall serve a copy of the final 78967
determination made under division (C)(1) or (2) of this section on 78968
the applicant in the manner provided in section 5703.37 of the 78969
Revised Code, and the decision is final, subject to appeal under 78970

section 5717.02 of the Revised Code. 78971

(D) The tax commissioner shall certify to the director of 78972
budget and management and treasurer of state for payment from the 78973
tax refund fund created by section 5703.052 of the Revised Code, 78974
the amount of the refund to be refunded under division (B) or (C) 78975
of this section. The commissioner also shall certify to the 78976
director and treasurer of state for payment from the general 78977
revenue fund the amount of compensation to be paid under division 78978
(B) or (C) of this section. 78979

Sec. 5703.75. This section applies to any tax, fee, or charge 78980
payable to the state and administered by the tax commissioner. If 78981
the total amount of any such tax, fee, or charge shown to be due 78982
on a return, amended return, or notice does not exceed one dollar, 78983
the taxpayer or person liable for the tax, fee, or charge shall 78984
not be required to remit the amount due. If the total amount of a 78985
~~taxpayer's~~ an overpayment of any such tax, fee, or charge does not 78986
exceed one dollar, the tax commissioner shall not be required to 78987
refund the overpayment. 78988

Sec. 5703.90. If any tax administered by the tax commissioner 78989
remains unpaid after the date the tax is due, the commissioner may 78990
issue an assessment for the unpaid tax, and for any related 78991
penalties and interest, against any person liable for the amount 78992
due, including, but not limited to, a person that is jointly and 78993
severally liable for the amount under Chapter 5718., 5726., or 78994
5751. of the Revised Code, a partner liable for the tax liability 78995
of a partnership, a director liable for the tax liability of a 78996
dissolved corporation, or any other person liable for the tax 78997
liability of another person under the Revised Code. The 78998
commissioner shall issue the assessment in accordance with any 78999
other provision of the Revised Code applicable to assessments for 79000
the tax for which the person to be assessed is liable. 79001

Sec. 5705.01. As used in this chapter: 79002

(A) "Subdivision" means any county; municipal corporation; 79003
township; township police district; joint police district; 79004
township fire district; joint fire district; joint ambulance 79005
district; joint emergency medical services district; fire and 79006
ambulance district; joint recreation district; township waste 79007
disposal district; township road district; community college 79008
district; technical college district; detention facility district; 79009
a district organized under section 2151.65 of the Revised Code; a 79010
combined district organized under sections 2152.41 and 2151.65 of 79011
the Revised Code; a joint-county alcohol, drug addiction, and 79012
mental health service district; a general health district formed 79013
under section 3709.10 of the Revised Code; a drainage improvement 79014
district created under section 6131.52 of the Revised Code; a lake 79015
facilities authority created under Chapter 353. of the Revised 79016
Code; a union cemetery district; a county school financing 79017
district; a city, local, exempted village, cooperative education, 79018
or joint vocational school district; or a regional student 79019
education district created under section 3313.83 of the Revised 79020
Code. 79021

(B) "Municipal corporation" means all municipal corporations, 79022
including those that have adopted a charter under Article XVIII, 79023
Ohio Constitution. 79024

(C) "Taxing authority" or "bond issuing authority" means, in 79025
the case of any county, the board of county commissioners; in the 79026
case of a municipal corporation, the council or other legislative 79027
authority of the municipal corporation; in the case of a city, 79028
local, exempted village, cooperative education, or joint 79029
vocational school district, the board of education; in the case of 79030
a community college district, the board of trustees of the 79031
district; in the case of a technical college district, the board 79032

of trustees of the district; in the case of a detention facility 79033
district, a district organized under section 2151.65 of the 79034
Revised Code, or a combined district organized under sections 79035
2152.41 and 2151.65 of the Revised Code, the joint board of county 79036
commissioners of the district; in the case of a township, the 79037
board of township trustees; in the case of a joint police 79038
district, the joint police district board; in the case of a joint 79039
fire district, the board of fire district trustees; in the case of 79040
a joint recreation district, the joint recreation district board 79041
of trustees; in the case of a joint-county alcohol, drug 79042
addiction, and mental health service district, the district's 79043
board of alcohol, drug addiction, and mental health services; in 79044
the case of a general health district that is a subdivision under 79045
this section, the board of health of the district; in the case of 79046
a joint ambulance district or a fire and ambulance district, the 79047
board of trustees of the district; in the case of a union cemetery 79048
district, the legislative authority of the municipal corporation 79049
and the board of township trustees, acting jointly as described in 79050
section 759.341 of the Revised Code; in the case of a drainage 79051
improvement district, the board of county commissioners of the 79052
county in which the drainage district is located; in the case of a 79053
lake facilities authority, the board of directors; in the case of 79054
a joint emergency medical services district, the joint board of 79055
county commissioners of all counties in which all or any part of 79056
the district lies; and in the case of a township police district, 79057
a township fire district, a township road district, or a township 79058
waste disposal district, the board of township trustees of the 79059
township in which the district is located. "Taxing authority" also 79060
means the educational service center governing board that serves 79061
as the taxing authority of a county school financing district as 79062
provided in section 3311.50 of the Revised Code, and the board of 79063
directors of a regional student education district created under 79064
section 3313.83 of the Revised Code. 79065

(D) "Fiscal officer" in the case of a county, means the 79066
county auditor; in the case of a municipal corporation, the city 79067
auditor or village clerk, or an officer who, by virtue of the 79068
charter, has the duties and functions of the city auditor or 79069
village clerk, except that in the case of a municipal university 79070
the board of directors of which have assumed, in the manner 79071
provided by law, the custody and control of the funds of the 79072
university, the chief accounting officer of the university shall 79073
perform, with respect to the funds, the duties vested in the 79074
fiscal officer of the subdivision by sections 5705.41 and 5705.44 79075
of the Revised Code; in the case of a school district, the 79076
treasurer of the board of education; in the case of a county 79077
school financing district, the treasurer of the educational 79078
service center governing board that serves as the taxing 79079
authority; in the case of a township, the township fiscal officer; 79080
in the case of a joint police district, the treasurer of the 79081
district; in the case of a joint fire district, the clerk of the 79082
board of fire district trustees; in the case of a joint ambulance 79083
district, the clerk of the board of trustees of the district; in 79084
the case of a joint emergency medical services district, the 79085
person appointed as fiscal officer pursuant to division (D) of 79086
section 307.053 of the Revised Code; in the case of a fire and 79087
ambulance district, the person appointed as fiscal officer 79088
pursuant to division (B) of section 505.375 of the Revised Code; 79089
in the case of a joint recreation district, the person designated 79090
pursuant to section 755.15 of the Revised Code; in the case of a 79091
union cemetery district, the clerk of the municipal corporation 79092
designated in section 759.34 of the Revised Code; in the case of a 79093
children's home district, educational service center, general 79094
health district, joint-county alcohol, drug addiction, and mental 79095
health service district, county library district, detention 79096
facility district, district organized under section 2151.65 of the 79097
Revised Code, a combined district organized under sections 2152.41 79098

and 2151.65 of the Revised Code, or a metropolitan park district 79099
for which no treasurer has been appointed pursuant to section 79100
1545.07 of the Revised Code, the county auditor of the county 79101
designated by law to act as the auditor of the district; in the 79102
case of a metropolitan park district which has appointed a 79103
treasurer pursuant to section 1545.07 of the Revised Code, that 79104
treasurer; in the case of a drainage improvement district, the 79105
auditor of the county in which the drainage improvement district 79106
is located; in the case of a lake facilities authority, the fiscal 79107
officer designated under section 353.02 of the Revised Code; in 79108
the case of a regional student education district, the fiscal 79109
officer appointed pursuant to section 3313.83 of the Revised Code; 79110
and in all other cases, the officer responsible for keeping the 79111
appropriation accounts and drawing warrants for the expenditure of 79112
the moneys of the district or taxing unit. 79113

(E) "Permanent improvement" or "improvement" means any 79114
property, asset, or improvement with an estimated life or 79115
usefulness of five years or more, including land and interests 79116
therein, and reconstructions, enlargements, and extensions thereof 79117
having an estimated life or usefulness of five years or more. 79118

(F) "Current operating expenses" and "current expenses" mean 79119
the lawful expenditures of a subdivision, except those for 79120
permanent improvements, and except payments for interest, sinking 79121
fund, and retirement of bonds, notes, and certificates of 79122
indebtedness of the subdivision. 79123

(G) "Debt charges" means interest, sinking fund, and 79124
retirement charges on bonds, notes, or certificates of 79125
indebtedness. 79126

(H) "Taxing unit" means any subdivision or other governmental 79127
district having authority to levy taxes on the property in the 79128
district or issue bonds that constitute a charge against the 79129
property of the district, including conservancy districts, 79130

metropolitan park districts, sanitary districts, road districts, 79131
and other districts. 79132

(I) "District authority" means any board of directors, 79133
trustees, commissioners, or other officers controlling a district 79134
institution or activity that derives its income or funds from two 79135
or more subdivisions, such as the educational service center, the 79136
trustees of district children's homes, the district board of 79137
health, a joint-county alcohol, drug addiction, and mental health 79138
service district's board of alcohol, drug addiction, and mental 79139
health services, detention facility districts, a joint recreation 79140
district board of trustees, districts organized under section 79141
2151.65 of the Revised Code, combined districts organized under 79142
sections 2152.41 and 2151.65 of the Revised Code, and other such 79143
boards. 79144

(J) "Tax list" and "tax duplicate" mean the general tax lists 79145
and duplicates prescribed by sections 319.28 and 319.29 of the 79146
Revised Code. 79147

(K) "Property" as applied to a tax levy means taxable 79148
property listed on general tax lists and duplicates. 79149

(L) "Association library district" means a territory, the 79150
boundaries of which are defined by the state library board 79151
pursuant to division (I) of section 3375.01 of the Revised Code, 79152
in which a library association or private corporation maintains a 79153
free public library. 79154

(M) "Library district" means a territory, the boundaries of 79155
which are defined by the state library board pursuant to section 79156
3375.01 of the Revised Code, in which the board of trustees of a 79157
county, municipal corporation, school district, or township public 79158
library maintains a free public library. 79159

(N) "Qualifying library levy" means either of the following: 79160

(1) A levy for the support of a library association or 79161

private corporation that has an association library district with 79162
boundaries that are not identical to those of a subdivision; 79163

(2) A levy proposed under section 5705.23 of the Revised Code 79164
for the support of the board of trustees of a public library that 79165
has a library district with boundaries that are not identical to 79166
those of a subdivision. 79167

(0) "School library district" means a school district in 79168
which a free public library has been established that is under the 79169
control and management of a board of library trustees as provided 79170
in section 3375.15 of the Revised Code. 79171

Sec. 5709.17. The following property shall be exempted from 79172
taxation: 79173

(A) Real estate held or occupied by an association or 79174
corporation, organized or incorporated under the laws of this 79175
state relative to soldiers' memorial associations, or monumental 79176
building associations, ~~or cemetery associations or corporations,~~ 79177
~~which and that,~~ in the opinion of the trustees, directors, or 79178
managers thereof, is necessary and proper to carry out the object 79179
intended for such association or corporation; 79180

(B) Real estate and tangible personal property held or 79181
occupied by a veterans' organization that qualifies for exemption 79182
from taxation under section 501(c)(19) or 501(c)(23) of the 79183
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 79184
amended, and is incorporated under the laws of this state or the 79185
United States, except real estate held by such an organization for 79186
the production of rental income in excess of thirty-six thousand 79187
dollars in a tax year, before accounting for any cost or expense 79188
incurred in the production of such income. For the purposes of 79189
this division, rental income includes only income arising directly 79190
from renting the real estate to others for consideration. 79191

(C) Tangible personal property held by a corporation 79192
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 79193
section 501(c)(3) of the Internal Revenue Code, and exempt from 79194
taxation under section 501(a) of the Internal Revenue Code shall 79195
be exempt from taxation if it is property obtained as described in 79196
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 79197

(D) Real estate held or occupied by a fraternal organization 79198
and used primarily for meetings of and the administration of the 79199
fraternal organization or for providing, on a not-for-profit 79200
basis, educational or health services, except real estate held by 79201
such an organization for the production of rental income in excess 79202
of thirty-six thousand dollars in a tax year before accounting for 79203
any cost or expense incurred in the production of such income. As 79204
used in this division, "rental income" has the same meaning as in 79205
division (B) of this section, and "fraternal organization" means a 79206
domestic fraternal society, order, or association operating under 79207
the lodge, council, or grange system that qualifies for exemption 79208
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 79209
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 79210
as amended; that provides financial support for charitable 79211
purposes, as defined in division (B)(12) of section 5739.02 of the 79212
Revised Code; and that operates under a state governing body that 79213
has been operating in this state for at least eighty-five years. 79214

Sec. 5709.212. (A) With every application for an exempt 79215
facility certificate filed pursuant to section 5709.21 of the 79216
Revised Code, the applicant shall pay a fee equal to one-half of 79217
one per cent of the total exempt facility project cost, not to 79218
exceed two thousand dollars. ~~One-half of the fee received with~~ 79219
~~applications for exempt facility certificates shall be credited to~~ 79220
~~the exempt facility administrative fund, which is hereby created~~ 79221
~~in the state treasury, for appropriation to the department of~~ 79222
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 79223

~~the Revised Code.~~ If the director of environmental protection is 79224
required to provide the opinion for an application, ~~one-half of~~ 79225
the fee shall be credited to the non-Title V clean air fund 79226
created in section 3704.035 of the Revised Code for use in 79227
administering section 5709.211 of the Revised Code, unless the 79228
application is for an industrial water pollution control facility. 79229
If the application is for an industrial water pollution control 79230
facility, ~~one-half of~~ the fee shall be credited to the surface 79231
water protection fund created in section 6111.038 of the Revised 79232
Code for use in administering section 5709.211 of the Revised 79233
Code. If the director of development is required to provide the 79234
opinion for an application, ~~one-half of~~ the fee for each exempt 79235
facility application shall be credited to the exempt facility 79236
inspection fund, which is hereby created in the state treasury, 79237
for appropriation to the ~~department of development~~ services agency 79238
for use in administering section 5709.211 of the Revised Code. 79239

An applicant is not entitled to any tax exemption under 79240
section 5709.25 of the Revised Code until the fee required by this 79241
section is paid. The fee required by this section is not 79242
refundable, and is due with the application for an exempt facility 79243
certificate even if an exempt facility certificate ultimately is 79244
not issued or is withdrawn. Any application submitted without 79245
payment of the fee shall be deemed incomplete until the fee is 79246
paid. 79247

(B) The application fee imposed under division (A) of this 79248
section for a jointly owned facility shall be equal to one-half of 79249
one per cent of the total exempt facility project cost, not to 79250
exceed two thousand dollars for each facility that is the subject 79251
of the application. 79252

Sec. 5709.64. (A) If an enterprise has been granted an 79253
incentive for the current calendar year under an agreement entered 79254

pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, it may apply, on or before the thirtieth day of April of that year, to the director of development, on a form prescribed by the director, for a tax incentive qualification certificate. The enterprise qualifies for an initial certificate if, on or before the last day of the calendar year immediately preceding that in which application is made, it satisfies all of the following requirements:

(1) The enterprise has established, expanded, renovated, or occupied a facility pursuant to the agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code.

(2) The enterprise has hired new employees to fill nonretail positions at the facility, at least twenty-five per cent of whom at the time they were employed were at least one of the following:

(a) Unemployed persons who had resided at least six months in the county in which the enterprise's project site is located;

(b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located;

(c) Participants of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, financial assistance under former Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located;

(d) ~~Handicapped persons~~ Eligible individuals with disabilities, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located;

(e) Residents for at least one year of a zone located in the 79286
county in which the enterprise's project site is located. 79287

The director of development shall, by rule, establish 79288
criteria for determining what constitutes a nonretail position at 79289
a facility. 79290

(3) The average number of positions attributable to the 79291
enterprise in the municipal corporation during the calendar year 79292
immediately preceding the calendar year in which application is 79293
made exceeds the maximum number of positions attributable to the 79294
enterprise in the municipal corporation during the calendar year 79295
immediately preceding the first year the enterprise satisfies the 79296
requirements set forth in divisions (A)(1) and (2) of this 79297
section. If the enterprise is engaged in a business which, because 79298
of its seasonal nature, customarily enables the enterprise to 79299
operate at full capacity only during regularly recurring periods 79300
of the year, the average number of positions attributable to the 79301
enterprise in the municipal corporation during each period of the 79302
calendar year immediately preceding the calendar year in which 79303
application is made must exceed only the maximum number of 79304
positions attributable to the enterprise in each corresponding 79305
period of the calendar year immediately preceding the first year 79306
the enterprise satisfies the requirements of divisions (A)(1) and 79307
(2) of this section. The director of development shall, by rule, 79308
prescribe methods for determining whether an enterprise is engaged 79309
in a seasonal business and for determining the length of the 79310
corresponding periods to be compared. 79311

(4) The enterprise has not closed or reduced employment at 79312
any place of business in the state for the primary purpose of 79313
establishing, expanding, renovating, or occupying a facility. The 79314
legislative authority of any municipal corporation or the board of 79315
county commissioners of any county that concludes that an 79316
enterprise has closed or reduced employment at a place of business 79317

in that municipal corporation or county for the primary purpose of 79318
establishing, expanding, renovating, or occupying a facility in a 79319
zone may appeal to the director to determine whether the 79320
enterprise has done so. Upon receiving such an appeal, the 79321
director shall investigate the allegations and make such a 79322
determination before issuing an initial or renewal tax incentive 79323
qualification certificate under this section. 79324

Within sixty days after receiving an application under this 79325
division, the director shall review, investigate, and verify the 79326
application and determine whether the enterprise qualifies for a 79327
certificate. The application shall include an affidavit executed 79328
by the applicant verifying that the enterprise satisfies the 79329
requirements of division (A)(2) of this section, and shall contain 79330
such information and documents as the director requires, by rule, 79331
to ascertain whether the enterprise qualifies for a certificate. 79332
If the director finds the enterprise qualified, the director shall 79333
issue a tax incentive qualification certificate, which shall bear 79334
as its date of issuance the thirtieth day of June of the year of 79335
application, and shall state that the applicant is entitled to 79336
receive, for the taxable year that includes the certificate's date 79337
of issuance, the tax incentives provided under section 5709.65 of 79338
the Revised Code with regard to the facility to which the 79339
certificate applies. If an enterprise is issued an initial 79340
certificate, it may apply, on or before the thirtieth day of April 79341
of each succeeding calendar year for which it has been granted an 79342
incentive under an agreement entered pursuant to section 5709.62, 79343
5709.63, or 5709.632 of the Revised Code, for a renewal 79344
certificate. Subsequent to its initial certification, the 79345
enterprise qualifies for up to three successive renewal 79346
certificates if, on or before the last day of the calendar year 79347
immediately preceding that in which the application is made, it 79348
satisfies all the requirements of divisions (A)(1) to (4) of this 79349
section, and neither the zone's designation nor the zone's 79350

certification has been revoked prior to the fifteenth day of June 79351
of the year in which the application is made. The application 79352
shall include an affidavit executed by the applicant verifying 79353
that the enterprise satisfies the requirements of division (A)(2) 79354
of this section. An enterprise with ten or more supervisory 79355
personnel at the facility to which a certificate applies qualifies 79356
for any subsequent renewal certificates only if it meets all of 79357
the foregoing requirements and, in addition, at least ten per cent 79358
of those supervisory personnel are employees who, when first hired 79359
by the enterprise, satisfied at least one of the criteria 79360
specified in divisions (A)(2)(a) to (e) of this section. If the 79361
enterprise qualifies, a renewal certificate shall be issued 79362
bearing as its date of issuance the thirtieth day of June of the 79363
year of application. The director shall send copies of the initial 79364
certificate, and each renewal certificate, by certified mail, to 79365
the enterprise, the tax commissioner, the board of county 79366
commissioners, and the chief executive of the municipal 79367
corporation in which the facility to which the certificate applies 79368
is located. 79369

(B) If the director determines that an enterprise is not 79370
qualified for an initial or renewal tax incentive qualification 79371
certificate, the director shall send notice of this determination, 79372
specifying the reasons for it, by certified mail, to the 79373
applicant, the tax commissioner, the board of county 79374
commissioners, and the chief executive of the municipal 79375
corporation in which the facility to which the certificate would 79376
have applied is located. Within thirty days after receiving such a 79377
notice, an enterprise may request, in writing, a hearing before 79378
the director for the purpose of reviewing the application and the 79379
reasons for the determination. Within sixty days after receiving a 79380
request for a hearing, the director shall afford one and, within 79381
thirty days after the hearing, shall issue a redetermination of 79382
the enterprise's qualification for a certificate. If the 79383

enterprise is found to be qualified, the director shall proceed in 79384
the manner provided under division (A) of this section. If the 79385
enterprise is found to be unqualified, the director shall send 79386
notice of this finding, by certified mail, to the applicant, the 79387
tax commissioner, the board of county commissioners, and the chief 79388
executive of the municipal corporation in which the facility to 79389
which the certificate would have applied is located. The 79390
director's redetermination that an enterprise is unqualified may 79391
be appealed to the board of tax appeals in the manner provided 79392
under section 5717.02 of the Revised Code. 79393

Sec. 5709.68. (A) On or before the thirty-first day of March 79394
each year, a municipal corporation or county that has entered into 79395
an agreement with an enterprise under section 5709.62, 5709.63, or 79396
5709.632 of the Revised Code shall submit to the director of 79397
development services and the board of education of each school 79398
district of which a municipal corporation or township to which 79399
such an agreement applies is a part a report on all of those 79400
agreements in effect during the preceding calendar year. The 79401
report shall include all of the following information: 79402

(1) The designation, assigned by the director of development 79403
services, of each urban jobs and enterprise zone within the 79404
municipal corporation or county, the date each zone was certified, 79405
the name of each municipal corporation or township within each 79406
zone, and the total population of each zone according to the most 79407
recent data available; 79408

(2) The number of enterprises that are subject to those 79409
agreements and the number of full-time employees subject to those 79410
agreements within each zone, each according to the most recent 79411
data available and identified and categorized by the appropriate 79412
standard industrial code, and the rate of unemployment in the 79413
municipal corporation or county in which the zone is located for 79414

each year since each zone was certified; 79415

(3) The number of agreements approved and executed during the 79416
calendar year for which the report is submitted, the total number 79417
of agreements in effect on the thirty-first day of December of the 79418
preceding calendar year, the number of agreements that expired 79419
during the calendar year for which the report is submitted, and 79420
the number of agreements scheduled to expire during the calendar 79421
year in which the report is submitted. For each agreement that 79422
expired during the calendar year for which the report is 79423
submitted, the municipal corporation or county shall include the 79424
amount of taxes exempted and the estimated dollar value of any 79425
other incentives provided under the agreement. 79426

(4) The number of agreements receiving compliance reviews by 79427
the tax incentive review council in the municipal corporation or 79428
county during the calendar year for which the report is submitted, 79429
including all of the following information: 79430

(a) The number of agreements the terms of which an enterprise 79431
has complied with, indicating separately for each agreement the 79432
value of the real and personal property exempted pursuant to the 79433
agreement and a comparison of the stipulated and actual schedules 79434
for hiring new employees, for retaining existing employees, for 79435
the amount of payroll of the enterprise attributable to these 79436
employees, and for investing in establishing, expanding, 79437
renovating, or occupying a facility; 79438

(b) The number of agreements the terms of which an enterprise 79439
has failed to comply with, indicating separately for each 79440
agreement the value of the real and personal property exempted 79441
pursuant to the agreement and a comparison of the stipulated and 79442
actual schedules for hiring new employees, for retaining existing 79443
employees, for the amount of payroll of the enterprise 79444
attributable to these employees, and for investing in 79445
establishing, expanding, renovating, or occupying a facility; 79446

(c) The number of agreements about which the tax incentive	79447
review council made recommendations to the legislative authority	79448
of the municipal corporation or county, and the number of those	79449
recommendations that have not been followed;	79450
(d) The number of agreements rescinded during the calendar	79451
year for which the report is submitted.	79452
(5) The number of enterprises that are subject to agreements	79453
that expanded within each zone, including the number of new	79454
employees hired and existing employees retained by each	79455
enterprise, and the number of new enterprises that are subject to	79456
agreements and that established within each zone, including the	79457
number of new employees hired by each enterprise;	79458
(6)(a) The number of enterprises that are subject to	79459
agreements and that closed or reduced employment at any place of	79460
business within the state for the primary purpose of establishing,	79461
expanding, renovating, or occupying a facility, indicating	79462
separately for each enterprise the political subdivision in which	79463
the enterprise closed or reduced employment at a place of business	79464
and the number of full-time employees transferred and retained by	79465
each such place of business;	79466
(b) The number of enterprises that are subject to agreements	79467
and that closed or reduced employment at any place of business	79468
outside the state for the primary purpose of establishing,	79469
expanding, renovating, or occupying a facility.	79470
(7) For each agreement in effect during any part of the	79471
preceding year, the number of employees employed by the enterprise	79472
at the project site immediately prior to formal approval of the	79473
agreement, the number of employees employed by the enterprise at	79474
the project site on the thirty-first day of December of the	79475
preceding year, the payroll of the enterprise for the preceding	79476
year, the amount of taxes paid on tangible personal property	79477

situated at the project site and the amount of those taxes that 79478
were not paid because of the exemption granted under the 79479
agreement, and the amount of taxes paid on real property 79480
constituting the project site and the amount of those taxes that 79481
were not paid because of the exemption granted under the 79482
agreement. If an agreement was entered into under section 5709.632 79483
of the Revised Code with an enterprise described in division 79484
(B)(2) of that section, the report shall include the number of 79485
employee positions at all of the enterprise's locations in this 79486
state. If an agreement is conditioned on a waiver issued under 79487
division (B) of section 5709.633 of the Revised Code on the basis 79488
of the circumstance described in division (B)(3)(a) or (b) of that 79489
section, the report shall include the number of employees at the 79490
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 79491
section, respectively. 79492

(B) Upon the failure of a municipal corporation or county to 79493
comply with division (A) of this section: 79494

(1) Beginning on the first day of April of the calendar year 79495
in which the municipal corporation or county fails to comply with 79496
that division, the municipal corporation or county shall not enter 79497
into any agreements with an enterprise under section 5709.62, 79498
5709.63, or 5709.632 of the Revised Code until the municipal 79499
corporation or county has complied with division (A) of this 79500
section. 79501

(2) On the first day of each ensuing calendar month until the 79502
municipal corporation or county complies with division (A) of this 79503
section, the director of development services shall either order 79504
the proper county auditor to deduct from the next succeeding 79505
payment of taxes to the municipal corporation or county under 79506
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 79507
amount equal to one thousand dollars for each calendar month the 79508
municipal corporation or county fails to comply with that 79509

division, or order the county auditor to deduct that amount from 79510
the next succeeding payment to the municipal corporation or county 79511
from the undivided local government fund under section 5747.51 of 79512
the Revised Code. At the time such a payment is made, the county 79513
auditor shall comply with the director's order by issuing a 79514
warrant, drawn on the fund from which the money would have been 79515
paid, to the director of development services, who shall deposit 79516
the warrant into the state enterprise zone program administration 79517
fund created in division (C) of this section. 79518

(C) The director, by rule, shall establish the state's 79519
application fee for applications submitted to a municipal 79520
corporation or county to enter into an agreement under section 79521
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 79522
the amount of the fee, the director shall consider the state's 79523
cost of administering the enterprise zone program, including the 79524
cost of reviewing the reports required under division (A) of this 79525
section. The director may change the amount of the fee at the 79526
times and in the increments the director considers necessary. Any 79527
municipal corporation or county that receives an application shall 79528
collect the application fee and remit the fee for deposit in the 79529
state treasury to the credit of the ~~business assistance tax~~ 79530
incentives operating fund created in section 122.174 of the 79531
Revised Code. 79532

(D) On or before the thirtieth day of June each year, the 79533
director of development services shall certify to the tax 79534
commissioner the information described under division (A)(7) of 79535
this section, derived from the reports submitted to the director 79536
under this section. 79537

On the basis of the information certified under this 79538
division, the tax commissioner annually shall submit a report to 79539
the governor, the speaker of the house of representatives, the 79540
president of the senate, and the chairpersons of the ways and 79541

means committees of the respective houses of the general assembly, 79542
indicating for each enterprise zone the amount of state and local 79543
taxes that were not required to be paid because of exemptions 79544
granted under agreements entered into under section 5709.62, 79545
5709.63, or 5709.632 of the Revised Code and the amount of 79546
additional taxes paid from the payroll of new employees. 79547

Sec. 5709.92. (A) As used in this section: 79548

(1) "School district" means a city, local, or exempted 79549
village school district. 79550

(2) "Joint vocational school district" means a joint 79551
vocational school district created under section 3311.16 of the 79552
Revised Code, and includes a cooperative education school district 79553
created under section 3311.52 or 3311.521 of the Revised Code and 79554
a county school financing district created under section 3311.50 79555
of the Revised Code. 79556

(3) "Total resources" means the sum of the amounts described 79557
in divisions (A)(3)(a) to (g) of this section less any reduction 79558
required under division (C)(3)(a) of this section. 79559

(a) The state education aid for fiscal year 2015; 79560

(b) The sum of the payments received in fiscal year 2015 for 79561
current expense levy losses under division (C)(3) of section 79562
5727.85 and division (C)(12) of section 5751.21 of the Revised 79563
Code, as they existed at that time, excluding the portion of such 79564
payments attributable to levies for joint vocational school 79565
district purposes; 79566

(c) The sum of fixed-sum levy loss payments received by the 79567
school district in fiscal year 2015 under division (F)(1) of 79568
section 5727.85 and division (E)(1) of section 5751.21 of the 79569
Revised Code, as they existed at that time, for fixed-sum levies 79570
charged and payable for a purpose other than paying debt charges; 79571

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.

(7) "Threshold per cent" means the following:	79603
(a) For a school district in the lowest capacity quintile,	79604
one per cent for fiscal year 2016 and two per cent for fiscal year	79605
2017.	79606
(b) For a school district in the second lowest capacity	79607
quintile, one and one-fourth per cent for fiscal year 2016 and two	79608
and one-half per cent for fiscal year 2017.	79609
(c) For a school district in the third lowest capacity	79610
quintile, one and one-half per cent for fiscal year 2016 and three	79611
per cent for fiscal year 2017.	79612
(d) For a school district in the second highest capacity	79613
quintile, one and three-fourths per cent for fiscal year 2016 and	79614
three and one-half per cent for fiscal year 2017.	79615
(e) For a school district in the highest capacity quintile,	79616
two per cent for fiscal year 2016 and four per cent for fiscal	79617
year 2017.	79618
(f) For a joint vocational school district, two per cent for	79619
fiscal year 2016 and four per cent for fiscal year 2017.	79620
(8) "Current expense allocation" means the sum of the	79621
payments received by a school district or joint vocational school	79622
district in fiscal year 2015 for current expense levy losses under	79623
division (C)(3) of section 5727.85 and division (C)(12) of section	79624
5751.21 of the Revised Code as they existed at that time, less any	79625
reduction required under division (C)(3)(b) of this section.	79626
(9) "Non-current expense allocation" means the sum of the	79627
payments received by a school district or joint vocational school	79628
district in fiscal year 2015 for levy losses under division	79629
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section	79630
5751.21 of the Revised Code, as they existed at that time, and	79631
levy losses in fiscal year 2015 under division (H) of section	79632

5727.84 of the Revised Code as that section existed at that time 79633
attributable to levies for and payments received for losses on 79634
levies intended to generate money for maintenance of classroom 79635
facilities. 79636

(10) "Operating TPP fixed-sum levy losses" means the sum of 79637
payments received by a school district in fiscal year 2015 for 79638
levy losses under division (E) of section 5751.21 of the Revised 79639
Code, excluding levy losses for debt purposes. 79640

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 79641
of payments received by the school district in fiscal year 2015 79642
for levy losses under division (H) of section 5727.84 of the 79643
Revised Code, excluding levy losses for debt purposes. 79644

(12) "TPP fixed-sum debt levy losses" means the sum of 79645
payments received by a school district in fiscal year 2015 for 79646
levy losses under division (E) of section 5751.21 of the Revised 79647
Code for debt purposes. 79648

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 79649
payments received by the school district in fiscal year 2015 for 79650
levy losses under division (H) of section 5727.84 of the Revised 79651
Code for debt purposes. 79652

(14) "Qualifying levies" means qualifying levies described in 79653
section 5751.20 of the Revised Code as that section was in effect 79654
before July 1, 2015. 79655

(15) "Total taxable value" has the same meaning as in section 79656
3317.02 of the Revised Code. 79657

(B) The department of education shall rank all school 79658
districts in the order of districts' capacity measures determined 79659
under former section 3317.018 of the Revised Code from lowest to 79660
highest, and divide such ranking into quintiles, with the first 79661
quintile containing the twenty per cent of school districts having 79662
the lowest capacity measure and the fifth quintile containing the 79663

twenty per cent of school districts having the highest capacity
measure. This calculation and ranking shall be performed once, in
fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school
districts and joint vocational school districts equal to the sum
of the amounts described in divisions (C)(1)(a) or (b) and
(C)(1)(c) of this section. In fiscal year 2017, payments shall be
made to school districts and joint vocational school districts
equal to the amount described in division (C)(1)(a) or (b) of this
section.

(a) If the ratio of the current expense allocation to total
resources is equal to or less than the district's threshold per
cent, zero;

(b) If the ratio of the current expense allocation to total
resources is greater than the district's threshold per cent, the
difference between the current expense allocation and the product
of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current
expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments
shall be made to school districts and joint vocational school
districts equal to the difference obtained by subtracting the
amount described in division (C)(2)(b) of this section from the
amount described in division (C)(2)(a) of this section, provided
that such amount is greater than zero.

(a) The sum of the payments received by the district under
division (C)(1)(b) or (C)(2) of this section for the immediately
preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total
taxable value of the district for tax years 2014, 2015, and 2016.

(3)(a) "Total resources" used to compute payments under 79694
division (C)(1) of this section shall be reduced to the extent 79695
that payments distributed in fiscal year 2015 were attributable to 79696
levies no longer charged and payable for tax year 2014. 79697

(b) "Current expense allocation" used to compute payments 79698
under division (C)(1) of this section shall be reduced to the 79699
extent that the payments distributed in fiscal year 2015 were 79700
attributable to levies no longer charged and payable for tax year 79701
2014. 79702

(4) The department of education shall report to each school 79703
district and joint vocational school district the apportionment of 79704
the payments under division (C)(1) of this section among the 79705
district's funds based on qualifying levies. 79706

(D)(1) Payments in the following amounts shall be made to 79707
school districts and joint vocational school districts in tax 79708
years 2016 through 2021: 79709

(a) In tax year 2016, the sum of the district's operating TPP 79710
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 79711

(b) In tax year 2017, the sum of the district's operating TPP 79712
fixed-sum levy losses and eighty per cent of operating S.B. 3 79713
fixed-sum levy losses. 79714

(c) In tax year 2018, the sum of eighty per cent of the 79715
district's operating TPP fixed-sum levy losses and sixty per cent 79716
of its operating S.B. 3 fixed-sum levy losses. 79717

(d) In tax year 2019, the sum of sixty per cent of the 79718
district's operating TPP fixed-sum levy losses and forty per cent 79719
of its operating S.B. 3 fixed-sum levy losses. 79720

(e) In tax year 2020, the sum of forty per cent of the 79721
district's operating TPP fixed-sum levy losses and twenty per cent 79722
of its operating S.B. 3 fixed-sum levy losses. 79723

(f) In tax year 2021, twenty per cent of the district's 79724
operating TPP fixed-sum levy losses. 79725

No payment shall be made under division (D)(1) of this 79726
section after tax year 2021. 79727

(2) Amounts are payable under division (D) of this section 79728
for fixed-sum levy losses only to the extent of such losses for 79729
qualifying levies that remain in effect for the current tax year. 79730
For this purpose, a qualifying levy levied under section 5705.194 79731
or 5705.213 of the Revised Code remains in effect for the current 79732
tax year only if a tax levied under either of those sections is 79733
charged and payable for the current tax year for an annual sum at 79734
least equal to the annual sum levied by the board of education for 79735
tax year 2004 under those sections less the amount of the payment 79736
under this division. 79737

(E)(1) For fixed-sum levies for debt purposes, payments shall 79738
be made to school districts and joint vocational school districts 79739
equal to one hundred per cent of the district's fixed-sum levy 79740
loss determined under division (E) of section 5751.20 and division 79741
(H) of section 5727.84 of the Revised Code as in effect before 79742
July 1, 2015, and paid in tax year 2014. No payment shall be made 79743
for qualifying levies that are no longer charged and payable. 79744

(2) Beginning in 2016, by the thirty-first day of January of 79745
each year, the tax commissioner shall review the calculation of 79746
fixed-sum levy loss for debt purposes determined under division 79747
(E) of section 5751.20 and division (H) of section 5727.84 of the 79748
Revised Code as in effect before July 1, 2015. If the commissioner 79749
determines that a fixed-sum levy that had been scheduled to be 79750
reimbursed in the current year is no longer charged and payable, a 79751
revised calculation for that year and all subsequent years shall 79752
be made. 79753

(F)(1) For taxes levied within the ten-mill limitation for 79754

debt purposes in tax year 1998 in the case of electric company tax 79755
value losses, and in tax year 1999 in the case of natural gas 79756
company tax value losses, payments shall be made to school 79757
districts and joint vocational school districts equal to one 79758
hundred per cent of the loss computed under division (D) of 79759
section 5727.85 of the Revised Code as in effect before July 1, 79760
2015, as if the tax were a fixed-rate levy, but those payments 79761
shall extend through fiscal year 2016. 79762

(2) For taxes levied within the ten-mill limitation for debt 79763
purposes in tax year 2005, payments shall be made to school 79764
districts and joint vocational school districts equal to one 79765
hundred per cent of the loss computed under division (D) of 79766
section 5751.21 of the Revised Code as in effect before July 1, 79767
2015, as if the tax were a fixed-rate levy, but those payments 79768
shall extend through fiscal year 2018. 79769

(G) If all the territory of a school district or joint 79770
vocational school district is merged with another district, or if 79771
a part of the territory of a school district or joint vocational 79772
school district is transferred to an existing or newly created 79773
district, the department of education, in consultation with the 79774
tax commissioner, shall adjust the payments made under this 79775
section as follows: 79776

(1) For a merger of two or more districts, fixed-sum levy 79777
losses, total resources, current expense allocation, and 79778
non-current expense allocation of the successor district shall be 79779
the sum of such items for each of the districts involved in the 79780
merger. 79781

(2) If property is transferred from one district to a 79782
previously existing district, the amount of the total resources, 79783
current expense allocation, and non-current expense allocation 79784
that shall be transferred to the recipient district shall be an 79785
amount equal to the total resources, current expense allocation, 79786

and non-current expense allocation of the transferor district 79787
times a fraction, the numerator of which is the number of pupils 79788
being transferred to the recipient district, measured, in the case 79789
of a school district, by formula ADM as defined in section 3317.02 79790
of the Revised Code or, in the case of a joint vocational school 79791
district, by formula ADM as defined for a joint vocational school 79792
district in that section, and the denominator of which is the 79793
formula ADM of the transferor district. 79794

(3) After December 31, 2010, if property is transferred from 79795
one or more districts to a district that is newly created out of 79796
the transferred property, the newly created district shall be 79797
deemed not to have any total resources, current expense 79798
allocation, total allocation, or non-current expense allocation. 79799

(4) If the recipient district under division (G)(2) of this 79800
section or the newly created district under division (G)(3) of 79801
this section is assuming debt from one or more of the districts 79802
from which the property was transferred and any of the districts 79803
losing the property had fixed-sum levy losses, the department of 79804
education, in consultation with the tax commissioner, shall make 79805
an equitable division of the reimbursements for those losses. 79806

(H) The payments required by divisions (C), (D), (E), and (F) 79807
of this section shall be distributed periodically to each school 79808
and joint vocational school district by the department of 79809
education unless otherwise provided for. Except as provided in 79810
division (D) of this section, if a levy that is a qualifying levy 79811
is not charged and payable in any year after 2014, payments to the 79812
school district or joint vocational school district shall be 79813
reduced to the extent that the payments distributed in fiscal year 79814
2015 were attributable to the levy loss of that levy. 79815

Sec. 5715.20. (A) Whenever a county board of revision renders 79816
a decision on a complaint filed under section 5715.19 of the 79817

Revised Code or on an application for remission under section 79818
5715.39 of the Revised Code, it shall certify its action by 79819
certified mail to the person in whose name the property is listed 79820
or sought to be listed and ~~to the complainant~~, if the complainant 79821
or applicant is not the person in whose name the property is 79822
listed or sought to be listed, to the complainant or applicant. A 79823
person's time to file an appeal under section 5717.01 of the 79824
Revised Code commences with the mailing of notice of the decision 79825
to that person as provided in this section. The tax commissioner's 79826
time to file an appeal under section 5717.01 of the Revised Code 79827
commences with the last mailing to a person required to be mailed 79828
notice of the decision as provided in this division. 79829

(B) The tax commissioner may order the county auditor to send 79830
to the commissioner the decisions of the board of revision 79831
rendered on complaints filed under section 5715.19 of the Revised 79832
Code or on applications for remission filed under section 5715.39 79833
of the Revised Code in the manner and for the time period that the 79834
commissioner prescribes. Nothing in this division extends the 79835
commissioner's time to file an appeal under section 5717.01 of the 79836
Revised Code. 79837

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 79838
this section and in section 3735.67 of the Revised Code, the 79839
owner, a vendee in possession under a purchase agreement or a land 79840
contract, the beneficiary of a trust, or a lessee for an initial 79841
term of not less than thirty years of any property may file an 79842
application with the tax commissioner, on forms prescribed by the 79843
commissioner, requesting that such property be exempted from 79844
taxation and that taxes, interest, and penalties be remitted as 79845
provided in division (C) of section 5713.08 of the Revised Code. 79846

(2) If the property that is the subject of the application 79847
for exemption is any of the following, the application shall be 79848

filed with the county auditor of the county in which the property 79849
is listed for taxation: 79850

(a) A public road or highway; 79851

(b) Property belonging to the federal government of the 79852
United States; 79853

(c) Additions or other improvements to an existing building 79854
or structure that belongs to the state or a political subdivision, 79855
as defined in section 5713.081 of the Revised Code, and that is 79856
exempted from taxation as property used exclusively for a public 79857
purpose; 79858

~~(d) Property of the boards of trustees and of the housing 79859
commissions of the state universities, the northeastern Ohio 79860
universities college of medicine, and of the state to be exempted 79861
under section 3345.17 of the Revised Code. 79862~~

(B) The board of education of any school district may request 79863
the tax commissioner or county auditor to provide it with 79864
notification of applications for exemption from taxation for 79865
property located within that district. If so requested, the 79866
commissioner or auditor shall send to the board on a monthly basis 79867
reports that contain sufficient information to enable the board to 79868
identify each property that is the subject of an exemption 79869
application, including, but not limited to, the name of the 79870
property owner or applicant, the address of the property, and the 79871
auditor's parcel number. The commissioner or auditor shall mail 79872
the reports by the fifteenth day of the month following the end of 79873
the month in which the commissioner or auditor receives the 79874
applications for exemption. 79875

(C) A board of education that has requested notification 79876
under division (B) of this section may, with respect to any 79877
application for exemption of property located in the district and 79878
included in the commissioner's or auditor's most recent report 79879

provided under that division, file a statement with the 79880
commissioner or auditor and with the applicant indicating its 79881
intent to submit evidence and participate in any hearing on the 79882
application. The statements shall be filed prior to the first day 79883
of the third month following the end of the month in which that 79884
application was docketed by the commissioner or auditor. A 79885
statement filed in compliance with this division entitles the 79886
district to submit evidence and to participate in any hearing on 79887
the property and makes the district a party for purposes of 79888
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 79889
the commissioner's or auditor's decision to the board of tax 79890
appeals. 79891

(D) The commissioner or auditor shall not hold a hearing on 79892
or grant or deny an application for exemption of property in a 79893
school district whose board of education has requested 79894
notification under division (B) of this section until the end of 79895
the period within which the board may submit a statement with 79896
respect to that application under division (C) of this section. 79897
The commissioner or auditor may act upon an application at any 79898
time prior to that date upon receipt of a written waiver from each 79899
such board of education, or, in the case of exemptions authorized 79900
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 79901
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 79902
of the Revised Code, upon the request of the property owner. 79903
Failure of a board of education to receive the report required in 79904
division (B) of this section shall not void an action of the 79905
commissioner or auditor with respect to any application. The 79906
commissioner or auditor may extend the time for filing a statement 79907
under division (C) of this section. 79908

(E) A complaint may also be filed with the commissioner or 79909
auditor by any person, board, or officer authorized by section 79910
5715.19 of the Revised Code to file complaints with the county 79911

board of revision against the continued exemption of any property 79912
granted exemption by the commissioner or auditor under this 79913
section. 79914

(F) An application for exemption and a complaint against 79915
exemption shall be filed prior to the thirty-first day of December 79916
of the tax year for which exemption is requested or for which the 79917
liability of the property to taxation in that year is requested. 79918
The commissioner or auditor shall consider such application or 79919
complaint in accordance with procedures established by the 79920
commissioner, determine whether the property is subject to 79921
taxation or exempt therefrom, and, if the commissioner makes the 79922
determination, certify the determination to the auditor. Upon 79923
making the determination or receiving the commissioner's 79924
determination, the auditor shall correct the tax list and 79925
duplicate accordingly. If a tax certificate has been sold under 79926
section 5721.32 or 5721.33 of the Revised Code with respect to 79927
property for which an exemption has been requested, the tax 79928
commissioner or auditor shall also certify the findings to the 79929
county treasurer of the county in which the property is located. 79930

(G) Applications and complaints, and documents of any kind 79931
related to applications and complaints, filed with the tax 79932
commissioner or county auditor under this section are public 79933
records within the meaning of section 149.43 of the Revised Code. 79934

(H) If the commissioner or auditor determines that the use of 79935
property or other facts relevant to the taxability of property 79936
that is the subject of an application for exemption or a complaint 79937
under this section has changed while the application or complaint 79938
was pending, the commissioner or auditor may make the 79939
determination under division (F) of this section separately for 79940
each tax year beginning with the year in which the application or 79941
complaint was filed or the year for which remission of taxes under 79942
division (C) of section 5713.08 of the Revised Code was requested, 79943

and including each subsequent tax year during which the 79944
application or complaint is pending before the commissioner or 79945
auditor. 79946

Sec. 5715.39. (A) The tax commissioner may remit real 79947
property taxes, manufactured home taxes, penalties, and interest 79948
found by the commissioner to have been illegally assessed. The 79949
commissioner also may remit any penalty charged against any real 79950
property or manufactured or mobile home that was the subject of an 79951
application for exemption from taxation under section 5715.27 of 79952
the Revised Code if the commissioner determines that the applicant 79953
requested such exemption in good faith. The commissioner shall 79954
include notice of the remission in the commissioner's 79955
certification to the county auditor required under that section. 79956

(B) The county auditor, upon consultation with the county 79957
treasurer, shall remit a penalty for late payment of any real 79958
property taxes or manufactured home taxes when: 79959

(1) The taxpayer could not make timely payment of the tax 79960
because of the negligence or error of the county auditor or county 79961
treasurer in the performance of a statutory duty relating to the 79962
levy or collection of such tax. 79963

(2) In cases other than those described in division (B)(1) of 79964
this section, and except as provided in division (B)(5) of this 79965
section, the taxpayer failed to receive a tax bill or a correct 79966
tax bill, and the taxpayer made a good faith effort to obtain such 79967
bill within thirty days after the last day for payment of the tax. 79968

(3) The tax was not timely paid because of the death or 79969
serious injury of the taxpayer, or the taxpayer's confinement in a 79970
hospital within sixty days preceding the last day for payment of 79971
the tax if, in any case, the tax was subsequently paid within 79972
sixty days after the last day for payment of such tax. 79973

(4) The taxpayer demonstrates that the full payment was 79974
properly deposited in the mail in sufficient time for the envelope 79975
to be postmarked by the United States postal service on or before 79976
the last day for payment of such tax. A private meter postmark on 79977
an envelope is not a valid postmark for purposes of establishing 79978
the date of payment of such tax. 79979

(5) With respect to the first payment due after a taxpayer 79980
fully satisfies a mortgage against a parcel of real property, the 79981
mortgagee failed to notify the treasurer of the satisfaction of 79982
the mortgage, and the tax bill was not sent to the taxpayer. 79983

(C) If the auditor determines that remission is not required 79984
under division (B) of this section, the auditor shall present the 79985
application to the board of revision. The board of revision shall 79986
review the auditor's determination and remit a penalty for late 79987
payment of any real property taxes or manufactured homes taxes if, 79988
~~in cases other than those described in division the board~~ 79989
~~determines that any of divisions~~ (B)(1) to (5) of this section, 79990
~~applies or if it determines that~~ the taxpayer's failure to make 79991
timely payment of the tax is due to reasonable cause and not 79992
willful neglect. 79993

(D) ~~The taxpayer, upon application within sixty days after~~ 79994
~~the mailing of the county auditor's or board of revision's~~ 79995
~~decision, may request the tax commissioner to review the denial of~~ 79996
~~the remission of a penalty by the auditor or board. The~~ 79997
~~application may be filed in person or by certified mail. If the~~ 79998
~~application is filed by certified mail, the date of the United~~ 79999
~~States postmark placed on the sender's receipt by the postal~~ 80000
~~service shall be treated as the date of filing. The commissioner~~ 80001
~~shall consider the application, determine whether the penalty~~ 80002
~~should be remitted, and certify the determination to the taxpayer,~~ 80003
~~to the county treasurer, and to the county auditor, who shall~~ 80004
~~correct the tax list and duplicate accordingly. The commissioner~~ 80005

may issue orders and instructions for the uniform implementation 80006
of this section by all county boards of revision, county auditors, 80007
and county treasurers, and such orders and instructions shall be 80008
followed by such officers and boards. 80009

(E) This section shall not provide to the taxpayer any remedy 80010
with respect to any matter that the taxpayer may be authorized to 80011
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 80012
the Revised Code. 80013

~~(F) Applications for remission, and documents of any kind 80014
related to those applications, filed with the tax commissioner 80015
under this section are public records within the meaning of 80016
section 149.43 of the Revised Code unless otherwise excepted under 80017
that section. 80018~~

Sec. 5718.01. Except as otherwise expressly provided or 80019
clearly appearing from the context, any term used in this chapter 80020
that is not otherwise defined in this chapter has the same meaning 80021
as when used in a comparable context in laws of the United States 80022
relating to federal income taxation or in Title LVII of the 80023
Revised Code. If a term used in this chapter that is not otherwise 80024
defined in this chapter is used in a comparable context in both 80025
the laws of the United States relating to federal income tax and 80026
in Title LVII of the Revised Code and the use is not consistent, 80027
then the use of the term in the laws of the United States relating 80028
to federal income tax shall have control over the use of the term 80029
in Title LVII of the Revised Code, unless the term is defined in 80030
Chapter 5703. of the Revised Code, in which case the definition in 80031
that chapter shall control. Any reference in this chapter to the 80032
Internal Revenue Code includes other laws of the United States 80033
related to federal income taxes. 80034

As used in this chapter: 80035

(A) "Municipal taxable income" means income apportioned or 80036

situated to the municipal corporation under section 5718.02 of the 80037
Revised Code, as applicable, reduced by any pre-2017 net operating 80038
loss carryforward available to a taxpayer for the municipal 80039
corporation. 80040

(B) "Income" means the net profit of the taxpayer. 80041

(C) "Exempt income" means all of the following: 80042

(1)(a) Except as provided in division (C)(1)(b) of this 80043
section, intangible income; 80044

(b) A municipal corporation that taxed any type of intangible 80045
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 80046
116th general assembly, may continue to tax that type of income if 80047
a majority of the electors of the municipal corporation voting on 80048
the question of whether to permit the taxation of that type of 80049
intangible income after 1988 voted in favor thereof at an election 80050
held on November 8, 1988. 80051

(2) The income of religious, fraternal, charitable, 80052
scientific, literary, or educational institutions to the extent 80053
such income is derived from tax-exempt real estate, tax-exempt 80054
tangible or intangible property, or tax-exempt activities; 80055

(3) Dues, contributions, and similar payments received by 80056
charitable, religious, educational, or literary organizations or 80057
labor unions, lodges, and similar organizations; 80058

(4) Compensation for damages to property from insurance 80059
proceeds or otherwise, excluding compensation paid for lost 80060
salaries or wages or compensation from punitive damages; 80061

(5) Income of a public utility when that public utility is 80062
subject to the tax levied under section 5727.24 or 5727.30 of the 80063
Revised Code. Division (C)(5) of this section does not apply for 80064
purposes of Chapter 5745. of the Revised Code. 80065

(6) Gains from involuntary conversions, interest on federal 80066

obligations, items of income subject to a tax levied by the state 80067
and that a municipal corporation is specifically prohibited by law 80068
from taxing, and income of a decedent's estate during the period 80069
of administration except such income from the operation of a trade 80070
or business; 80071

(7)(a) Except as provided in division (C)(7)(b) or (c) of 80072
this section, an S corporation shareholder's distributive share of 80073
net profits of the S corporation, other than any part of the 80074
distributive share of net profits that represents wages as defined 80075
in section 3121(a) of the Internal Revenue Code or net earnings 80076
from self-employment as defined in section 1402(a) of the Internal 80077
Revenue Code; 80078

(b) If, pursuant to division (H) of former section 718.01 of 80079
the Revised Code as it existed before March 11, 2004, a majority 80080
of the electors of a municipal corporation voted in favor of the 80081
question at an election held on November 4, 2003, the municipal 80082
corporation may continue after 2002 to tax an S corporation 80083
shareholder's distributive share of net profits of an S 80084
corporation. 80085

(c) If, on December 6, 2002, a municipal corporation was 80086
imposing, assessing, and collecting a tax on an S corporation 80087
shareholder's distributive share of net profits of the S 80088
corporation to the extent the distributive share would be 80089
allocated or apportioned to this state under divisions (B)(1) and 80090
(2) of section 5733.05 of the Revised Code if the S corporation 80091
were a corporation subject to taxes imposed under Chapter 5733. of 80092
the Revised Code, the municipal corporation may continue to impose 80093
the tax on such distributive shares to the extent such shares 80094
would be so allocated or apportioned to this state only until 80095
December 31, 2004, unless a majority of the electors of the 80096
municipal corporation voting on the question of continuing to tax 80097
such shares after that date voted in favor of that question at an 80098

election held November 2, 2004. If a majority of those electors 80099
voted in favor of the question, the municipal corporation may 80100
continue after December 31, 2004, to impose the tax on such 80101
distributive shares only to the extent such shares would be so 80102
allocated or apportioned to this state. 80103

(d) A municipal corporation shall be deemed to have elected 80104
to tax S corporation shareholders' distributive shares of net 80105
profits of the S corporation in the hands of the shareholders if a 80106
majority of the electors of a municipal corporation voted in favor 80107
of a question at an election held under division (C)(7)(b) or (c) 80108
of this section. The municipal corporation shall specify by 80109
resolution or ordinance that the tax applies to the distributive 80110
share of a shareholder of an S corporation in the hands of the 80111
shareholder of the S corporation. 80112

(8) In the case of a tax administered, collected, and 80113
enforced by a municipal corporation pursuant to an agreement with 80114
the board of directors of a joint economic development district 80115
under section 715.72 of the Revised Code, the net profits of a 80116
business exempted from the tax under that section; 80117

(9) Income the taxation of which is prohibited by the 80118
constitution or laws of the United States. 80119

Any item of income that is exempt income of a pass-through 80120
entity under division (C) of this section is exempt income of each 80121
owner of the pass-through entity to the extent of that owner's 80122
distributive or proportionate share of that item of the entity's 80123
income. 80124

(D)(1) "Net profit" of a person means adjusted federal 80125
taxable income reduced by any net operating loss incurred by the 80126
person in a taxable year beginning on or after January 1, 2017, 80127
subject to the limitations of division (D)(2) of this section. 80128

(2)(a) The amount of such net operating loss shall be 80129

deducted from net profit to the extent necessary to reduce 80130
municipal taxable income to zero, with any remaining unused 80131
portion of the net operating loss carried forward to not more than 80132
five consecutive taxable years following the taxable year in which 80133
the loss was incurred, but in no case for more years than 80134
necessary for the deduction to be fully utilized. 80135

(b)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 80136
or 2022, a person may not deduct, for purposes of an income tax 80137
levied by a municipal corporation that levies an income tax before 80138
January 1, 2016, more than fifty per cent of the amount of the 80139
deduction otherwise allowed by division (D)(2) of this section. 80140

(ii) For taxable years beginning in 2023 or thereafter, a 80141
person may deduct, for purposes of an income tax levied by a 80142
municipal corporation that levies an income tax before January 1, 80143
2016, the full amount allowed by division (D)(2) of this section 80144
without regard to the limitation of division (D)(2)(b)(i) of this 80145
section. 80146

(c) Any pre-2017 net operating loss carryforward deduction 80147
that is available may be utilized before a taxpayer may deduct any 80148
amount pursuant to division (D)(2) of this section. 80149

(d) Nothing in division (D)(2)(b)(i) of this section 80150
precludes a person from carrying forward, for use with respect to 80151
any return filed for a taxable year beginning after 2018, any 80152
amount of net operating loss that was not fully utilized by 80153
operation of division (D)(2)(b)(i) of this section. To the extent 80154
that an amount of net operating loss that was not fully utilized 80155
in one or more taxable years by operation of division (D)(2)(b)(i) 80156
of this section is carried forward for use with respect to a 80157
return filed for a taxable year beginning in 2019, 2020, 2021, or 80158
2022, the limitation described in division (D)(2)(b)(i) of this 80159
section shall apply to the amount carried forward. 80160

(3) For the purposes of this chapter, and notwithstanding 80161
division (D)(1) of this section, net profit of a disregarded 80162
entity shall not be taxable as against that disregarded entity, 80163
but shall instead be included in the net profit of the owner of 80164
the disregarded entity. 80165

(4) For the purposes of this chapter, and notwithstanding any 80166
other provision of this chapter, the net profit of a publicly 80167
traded partnership that makes the election described in division 80168
(D)(4) of this section shall be taxed as if the partnership were a 80169
C corporation, and shall not be treated as the net profit or 80170
income of any owner of the partnership. 80171

A publicly traded partnership that is treated as a 80172
partnership for federal income tax purposes and that is subject to 80173
tax on its net profits in one or more municipal corporations in 80174
this state may elect to be treated as a C corporation for 80175
municipal income tax purposes. The publicly traded partnership 80176
shall make the election on its annual tax return filed with the 80177
tax commissioner under section 5718.05 of the Revised Code. 80178

(E) "Adjusted federal taxable income," for a person required 80179
to file as a C corporation, or for a person that has elected to be 80180
taxed as a C corporation under division (D)(4) of this section, 80181
means a C corporation's federal taxable income before net 80182
operating losses and special deductions as determined under the 80183
Internal Revenue Code, adjusted as follows: 80184

(1) Deduct intangible income to the extent included in 80185
federal taxable income. The deduction shall be allowed regardless 80186
of whether the intangible income relates to assets used in a trade 80187
or business or assets held for the production of income. 80188

(2) Add an amount equal to five per cent of intangible income 80189
deducted under division (E)(1) of this section, but excluding that 80190
portion of intangible income directly related to the sale, 80191

<u>exchange, or other disposition of property described in section</u>	80192
<u>1221 of the Internal Revenue Code;</u>	80193
<u>(3) Add any losses allowed as a deduction in the computation</u>	80194
<u>of federal taxable income if the losses directly relate to the</u>	80195
<u>sale, exchange, or other disposition of an asset described in</u>	80196
<u>section 1221 or 1231 of the Internal Revenue Code;</u>	80197
<u>(4)(a) Except as provided in division (E)(4)(b) of this</u>	80198
<u>section, deduct income and gain included in federal taxable income</u>	80199
<u>to the extent the income and gain directly relate to the sale,</u>	80200
<u>exchange, or other disposition of an asset described in section</u>	80201
<u>1221 or 1231 of the Internal Revenue Code;</u>	80202
<u>(b) Division (E)(4)(a) of this section does not apply to the</u>	80203
<u>extent the income or gain is income or gain described in section</u>	80204
<u>1245 or 1250 of the Internal Revenue Code.</u>	80205
<u>(5) Add taxes on or measured by net income allowed as a</u>	80206
<u>deduction in the computation of federal taxable income;</u>	80207
<u>(6) In the case of a real estate investment trust or</u>	80208
<u>regulated investment company, add all amounts with respect to</u>	80209
<u>dividends to, distributions to, or amounts set aside for or</u>	80210
<u>credited to the benefit of investors and allowed as a deduction in</u>	80211
<u>the computation of federal taxable income;</u>	80212
<u>(7) Deduct, to the extent not otherwise deducted or excluded</u>	80213
<u>in computing federal taxable income, any income derived from a</u>	80214
<u>transfer agreement or from the enterprise transferred under that</u>	80215
<u>agreement under section 4313.02 of the Revised Code;</u>	80216
<u>(8) Deduct exempt income to the extent not otherwise deducted</u>	80217
<u>or excluded in computing adjusted federal taxable income;</u>	80218
<u>(9) Deduct any net profit of a pass-through entity owned</u>	80219
<u>directly or indirectly by the taxpayer and included in the</u>	80220
<u>taxpayer's federal taxable income unless an affiliated group of</u>	80221

corporations includes that net profit in the group's federal 80222
taxable income in accordance with division (E)(3)(b) of section 80223
5718.06 of the Revised Code; 80224

(10) Add any loss incurred by a pass-through entity owned 80225
directly or indirectly by the taxpayer and included in the 80226
taxpayer's federal taxable income unless an affiliated group of 80227
corporations includes that loss in the group's federal taxable 80228
income in accordance with division (E)(3)(b) of section 5718.06 of 80229
the Revised Code. 80230

If the taxpayer is not a C corporation, is not a disregarded 80231
entity that has made the election described in division (I)(2) of 80232
this section, and is not a publicly traded partnership that has 80233
made the election described in division (D)(4) of this section, 80234
the taxpayer shall compute adjusted federal taxable income under 80235
this section as if the taxpayer were a C corporation, except 80236
guaranteed payments and other similar amounts paid or accrued to a 80237
partner, former partner, shareholder, former shareholder, member, 80238
or former member shall not be allowed as a deductible expense 80239
unless such payments are in consideration for the use of capital 80240
and treated as payment of interest under section 469 of the 80241
Internal Revenue Code or United States treasury regulations. 80242
Amounts paid or accrued to a qualified self-employed retirement 80243
plan with respect to a partner, former partner, shareholder, 80244
former shareholder, member, or former member of the taxpayer, 80245
amounts paid or accrued to or for health insurance for a partner, 80246
former partner, shareholder, former shareholder, member, or former 80247
member, and amounts paid or accrued to or for life insurance for a 80248
partner, former partner, shareholder, former shareholder, member, 80249
or former member shall not be allowed as a deduction. 80250

Nothing in division (E) of this section shall be construed as 80251
allowing the taxpayer to add or deduct any amount more than once 80252
or shall be construed as allowing any taxpayer to deduct any 80253

<u>amount paid to or accrued for purposes of federal self-employment</u>	80254
<u>tax.</u>	80255
<u>(F) "Individual" means any natural person.</u>	80256
<u>(G) "Internal Revenue Code" has the same meaning as in</u>	80257
<u>section 5747.01 of the Revised Code.</u>	80258
<u>(H) "Tax return" or "return" means the notifications and</u>	80259
<u>reports required to be filed pursuant to this chapter for the</u>	80260
<u>purpose of reporting a municipal income tax levied in accordance</u>	80261
<u>with this chapter, and includes declarations of estimated tax when</u>	80262
<u>so required.</u>	80263
<u>(I)(1) "Taxpayer" means a person, other than an individual,</u>	80264
<u>subject to a tax levied on income by a municipal corporation in</u>	80265
<u>accordance with this chapter. "Taxpayer" includes a receiver,</u>	80266
<u>assignee, or trustee in bankruptcy when such entity is required to</u>	80267
<u>assume the role of a taxpayer. "Taxpayer" does not include an</u>	80268
<u>entity subject to the tax imposed under Chapter 5745. of the</u>	80269
<u>Revised Code or, except as provided in division (I)(2)(a) of this</u>	80270
<u>section, a disregarded entity.</u>	80271
<u>(2)(a) A single member limited liability company that is a</u>	80272
<u>disregarded entity for federal tax purposes may be a separate</u>	80273
<u>taxpayer from its single member in all Ohio municipal corporations</u>	80274
<u>in which it either filed as a separate taxpayer or did not file</u>	80275
<u>for its taxable year ending in 2003, if all of the following</u>	80276
<u>conditions are met:</u>	80277
<u>(i) The limited liability company's single member is also a</u>	80278
<u>limited liability company.</u>	80279
<u>(ii) The limited liability company and its single member were</u>	80280
<u>formed and doing business in one or more Ohio municipal</u>	80281
<u>corporations for at least five years before January 1, 2004.</u>	80282
<u>(iii) Not later than December 31, 2004, the limited liability</u>	80283

company and its single member each made an election to be treated 80284
as a separate taxpayer under division (L) of section 718.01 of the 80285
Revised Code as that section existed on December 31, 2004. 80286

(iv) The limited liability company was not formed for the 80287
purpose of evading or reducing Ohio municipal corporation income 80288
tax liability of the limited liability company or its single 80289
member. 80290

(v) The Ohio municipal corporation that was the primary place 80291
of business of the single member of the limited liability company 80292
consented to the election. 80293

(b) For purposes of division (I)(2)(a)(v) of this section, a 80294
municipal corporation was the primary place of business of a 80295
limited liability company if, for the limited liability company's 80296
taxable year ending in 2003, its income tax liability was greater 80297
in that municipal corporation than in any other municipal 80298
corporation in Ohio, and that tax liability to that municipal 80299
corporation for its taxable year ending in 2003 was at least four 80300
hundred thousand dollars. 80301

(J) "Pass-through entity" means a partnership not treated as 80302
an association taxable as a C corporation for federal income tax 80303
purposes, a limited liability company not treated as an 80304
association taxable as a C corporation for federal income tax 80305
purposes, an S corporation, or any other class of entity from 80306
which the income or profits of the entity are given pass-through 80307
treatment for federal income tax purposes. "Pass-through entity" 80308
does not include a trust, estate, grantor of a grantor trust, or 80309
disregarded entity. 80310

(K) "S corporation" means a person that has made an election 80311
under subchapter S of Chapter 1 of Subtitle A of the Internal 80312
Revenue Code for its taxable year. 80313

(L) "Single member limited liability company" means a limited 80314

liability company that has one direct member. 80315

(M) "Limited liability company" means a limited liability 80316
company formed under Chapter 1705. of the Revised Code or under 80317
the laws of another state. 80318

(N) "Intangible income" means income of any of the following 80319
types: income yield, interest, capital gains, dividends, or other 80320
income arising from the ownership, sale, exchange, or other 80321
disposition of intangible property including, but not limited to, 80322
investments, deposits, money, or credits as those terms are 80323
defined in Chapter 5701. of the Revised Code, and patents, 80324
copyrights, trademarks, tradenames, investments in real estate 80325
investment trusts, investments in regulated investment companies, 80326
and appreciation on deferred compensation. "Intangible income" 80327
does not include prizes, awards, or other income associated with 80328
any lottery winnings, gambling winnings, or other similar games of 80329
chance. 80330

(O) "Taxable year" means the calendar year or the taxpayer's 80331
fiscal year ending during the calendar year, or the fractional 80332
part thereof, upon which the calculation of the taxpayer's 80333
adjusted federal taxable income is based pursuant to this chapter. 80334
If a taxpayer's taxable year is changed for federal income tax 80335
purposes, the taxable year for purposes of this chapter is changed 80336
accordingly but may consist of an aggregation of more than one 80337
taxable year for federal income tax purposes. The tax commissioner 80338
may prescribe, by rule, an appropriate period as the taxable year 80339
for a taxpayer that has had a change of its taxable year for 80340
federal income tax purposes, for a taxpayer that has two or more 80341
short taxable years for federal income tax purposes due to a 80342
change of ownership, or for a new taxpayer that would otherwise 80343
have no taxable year. 80344

(P) "Employer" means a person that is an employer for federal 80345
income tax purposes. 80346

(Q) "Employee" means an individual who is an employee for 80347
federal income tax purposes. 80348

(R) "Municipal corporation" includes a joint economic 80349
development district or joint economic development zone that 80350
levies an income tax under section 715.691, 715.70, 715.71, or 80351
715.72 of the Revised Code. 80352

(S) "Disregarded entity" means a single member limited 80353
liability company, a qualifying subchapter S subsidiary, or 80354
another entity if the company, subsidiary, or entity is a 80355
disregarded entity for federal income tax purposes. 80356

(T) "Ohio business gateway" has the same meaning as in 80357
section 718.01 of the Revised Code. 80358

(U) "Net operating loss" means a loss incurred by a person in 80359
the operation of a trade or business. "Net operating loss" does 80360
not include unutilized losses resulting from basis limitations, 80361
at-risk limitations, or passive activity loss limitations. 80362

(V) "Related member" means a person that, with respect to the 80363
taxpayer during all or any portion of the taxable year, is either 80364
a related entity, a component member as defined in section 1563(b) 80365
of the Internal Revenue Code, or a person to or from whom there is 80366
attribution of stock ownership in accordance with section 1563(e) 80367
of the Internal Revenue Code except, for purposes of determining 80368
whether a person is a related member under this division, "twenty 80369
per cent" shall be substituted for "5 percent" wherever "5 80370
percent" appears in section 1563(e) of the Internal Revenue Code. 80371

(W) "Related entity" means any of the following: 80372

(1) An individual stockholder, or a member of the 80373
stockholder's family enumerated in section 318 of the Internal 80374
Revenue Code, if the stockholder and the members of the 80375
stockholder's family own directly, indirectly, beneficially, or 80376
constructively, in the aggregate, at least fifty per cent of the 80377

value of the taxpayer's outstanding stock; 80378

(2) A stockholder, or a stockholder's partnership, estate, 80379
trust, or corporation, if the stockholder and the stockholder's 80380
partnerships, estates, trusts, or corporations own directly, 80381
indirectly, beneficially, or constructively, in the aggregate, at 80382
least fifty per cent of the value of the taxpayer's outstanding 80383
stock; 80384

(3) A corporation, or a party related to the corporation in a 80385
manner that would require an attribution of stock from the 80386
corporation to the party or from the party to the corporation 80387
under division (W)(4) of this section, provided the taxpayer owns 80388
directly, indirectly, beneficially, or constructively, at least 80389
fifty per cent of the value of the corporation's outstanding 80390
stock; 80391

(4) The attribution rules described in section 318 of the 80392
Internal Revenue Code apply for the purpose of determining whether 80393
the ownership requirements in divisions (W)(1) to (3) of this 80394
section have been met. 80395

(X)(1) "Pre-2017 net operating loss carryforward" means any 80396
net operating loss incurred in a taxable year beginning before 80397
January 1, 2017, to the extent such loss was permitted, by a 80398
resolution or ordinance of the municipal corporation that was 80399
adopted by the municipal corporation before January 1, 2016, to be 80400
carried forward and utilized to offset income or net profit 80401
generated in such municipal corporation in future taxable years. 80402

(2) For the purpose of calculating municipal taxable income, 80403
any pre-2017 net operating loss carryforward may be carried 80404
forward to any taxable year, including taxable years beginning in 80405
2017 or thereafter, for the number of taxable years provided in 80406
the resolution or ordinance or until fully utilized, whichever is 80407
earlier. 80408

(Y) "Publicly traded partnership" means any partnership, an 80409
interest in which is regularly traded on an established securities 80410
market. A "publicly traded partnership" may have any number of 80411
partners. 80412

Sec. 5718.02. This section applies to any taxpayer engaged in 80413
a business or profession in a municipal corporation that imposes 80414
an income tax in accordance with this chapter. 80415

(A) Except as otherwise provided in division (B) of this 80416
section, net profit from a business or profession conducted both 80417
within and without the boundaries of a municipal corporation shall 80418
be considered as having a taxable situs in the municipal 80419
corporation for purposes of municipal income taxation in the same 80420
proportion as the average ratio of the following: 80421

(1) The average original cost of the real property and 80422
tangible personal property owned or used by the taxpayer in the 80423
business or profession in the municipal corporation during the 80424
taxable period to the average original cost of all of the real and 80425
tangible personal property owned or used by the taxpayer in the 80426
business or profession during the same period, wherever situated. 80427

As used in the preceding paragraph, tangible personal or real 80428
property shall include property rented or leased by the taxpayer 80429
and the value of such property shall be determined by multiplying 80430
the annual rental thereon by eight; 80431

(2) Wages, salaries, and other compensation paid during the 80432
taxable period to individuals employed in the business or 80433
profession for services performed in the municipal corporation to 80434
wages, salaries, and other compensation paid during the same 80435
period to individuals employed in the business or profession, 80436
wherever the individual's services are performed, excluding 80437
compensation from which taxes are not required to be withheld 80438
under section 718.011 of the Revised Code; 80439

(3) Total gross receipts of the business or profession from 80440
sales and rentals made and services performed during the taxable 80441
period in the municipal corporation to total gross receipts of the 80442
business or profession during the same period from sales, rentals, 80443
and services, wherever made or performed. 80444

(B)(1) If the apportionment factors described in division (A) 80445
of this section do not fairly represent the extent of a taxpayer's 80446
business activity in a municipal corporation, the taxpayer may 80447
request, or the tax commissioner may require, that the taxpayer 80448
use, with respect to all or any portion of the income of the 80449
taxpayer, an alternative apportionment method involving one or 80450
more of the following: 80451

(a) Separate accounting; 80452

(b) The exclusion of one or more of the factors; 80453

(c) The inclusion of one or more additional factors that 80454
would provide for a more fair apportionment of the income of the 80455
taxpayer to the municipal corporation; 80456

(d) A modification of one or more of the factors. 80457

(2) A taxpayer request to use an alternative apportionment 80458
method shall be in writing and shall accompany a tax return, 80459
timely filed appeal of an assessment, or timely filed amended tax 80460
return. The taxpayer may use the requested alternative method 80461
unless the tax commissioner denies the request in an assessment 80462
issued within the period prescribed by division (A) of section 80463
5718.12 of the Revised Code. 80464

(3) The tax commissioner may require a taxpayer to use an 80465
alternative apportionment method as described in division (B)(1) 80466
of this section only by issuing an assessment to the taxpayer 80467
within the period prescribed by division (A) of section 5718.12 of 80468
the Revised Code. 80469

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations: 80470
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(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following: 80474
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(a) The employer; 80476

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient; 80477
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(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient. 80480
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(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer; 80483
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(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the commissioner's determination was unreasonable. 80490
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(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows: 80498
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(1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation if the property is received in the municipal corporation by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which title to such property is transferred to the buyer shall be considered the place where the purchaser receives the property.

(2) Gross receipts from the sale of services shall be sitused to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock

option granted to an employee, and if the employee is not required 80532
to include in the employee's income any such amount or a portion 80533
thereof because it is exempted from taxation under divisions 80534
(C)(9) and (R)(1)(d) of section 718.01 of the Revised Code by a 80535
municipal corporation to which the taxpayer has apportioned a 80536
portion of its net profit, the taxpayer shall add the amount that 80537
is exempt from taxation to the taxpayer's net profit that was 80538
apportioned to that municipal corporation. In no case shall a 80539
taxpayer be required to add to its net profit that was apportioned 80540
to that municipal corporation any amount other than the amount 80541
upon which the employee would be required to pay tax were the 80542
amount related to the stock option not exempted from taxation. 80543

This division applies solely for the purpose of making an 80544
adjustment to the amount of a taxpayer's net profit that was 80545
apportioned to a municipal corporation under this section. 80546

(G) When calculating the ratios described in division (A) of 80547
this section for the purposes of that division or division (B) of 80548
this section, the owner of a disregarded entity shall include in 80549
the owner's ratios the property, payroll, and gross receipts of 80550
such disregarded entity. 80551

Sec. 5718.04. (A)(1) Any tax levied by a municipal 80552
corporation on the income of persons other than individuals or of 80553
persons subject to Chapter 5745. of the Revised Code is subject to 80554
the provisions and limitations of this chapter. A municipal 80555
corporation shall be deemed to levy a tax that is subject to the 80556
provisions and limitations of this chapter if both of the 80557
following conditions are met: 80558

(a) The municipal corporation levied a tax on income of 80559
persons other than individuals in accordance with section 718.04 80560
of the Revised Code before January 1, 2018, or levies a tax on the 80561
income of such persons on or after that date. 80562

(b) The municipal corporation adopts, by resolution or ordinance, the provisions of this chapter. 80563
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(2) Any municipal corporation or group of municipal corporations that, on or before January 1, 2018, levy a tax on income pursuant to Chapter 718. of the Revised Code whereby the revenues of the tax are shared with a school district as authorized under section 718.09 or 718.10 of the Revised Code shall also be deemed to levy a corresponding tax in accordance with this chapter, provided that the municipal corporation, by resolution or ordinance, adopts the provisions of this chapter. 80565
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(3) Any amendments made by a municipal corporation, by resolution or ordinance, to an item listed in division (A) of section 718.04 of the Revised Code, and any change resulting from a legislative act amending that section, shall be applicable to this chapter. 80573
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(B) Any municipal corporation that, on or before March 23, 2015, levies an income tax at a rate in excess of one per cent may continue to levy the tax at the rate specified in the original ordinance or resolution, provided that such rate continues in effect as specified in the original ordinance or resolution. 80578
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(C)(1) On or before the thirty-first day of January each year, every municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by this division, the commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each subsequent payment made to the municipal corporation under section 5718.10 of the Revised Code fifty per cent of the payment otherwise due to the municipal corporation under that section. The director shall compute the amount withheld on the basis of the tax rate most recently certified to the 80583
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commissioner. The amounts shall be withheld until the municipal 80595
corporation certifies the tax rate in effect on the first day of 80596
January of that year. 80597

(2)(a) For the purposes of this section, the tax rate imposed 80598
for a taxpayer's taxable year shall be the tax rate in effect in 80599
the municipal corporation on the first day of January in that 80600
taxable year. 80601

(b) If a taxpayer's taxable year is for a period of less than 80602
twelve months that does not include the first day of January, the 80603
tax rate imposed under this section for the taxpayer's taxable 80604
year shall be the tax rate in effect in the municipal corporation 80605
on the first day of January in the preceding taxable year. 80606

(D) No municipal corporation shall adopt an ordinance or 80607
resolution that conflicts with the provisions of this chapter. 80608

Sec. 5718.041. (A) The tax commissioner shall enforce and 80609
administer this chapter. In addition to any other powers conferred 80610
upon the commissioner by law, the commissioner may: 80611

(1) Prescribe all forms necessary to administer this chapter; 80612

(2) Adopt such rules as the commissioner finds necessary to 80613
carry out this chapter; 80614

(3) Appoint and employ such personnel as are necessary to 80615
carry out the duties imposed upon the commissioner by this 80616
chapter. 80617

(B) No municipal corporation may do either of the following: 80618

(1) Carry out any of the powers or duties conferred on the 80619
tax commissioner under this chapter; 80620

(2) Levy a tax on the income of a taxpayer contrary to the 80621
provisions and limitations specified in this chapter for a taxable 80622
year beginning on or after January 1, 2018. 80623

Sec. 5718.05. (A)(1) For each taxable year ending within a 80624
calendar year, each taxpayer shall file an annual return with the 80625
tax commissioner not later than the fifteenth day of April of the 80626
calendar year after the calendar year in which the taxpayer's 80627
taxable year or years ended. The taxpayer shall remit with the 80628
return the amount of tax due as shown on the return less the 80629
amount paid for the taxable year under section 5718.08 of the 80630
Revised Code. 80631

(2) If a taxpayer has multiple taxable years ending within 80632
one calendar year, the taxpayer shall aggregate the facts and 80633
figures necessary to compute the tax due under this chapter, in 80634
accordance with sections 5718.01, 5718.02, 5718.04, and, if 80635
applicable, 5718.06 of the Revised Code onto its annual return. 80636

(3) The remittance shall be made payable to the treasurer of 80637
state and in the form prescribed by the tax commissioner. If the 80638
amount payable with the tax return is ten dollars or less, no 80639
remittance is required. 80640

(4) Returns or notices required of an estate or a trust shall 80641
be completed and filed by the fiduciary of the estate or trust. 80642

(B) The tax commissioner shall immediately forward to the 80643
treasurer of state all amounts the commissioner receives pursuant 80644
to this chapter. The treasurer shall credit ninety-nine per cent 80645
of such amounts to the municipal income tax fund and the remainder 80646
to the municipal income tax administrative fund established under 80647
section 5745.03 of the Revised Code. 80648

(C)(1) Each return required to be filed under this section 80649
shall contain the signature of the taxpayer or the taxpayer's duly 80650
authorized agent and of the person who prepared the return for the 80651
taxpayer, and shall include the taxpayer's identification number. 80652
Each return shall be verified by a declaration under penalty of 80653
perjury. 80654

(2)(a) The tax commissioner may require a taxpayer to 80655
include, with each annual tax return, amended return, or request 80656
for refund filed under this chapter, copies of any relevant 80657
documents or other information. 80658

(b) A taxpayer that files an annual tax return electronically 80659
through the Ohio business gateway or in another manner as 80660
prescribed by the tax commissioner shall either submit the 80661
documents required under this division electronically as 80662
prescribed at the time of filing or, if electronic submission is 80663
not available, mail the documents to the tax commissioner. The 80664
department of taxation shall publish a method of electronically 80665
submitting the documents required under this division through the 80666
Ohio business gateway on or before January 1, 2019. 80667

(3) After a taxpayer files a tax return, the tax commissioner 80668
may request, and the taxpayer shall provide, any information, 80669
statements, or documents required to determine and verify the 80670
taxpayer's municipal income tax. 80671

(D)(1)(a) Any taxpayer that has duly requested an automatic 80672
extension for filing the taxpayer's federal income tax return 80673
shall automatically receive an extension, to the same due date, 80674
for the filing of a tax return under this chapter, provided that 80675
(i) the taxpayer files with the commissioner a copy of the 80676
taxpayer's federal extension request on or before the unextended 80677
due date of its annual return, and (ii) the federal extension is 80678
beyond the taxpayer's unextended due date for filing a return. 80679

(b) An extension of time to file under division (D)(1)(a) of 80680
this section is not an extension of the time to pay any tax due 80681
unless the tax commissioner grants an extension of that date. 80682

(2) If the commissioner considers it necessary in order to 80683
ensure payment of a tax imposed in accordance with this chapter, 80684
the commissioner may require taxpayers to file returns and make 80685

payments otherwise than as provided in this section, including 80686
taxpayers not otherwise required to file annual returns. 80687

(E) Each return required to be filed in accordance with this 80688
section shall include a box that the taxpayer may check to 80689
authorize another person, including a tax return preparer who 80690
prepared the return, to communicate with the tax commissioner 80691
about matters pertaining to the return. The return or instructions 80692
accompanying the return shall indicate that by checking the box 80693
the taxpayer authorizes the commissioner to contact the preparer 80694
or other person concerning questions that arise during the 80695
examination or other review of the return and authorizes the 80696
preparer or other person only to provide the commissioner with 80697
information that is missing from the return, to contact the 80698
commissioner for information about the examination or other review 80699
of the return or the status of the taxpayer's refund or payments, 80700
and to respond to notices about mathematical errors, offsets, or 80701
return preparation that the taxpayer has received from the 80702
commissioner and has shown to the preparer or other person. 80703

(F) When income tax returns or other documents require the 80704
signature of a tax return preparer, the tax commissioner shall 80705
accept a facsimile of such a signature in lieu of a manual 80706
signature. 80707

Sec. 5718.051. (A) All taxpayers shall file any tax return or 80708
extension for filing a tax return, and shall make payment of 80709
amounts shown to be due on such returns, electronically, either 80710
through the Ohio business gateway or in another manner as 80711
prescribed by the tax commissioner. 80712

(B) No municipal corporation shall be required to pay any fee 80713
or charge for the operation or maintenance of the Ohio business 80714
gateway. 80715

(C) A taxpayer may apply to the commissioner, on a form 80716

prescribed by the commissioner, to be excused from the requirement 80717
to file returns and make payments electronically. For good cause 80718
shown, the commissioner may excuse the applicant from the 80719
requirement and permit the applicant to file the returns or make 80720
the payments required under this chapter by nonelectronic means. 80721

(D)(1) The tax commissioner may adopt rules establishing both 80722
of the following: 80723

(a) The format of documents to be used by taxpayers to file 80724
returns and make payments through the Ohio business gateway; 80725

(b) The information taxpayers must submit when filing tax 80726
returns through the Ohio business gateway. 80727

(2) The commissioner shall consult with the Ohio business 80728
gateway steering committee before adopting the rules described in 80729
division (D)(1) of this section. 80730

Sec. 5718.06. (A) As used in this section: 80731

(1) "Affiliated group of corporations" means an affiliated 80732
group as defined in section 1504 of the Internal Revenue Code, 80733
except that, if such a group includes at least one incumbent local 80734
exchange carrier that is primarily engaged in the business of 80735
providing local exchange telephone service in this state, the 80736
affiliated group shall not include any incumbent local exchange 80737
carrier that would otherwise be included in the group. 80738

(2) "Consolidated federal income tax return" means a 80739
consolidated return filed for federal income tax purposes pursuant 80740
to section 1501 of the Internal Revenue Code. 80741

(3) "Consolidated federal taxable income" means the 80742
consolidated taxable income of an affiliated group of 80743
corporations, as computed for the purposes of filing a 80744
consolidated federal income tax return, before consideration of 80745
net operating losses or special deductions. "Consolidated federal 80746

taxable income" does not include income or loss of an incumbent 80747
local exchange carrier that is excluded from the affiliated group 80748
under division (A)(1) of this section. 80749

(4) "Incumbent local exchange carrier" has the same meaning 80750
as in section 4927.01 of the Revised Code. 80751

(5) "Local exchange telephone service" has the same meaning 80752
as in section 5727.01 of the Revised Code. 80753

(B)(1) A taxpayer that is a member of an affiliated group of 80754
corporations may elect to file a consolidated tax return for a 80755
taxable year if at least one member of the affiliated group of 80756
corporations is subject to a tax imposed in accordance with this 80757
chapter in that taxable year and if the affiliated group of 80758
corporations filed a consolidated federal income tax return with 80759
respect to that taxable year. The election is binding for a 80760
five-year period beginning with the first taxable year of the 80761
initial election unless a change in the reporting method is 80762
required under federal law. The election continues to be binding 80763
for each subsequent five-year period unless the taxpayer elects to 80764
discontinue filing consolidated tax returns under division (B)(2) 80765
of this section or a taxpayer receives permission from the tax 80766
commissioner. The tax commissioner shall approve such a request 80767
for good cause shown. 80768

(2) An election to discontinue filing consolidated tax 80769
returns under this section must be made on or before the fifteenth 80770
day of April of the first year following the last year of a 80771
five-year consolidated tax return election period in effect under 80772
division (B)(1) of this section. The election to discontinue 80773
filing a consolidated tax return is binding for a five-year period 80774
beginning with the first taxable year of the election. 80775

(3) An election made under division (B)(1) or (2) of this 80776
section is binding on all members of the affiliated group of 80777

corporations subject to a municipal income tax. 80778

(C) A taxpayer that is a member of an affiliated group of 80779
corporations that filed a consolidated federal income tax return 80780
for a taxable year shall file a consolidated tax return for that 80781
taxable year if the tax commissioner determines, by a 80782
preponderance of the evidence, that intercompany transactions have 80783
not been conducted at arm's length and that there has been a 80784
distortive shifting of income or expenses with regard to 80785
allocation of net profits to a municipal corporation. A taxpayer 80786
that is required to file a consolidated tax return for a taxable 80787
year shall file a consolidated tax return for all subsequent 80788
taxable years unless the taxpayer requests and receives written 80789
permission from the commissioner to file a separate return or a 80790
taxpayer has experienced a change in circumstances. 80791

(D) A taxpayer shall prepare a consolidated tax return in the 80792
same manner as is required under the United States department of 80793
treasury regulations that prescribe procedures for the preparation 80794
of the consolidated federal income tax return required to be filed 80795
by the common parent of the affiliated group of which the taxpayer 80796
is a member. 80797

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 80798
and (4) of this section, corporations that file a consolidated tax 80799
return shall compute adjusted federal taxable income, as defined 80800
in section 5718.01 of the Revised Code, by substituting 80801
"consolidated federal taxable income" for "federal taxable income" 80802
wherever "federal taxable income" appears in that division and by 80803
substituting "an affiliated group of corporation's" for "a C 80804
corporation's" wherever "a C corporation's" appears in that 80805
division. 80806

(2) No corporation filing a consolidated tax return shall 80807
make any adjustment otherwise required under division (E) of 80808
section 5718.01 of the Revised Code to the extent that the item of 80809

income or deduction otherwise subject to the adjustment has been 80810
eliminated or consolidated in the computation of consolidated 80811
federal taxable income. 80812

(3) If the net profit or loss of a pass-through entity having 80813
at least eighty per cent of the value of its ownership interest 80814
owned or controlled, directly or indirectly, by an affiliated 80815
group of corporations is included in that affiliated group's 80816
consolidated federal taxable income for a taxable year, the 80817
corporation filing a consolidated tax return shall do one of the 80818
following with respect to that pass-through entity's net profit or 80819
loss for that taxable year: 80820

(a) Exclude the pass-through entity's net profit or loss from 80821
the consolidated federal taxable income of the affiliated group 80822
and, for the purpose of making the computations required in 80823
section 5718.02 of the Revised Code, exclude the property, 80824
payroll, and gross receipts of the pass-through entity in the 80825
computation of the affiliated group's net profit sitused to a 80826
municipal corporation. If the entity's net profit or loss is so 80827
excluded, the entity shall be subject to taxation as a separate 80828
taxpayer on the basis of the entity's net profits that would 80829
otherwise be included in the consolidated federal taxable income 80830
of the affiliated group. 80831

(b) Include the pass-through entity's net profit or loss in 80832
the consolidated federal taxable income of the affiliated group 80833
and, for the purpose of making the computations required in 80834
section 5718.02 of the Revised Code, include the property, 80835
payroll, and gross receipts of the pass-through entity in the 80836
computation of the affiliated group's net profit sitused to a 80837
municipal corporation. If the entity's net profit or loss is so 80838
included, the entity shall not be subject to taxation as a 80839
separate taxpayer on the basis of the entity's net profits that 80840
are included in the consolidated federal taxable income of the 80841

affiliated group. 80842

(4) If the net profit or loss of a pass-through entity having 80843
less than eighty per cent of the value of its ownership interest 80844
owned or controlled, directly or indirectly, by an affiliated 80845
group of corporations is included in that affiliated group's 80846
consolidated federal taxable income for a taxable year, all of the 80847
following shall apply: 80848

(a) The corporation filing the consolidated tax return shall 80849
exclude the pass-through entity's net profit or loss from the 80850
consolidated federal taxable income of the affiliated group and, 80851
for the purposes of making the computations required in section 80852
5718.02 of the Revised Code, exclude the property, payroll, and 80853
gross receipts of the pass-through entity in the computation of 80854
the affiliated group's net profit sitused to a municipal 80855
corporation; 80856

(b) The pass-through entity shall be subject to municipal 80857
income taxation as a separate taxpayer in accordance with this 80858
chapter on the basis of the entity's net profits that would 80859
otherwise be included in the consolidated federal taxable income 80860
of the affiliated group. 80861

(F) Corporations filing a consolidated tax return shall make 80862
the computations required under section 5718.02 of the Revised 80863
Code by substituting "consolidated federal taxable income 80864
attributable to" for "net profit from" wherever "net profit from" 80865
appears in that section and by substituting "affiliated group of 80866
corporations" for "taxpayer" wherever "taxpayer" appears in that 80867
section. 80868

(G) Each corporation filing a consolidated tax return is 80869
jointly and severally liable for any tax, interest, penalties, 80870
finer, charges, or other amounts imposed by this chapter on the 80871
corporation, an affiliated group of which the corporation is a 80872

member for any portion of the taxable year, or any one or more 80873
members of such an affiliated group. 80874

(H) Corporations and their affiliates that made an election 80875
or entered into an agreement with a municipal corporation for a 80876
taxable year beginning before January 1, 2018, to file a 80877
consolidated or combined tax return with such municipal 80878
corporation shall continue to file consolidated or combined tax 80879
returns with the tax commissioner in accordance with such election 80880
or agreement for taxable years beginning on or after January 1, 80881
2018. 80882

Sec. 5718.07. If a tax required to be paid under this 80883
chapter, or any portion of that tax, is not paid on or before the 80884
date prescribed for its payment, interest shall be assessed, 80885
collected, and paid, in the same manner as the tax, upon such 80886
unpaid amount at the rate per annum prescribed by section 5703.47 80887
of the Revised Code from the date prescribed for its payment until 80888
it is paid or until the date an assessment is issued under section 80889
5718.12 of the Revised Code, whichever occurs first. 80890

Sec. 5718.08. (A) As used in this section: 80891

(1) "Combined tax liability" means the total amount of a 80892
taxpayer's income tax liabilities to all municipal corporations in 80893
this state for a taxable year. 80894

(2) "Estimated taxes" means the amount that the taxpayer 80895
reasonably estimates to be the taxpayer's combined tax liability 80896
for the current taxable year. 80897

(B)(1) Except as provided in division (B)(4) of this section, 80898
every taxpayer shall make a declaration of estimated taxes for the 80899
current taxable year, on the form prescribed by the tax 80900
commissioner, if the amount payable as estimated taxes is at least 80901
two hundred dollars. 80902

(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of

the taxable year, ninety per cent of the combined tax liability 80933
for the taxable year. 80934

(2) If the taxpayer determines that its declaration of 80935
estimated taxes will not accurately reflect the taxpayer's tax 80936
liability for the taxable year, the taxpayer shall increase or 80937
decrease, as appropriate, its subsequent payments in equal 80938
installments to result in a more accurate payment of estimated 80939
taxes. 80940

(3)(a) Each taxpayer shall report on the declaration of 80941
estimated taxes the portion of the remittance that the taxpayer 80942
estimates that it owes to each municipal corporation for the 80943
taxable year. 80944

(b) Upon receiving a payment of estimated taxes under this 80945
section, the commissioner shall immediately forward the payment to 80946
the treasurer of state. The treasurer shall credit the payment in 80947
the same manner as in division (B) of section 5718.05 of the 80948
Revised Code. 80949

(D)(1) In the case of any underpayment of a combined tax 80950
liability, interest shall be imposed upon the amount of 80951
underpayment for the period of underpayment, at the rate per annum 80952
prescribed by section 5703.47 of the Revised Code, unless the 80953
underpayment is due to reasonable cause as described in division 80954
(E) of this section. The amount of the underpayment shall be 80955
determined as follows: 80956

(a) For the first payment of estimated taxes each year, 80957
twenty-two and one-half per cent of the combined tax liability, 80958
less the amount of taxes paid by the date prescribed for that 80959
payment; 80960

(b) For the second payment of estimated taxes each year, 80961
forty-five per cent of the combined tax liability, less the amount 80962
of taxes paid by the date prescribed for that payment; 80963

(c) For the third payment of estimated taxes each year, 80964
sixty-seven and one-half per cent of the combined tax liability, 80965
less the amount of taxes paid by the date prescribed for that 80966
payment; 80967

(d) For the fourth payment of estimated taxes each year, 80968
ninety per cent of the combined tax liability, less the amount of 80969
taxes paid by the date prescribed for that payment. 80970

(2) The period of the underpayment shall run from the day the 80971
estimated payment was required to be made to the date on which the 80972
payment is made. For purposes of this section, a payment of 80973
estimated taxes on or before any payment date shall be considered 80974
a payment of any previous underpayment only to the extent the 80975
payment of estimated taxes exceeds the amount of the payment 80976
presently due. 80977

(3) All amounts collected under this section shall be 80978
considered as taxes collected under this chapter and shall be 80979
credited and distributed to municipal corporations in accordance 80980
with section 5718.10 of the Revised Code. 80981

(E) An underpayment of any portion of a combined tax 80982
liability determined under division (D) of this section shall be 80983
due to reasonable cause and the penalty imposed by this section 80984
shall not be added to the taxes for the taxable year if any of the 80985
following apply: 80986

(1) The amount of estimated taxes that were paid equals at 80987
least ninety per cent of the combined tax liability for the 80988
current taxable year, determined by annualizing the income 80989
received during the year up to the end of the month immediately 80990
preceding the month in which the payment is due. 80991

(2) The amount of estimated taxes that were paid equals at 80992
least one hundred per cent of the tax liability shown on the 80993
return of the taxpayer for the preceding taxable year, provided 80994

that the immediately preceding taxable year reflected a period of 80995
twelve months and, if that taxable year began before January 1, 80996
2018, the taxpayer filed a return with the municipal corporation 80997
under section 718.05 of the Revised Code for that year or, if that 80998
taxable year began on or after January 1, 2018, the taxpayer filed 80999
a return under section 5718.05 of the Revised Code for that year. 81000

Sec. 5718.10. (A) Prior to the first day of March, June, 81001
September, and December, the tax commissioner shall certify to the 81002
director of budget and management the amount to be paid to each 81003
municipal corporation, based on amounts reported on annual returns 81004
and declarations of estimated tax under sections 5718.05 and 81005
5718.08 of the Revised Code, less any amounts previously 81006
distributed and net of any audit adjustments made by the 81007
commissioner. On or before the first day of March, June, 81008
September, and December, the director shall provide for payment of 81009
the amount certified to each municipal corporation from the 81010
municipal income tax fund, plus a pro rata share of any investment 81011
earnings accruing to the fund since the previous payment under 81012
this section. Each municipal corporation's share of such earnings 81013
shall equal the proportion that the municipal corporation's 81014
certified tax payment is of the total taxes certified to all 81015
municipal corporations in that quarter. All investment earnings on 81016
money in the municipal income tax fund shall be credited to that 81017
fund. 81018

(B)(1) If the tax commissioner determines that the amount of 81019
tax paid by a taxpayer and distributed to a municipal corporation 81020
under this section for a taxable year exceeds the amount payable 81021
to that municipal corporation under this chapter after accounting 81022
for amounts remitted with the annual return and as estimated 81023
taxes, the commissioner shall proceed according to divisions (A) 81024
and (B) of section 5703.77 of the Revised Code. 81025

(2) Upon receiving a refund application in response to the 81026
notice required under division (B) of section 5703.77 of the 81027
Revised Code, the commissioner shall proceed in accordance with 81028
section 5718.19 of the Revised Code. 81029

Sec. 5718.12. (A) If any taxpayer required to file a return 81030
under this chapter fails to file the return within the time 81031
prescribed, files an incorrect return, or fails to remit the full 81032
amount of the tax due for the period covered by the return, the 81033
tax commissioner may make an assessment against the taxpayer for 81034
any deficiency for the period for which the return or tax is due, 81035
based upon any information in the commissioner's possession. 81036

The tax commissioner shall not make or issue an assessment 81037
against a taxpayer more than three years after the later of the 81038
date the return subject to assessment was required to be filed or 81039
the date the return was filed. Such time limit may be extended if 81040
both the taxpayer and the commissioner consent in writing to the 81041
extension. Any such extension shall extend the three-year time 81042
limit in section 5718.19 of the Revised Code for the same period 81043
of time. There shall be no bar or limit to an assessment against a 81044
taxpayer that fails to file a return subject to assessment as 81045
required by this chapter, or that files a fraudulent return. The 81046
commissioner shall give the taxpayer assessed written notice of 81047
the assessment as provided in section 5703.37 of the Revised Code. 81048
With the notice, the commissioner shall provide instructions on 81049
how to petition for reassessment and request a hearing on the 81050
petition. 81051

(B) Unless the taxpayer assessed files with the tax 81052
commissioner within sixty days after service of the notice of 81053
assessment, either personally or by certified mail, a written 81054
petition for reassessment signed by the authorized agent of the 81055
taxpayer assessed having knowledge of the facts, the assessment 81056

becomes final, and the amount of the assessment is due and payable 81057
from the taxpayer to the treasurer of state. The petition shall 81058
indicate the taxpayer's objections, but additional objections may 81059
be raised in writing if received by the commissioner prior to the 81060
date shown on the final determination. If the petition has been 81061
properly filed, the commissioner shall proceed under section 81062
5703.60 of the Revised Code. 81063

(C) After an assessment becomes final, if any portion of the 81064
assessment remains unpaid, including accrued interest, a certified 81065
copy of the tax commissioner's entry making the assessment final 81066
may be filed in the office of the clerk of the court of common 81067
pleas in the county in which the taxpayer has an office or place 81068
of business in this state, the county in which the taxpayer's 81069
statutory agent is located, or Franklin county. 81070

Immediately upon the filing of the entry, the clerk shall 81071
enter a judgment against the taxpayer assessed in the amount shown 81072
on the entry. The judgment may be filed by the clerk in a 81073
loose-leaf book entitled "special judgments for municipal income 81074
taxes," and shall have the same effect as other judgments. 81075
Execution shall issue upon the judgment upon the request of the 81076
tax commissioner, and all laws applicable to sales on execution 81077
shall apply to sales made under the judgment. 81078

If the assessment is not paid in its entirety within sixty 81079
days after the day the assessment was issued, the portion of the 81080
assessment consisting of tax due shall bear interest at the rate 81081
per annum prescribed by section 5703.47 of the Revised Code from 81082
the day the commissioner issues the assessment until the 81083
assessment is paid or until it is certified to the attorney 81084
general for collection under section 131.02 of the Revised Code, 81085
whichever comes first. If the unpaid portion of the assessment is 81086
certified to the attorney general for collection, the entire 81087
unpaid portion of the assessment shall bear interest at the rate 81088

per annum prescribed by section 5703.47 of the Revised Code from 81089
the date of certification until the date it is paid in its 81090
entirety. Interest shall be paid in the same manner as the tax and 81091
may be collected by issuing an assessment under this section. 81092

(D) All money collected under this section shall be credited 81093
to the municipal income tax fund and distributed to the municipal 81094
corporation to which the money is owed based on the assessment 81095
issued under this section. 81096

(E) If the tax commissioner believes that collection of the 81097
tax imposed by this chapter will be jeopardized unless proceedings 81098
to collect or secure collection of the tax are instituted without 81099
delay, the commissioner may issue a jeopardy assessment against 81100
the taxpayer liable for the tax. Immediately upon the issuance of 81101
the jeopardy assessment, the commissioner shall file an entry with 81102
the clerk of the court of common pleas in the manner prescribed by 81103
division (C) of this section. Notice of the jeopardy assessment 81104
shall be served on the taxpayer assessed or the taxpayer's legal 81105
representative in the manner provided in section 5703.37 of the 81106
Revised Code within five days of the filing of the entry with the 81107
clerk. The total amount assessed is immediately due and payable, 81108
unless the taxpayer assessed files a petition for reassessment in 81109
accordance with division (B) of this section and provides security 81110
in a form satisfactory to the commissioner and in an amount 81111
sufficient to satisfy the unpaid balance of the assessment. Full 81112
or partial payment of the assessment does not prejudice the 81113
commissioner's consideration of the petition for reassessment. 81114

(F) Notwithstanding the fact that a petition for reassessment 81115
is pending, the taxpayer may pay all or a portion of the 81116
assessment that is the subject of the petition. The acceptance of 81117
a payment by the treasurer of state does not prejudice any claim 81118
for refund upon final determination of the petition. 81119

If upon final determination of the petition an error in the 81120

assessment is corrected by the tax commissioner, upon petition so 81121
filed or pursuant to a decision of the board of tax appeals or any 81122
court to which the determination or decision has been appealed, so 81123
that the amount due from the taxpayer under the corrected 81124
assessment is less than the portion paid, there shall be issued to 81125
the taxpayer, its assigns, or legal representative a refund in the 81126
amount of the overpayment as provided by section 5718.19 of the 81127
Revised Code, with interest on that amount as provided by that 81128
section. 81129

Sec. 5718.13. (A) Any information gained as a result of 81130
returns, investigations, hearings, or verifications required or 81131
authorized by this chapter is confidential, and no person shall 81132
disclose such information, except for official purposes, in 81133
accordance with a proper judicial order, or as provided in section 81134
4123.271 or 5703.21 of the Revised Code. The tax commissioner may 81135
furnish the internal revenue service with copies of returns filed. 81136
This section does not prohibit the publication of statistics in a 81137
form which does not disclose information with respect to 81138
particular taxpayers. 81139

(B) In March of each year, the tax commissioner shall provide 81140
each tax administrator with the following information for every 81141
taxpayer with municipal taxable income apportionable to the 81142
municipal corporation under this chapter: 81143

(1) The taxpayer's name, address, and federal employer 81144
identification number; 81145

(2) The taxpayer's apportionment ratio for, and amount of 81146
municipal taxable income apportionable to, the municipal 81147
corporation pursuant to section 5718.02 of the Revised Code; 81148

(3) The amount of any pre-2017 net operating loss 81149
carryforward utilized by the taxpayer. 81150

(C) Not later than thirty days after each quarterly 81151
distribution made to municipal corporations under section 5718.10 81152
of the Revised Code, the tax commissioner shall provide to each 81153
municipal corporation a report stating the name of every taxpayer 81154
that made estimated payments in the preceding quarter that are 81155
attributable to the municipal corporation and the amount of each 81156
such taxpayer's estimated payment. 81157

(D) Not later than the thirty-first day of January of each 81158
year, every municipal corporation shall provide to the tax 81159
commissioner, in a format prescribed by the commissioner, the name 81160
and mailing address of up to two persons to whom the municipal 81161
corporation requests that the commissioner send the information 81162
described in division (B) of this section. The commissioner shall 81163
not provide such information to any person other than a person 81164
employed by the municipal corporation or by a tax administrator, 81165
as defined in section 718.01 of the Revised Code, that administers 81166
the municipal corporation's income tax, except as may otherwise be 81167
provided by law. 81168

(E)(1) The tax commissioner may adopt rules that further 81169
govern the terms and conditions under which tax returns filed with 81170
the commissioner under this chapter, and any other information 81171
gained in the performance of the commissioner's duties prescribed 81172
by this chapter, shall be available for inspection by properly 81173
authorized officers, employees, or agents of the municipal 81174
corporations to which the taxpayer's net profit is apportioned 81175
under section 5718.02 of the Revised Code. 81176

(2) As used in this division, "properly authorized officer, 81177
employee, or agent" means an officer, employee, or agent of a 81178
municipal corporation who is authorized by charter or ordinance of 81179
the municipal corporation to view or possess information referred 81180
to in section 718.13 of the Revised Code. 81181

Sec. 5718.15. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 of the Revised Code, shall be available to a taxpayer under this chapter against the municipal corporation's tax on income, provided that the municipal corporation submits the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the municipal corporation allows the credit:

(1) A copy of the agreement entered into by the municipal corporation and taxpayer under section 718.15 or 718.151 of the Revised Code;

(2) A copy of the municipal ordinance or resolution allowing the credit.

(B) The tax commissioner may adopt rules to delineate the documentation necessary to verify a credit claimed under this section.

Sec. 5718.19. (A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under this chapter, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of section 5718.12 of the Revised Code. The application shall be filed in the form prescribed by the tax commissioner.

(B)(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the

treasurer of state for payment from the tax refund fund created in 81212
section 5703.052 of the Revised Code. If the amount is greater 81213
than ten dollars but less than that claimed, the commissioner 81214
shall proceed in accordance with section 5703.70 of the Revised 81215
Code. 81216

(2) Upon issuance of a refund under this section, the 81217
commissioner shall notify each municipal corporation of the amount 81218
refunded to the taxpayer attributable to that municipal 81219
corporation, which shall be deducted from the municipal 81220
corporation's next distribution under section 5718.10 of the 81221
Revised Code. 81222

(b) Any portion of a refund determined under division (B) of 81223
this section that is not issued within ninety days after such 81224
determination shall bear interest at the rate per annum prescribed 81225
by section 5703.47 of the Revised Code from the ninety-first day 81226
after such determination until the day the refund is paid or 81227
credited. On an illegal or erroneous assessment, interest shall be 81228
paid at that rate from the date of payment on the illegal or 81229
erroneous assessment until the day the refund is paid or credited. 81230

(D) Nothing in this section permits a taxpayer to carry 81231
forward any refundable amounts to a future taxable year. 81232

Sec. 5718.23. (A) The tax commissioner, or any authorized 81233
agent or employee thereof, may examine the books, papers, records, 81234
and federal and state income tax returns of any taxpayer or other 81235
person that is subject to, or that the tax commissioner believes 81236
is subject to, the provisions of this chapter for the purpose of 81237
verifying the accuracy of any return made or, if no return was 81238
filed, to ascertain the tax due under this chapter. Upon written 81239
request by the tax commissioner or a duly authorized agent or 81240
employee thereof, every taxpayer or other person subject to this 81241
section is required to furnish the opportunity for the tax 81242

commissioner, authorized agent, or employee to investigate and 81243
examine such books, papers, records, and federal and state income 81244
tax returns at a reasonable time and place designated in the 81245
request. 81246

(B) The records and other documents of any taxpayer or other 81247
person that is subject to, or that the tax commissioner believes 81248
is subject to, the provisions of this chapter shall be open to the 81249
commissioner's inspection during business hours and shall be 81250
preserved for a period of six years following the end of the 81251
taxable year to which the records or documents relate, unless the 81252
commissioner, in writing, consents to their destruction within 81253
that period, or by order requires that they be kept longer. The 81254
commissioner may require any person, by notice served on that 81255
person, to keep such records as the commissioner determines 81256
necessary to show whether or not that person is liable, and the 81257
extent of such liability, for the income tax levied by a municipal 81258
corporation. 81259

(C) The tax commissioner may examine under oath any person 81260
that the commissioner reasonably believes has knowledge concerning 81261
any income that was or would have been returned for taxation or 81262
any transaction tending to affect such income. The commissioner 81263
may, for this purpose, compel any such person to attend a hearing 81264
or examination and to produce any books, papers, records, and 81265
federal income tax returns in such person's possession or control. 81266
The person may be assisted or represented by an attorney, 81267
accountant, bookkeeper, or other tax practitioner at any such 81268
hearing or examination. This division does not authorize the 81269
practice of law by a person who is not an attorney. 81270

(D) No person issued written notice by the tax commissioner 81271
compelling attendance at a hearing or examination or the 81272
production of books, papers, records, or federal income tax 81273

returns under this section shall fail to comply. 81274

Sec. 5718.24. If any person liable for a tax imposed in 81275
accordance with this chapter sells the person's business or stock 81276
of merchandise, or quits the person's business, the taxes, 81277
interest, and penalties imposed in accordance with this chapter 81278
shall become due and payable immediately, and such person shall 81279
make a final return within thirty days after the due date of the 81280
person's final federal income tax return. The person's successor 81281
shall withhold a sufficient amount of the purchase money to cover 81282
the amount of such taxes, interest, and penalties due and unpaid 81283
until the former owner produces a receipt from the tax 81284
commissioner showing that the taxes, interest, and penalties have 81285
been paid, or a certificate indicating that no taxes are due. If 81286
the purchaser of the business or stock of goods fails to withhold 81287
purchase money, the purchaser shall be personally liable for the 81288
payment of the taxes, interest, and penalties accrued and unpaid 81289
during the operation of the business by the former owner. 81290

Sec. 5718.27. (A) In addition to any other penalty imposed by 81291
this chapter or Chapter 5703. of the Revised Code, the following 81292
penalties shall apply: 81293

(1) If a taxpayer required to file a tax return under this 81294
chapter fails to make and file the return within the time 81295
prescribed, including any extensions of time granted by the tax 81296
commissioner, the commissioner may impose a penalty not exceeding 81297
twenty-five dollars per month or fraction of a month, for each 81298
month or fraction of a month elapsing between the due date, 81299
including extensions of the due date, and the date on which the 81300
return is filed. The aggregate penalty, per instance, under this 81301
division shall not exceed one hundred fifty dollars. 81302

(2) If a person required to file a tax return electronically 81303

under this chapter fails to do so, the commissioner may impose a 81304
penalty not to exceed the following: 81305

(a) For each of the first two failures, five per cent of the 81306
amount required to be reported on the return; 81307

(b) For the third and any subsequent failure, ten per cent of 81308
the amount required to be reported on the return. 81309

(3) If a taxpayer fails to timely pay an amount of tax 81310
required to be paid under this chapter, the commissioner may 81311
impose a penalty equal to fifteen per cent of the amount not 81312
timely paid. 81313

(4) If a taxpayer files what purports to be a tax return 81314
required by this chapter that does not contain information upon 81315
which the substantial correctness of the return may be judged or 81316
contains information that on its face indicates that the return is 81317
substantially incorrect, and the filing of the return in that 81318
manner is due to a position that is frivolous or a desire that is 81319
apparent from the return to delay or impede the administration of 81320
this chapter, a penalty of up to five hundred dollars may be 81321
imposed. 81322

(5) If a taxpayer makes a fraudulent attempt to evade the 81323
reporting or payment of the tax required to be shown on any return 81324
required under this chapter, a penalty may be imposed not 81325
exceeding the greater of one thousand dollars or one hundred per 81326
cent of the tax required to be shown on the return. 81327

(6) If any person makes a false or fraudulent claim for a 81328
refund under section 5718.19 of the Revised Code, a penalty may be 81329
imposed not exceeding the greater of one thousand dollars or one 81330
hundred per cent of the claim. Any penalty imposed under this 81331
division, any refund issued on the claim, and interest on any 81332
refund from the date of the refund, may be assessed under section 81333
5718.12 of the Revised Code without regard to any time limitation 81334

for the assessment imposed by division (A) of that section. 81335

(B) For purposes of this section, the tax required to be 81336
shown on a tax return shall be reduced by the amount of any part 81337
of the tax paid on or before the date, including any extensions of 81338
the date, prescribed for filing the return. 81339

(C) Each penalty imposed under this section shall be in 81340
addition to any other penalty imposed under this section. All or 81341
part of any penalty imposed under this section may be abated by 81342
the tax commissioner. The commissioner may adopt rules governing 81343
the imposition and abatement of such penalties. 81344

(D) All amounts collected under this section shall be 81345
considered as taxes collected under this chapter and shall be 81346
credited and distributed to municipal corporations in the same 81347
proportion as the underlying tax liability is required to be 81348
distributed to such municipal corporations under section 5718.10 81349
of the Revised Code. 81350

Sec. 5718.35. No person shall knowingly make, present, aid, 81351
or assist in the preparation or presentation of a false or 81352
fraudulent return, schedule, statement, claim, or document 81353
authorized or required by municipal corporation ordinance or state 81354
law to be filed with the tax commissioner, or knowingly procure, 81355
counsel, or advise the preparation or presentation of such return, 81356
schedule, statement, claim, or document, or knowingly change, 81357
alter, or amend, or knowingly procure, counsel or advise such 81358
change, alteration, or amendment of the records upon which such 81359
return, schedule, statement, claim, or document is based with 81360
intent to defraud the municipal corporation or the commissioner. 81361

Sec. 5718.41. (A) If any of the facts, figures, computations, 81362
or attachments required in a taxpayer's annual return to determine 81363
the tax due under this chapter must be altered as the result of an 81364

adjustment to the taxpayer's federal income tax return, whether 81365
initiated by the taxpayer or the internal revenue service, and 81366
such alteration affects the taxpayer's tax liability under this 81367
chapter, the taxpayer shall file an amended return with the tax 81368
commissioner in such form as the commissioner requires. The 81369
amended return shall be filed not later than sixty days after the 81370
adjustment is agreed upon or finally determined for federal income 81371
tax purposes or after any federal income tax deficiency or refund, 81372
or the abatement or credit resulting therefrom, has been assessed 81373
or paid, whichever occurs first. If a taxpayer intends to file an 81374
amended consolidated municipal income tax return, or to amend its 81375
type of return from a separate return to a consolidated return, 81376
based on the taxpayer's consolidated federal income tax return, 81377
the taxpayer shall notify the commissioner before filing the 81378
amended return. 81379

(B) In the case of an underpayment, the amended return shall 81380
be accompanied by payment of any combined additional tax due 81381
together with any penalty and interest thereon. An amended return 81382
required by this section is a return subject to assessment under 81383
section 5718.12 of the Revised Code for the purpose of assessing 81384
any additional tax due under this section, together with any 81385
applicable penalty and interest. The amended return shall not 81386
reopen those facts, figures, computations, or attachments from a 81387
previously filed return no longer subject to assessment that are 81388
not affected, either directly or indirectly, by the adjustment to 81389
the taxpayer's federal tax return. 81390

(C) In the case of an overpayment, an application for refund 81391
may be filed under this division within the sixty-day period 81392
prescribed for filing the amended return, even if that period 81393
extends beyond the period prescribed in section 5718.19 of the 81394
Revised Code, if the application otherwise conforms to the 81395
requirements of that division. An application filed under this 81396

division shall claim refund of overpayments resulting from 81397
alterations to only those facts, figures, computations, or 81398
attachments required in the taxpayer's annual return that are 81399
affected, either directly or indirectly, by the adjustment to the 81400
taxpayer's federal income tax return unless it is also filed 81401
within the time prescribed in section 5718.19 of the Revised Code. 81402
The application shall not reopen those facts, figures, 81403
computations, or attachments that are not affected, either 81404
directly or indirectly, by the adjustment to the taxpayer's 81405
federal income tax return. 81406

Sec. 5718.97. Notwithstanding any other provision of this 81407
chapter, all original and amended tax returns of a taxpayer, and 81408
any payment due with those returns, required to be filed with or 81409
paid to a municipal corporation for a taxable year beginning 81410
before January 1, 2018, shall be filed with the appropriate tax 81411
administrator, as that term is defined in Chapter 718. of the 81412
Revised Code, in accordance with the municipal corporation's 81413
ordinance or resolution in effect for the taxable year. 81414

The payment, collection, and administration of a tax for 81415
taxable years beginning before January 1, 2018, shall be governed 81416
by Chapter 718. of the Revised Code and any municipal ordinances, 81417
resolutions, and rules in effect for those taxable years. 81418

Sec. 5718.99. (A) Except as provided in division (B) of this 81419
section, whoever recklessly violates section 5718.35 of the 81420
Revised Code or division (A) of section 5718.13 of the Revised 81421
Code shall be guilty of a misdemeanor of the first degree and 81422
shall be subject to a fine of not more than one thousand dollars 81423
or imprisonment for a term of up to six months, or both. 81424

(B) Any person who recklessly discloses information received 81425
from the internal revenue service in violation of division (A) of 81426

section 5718.13 of the Revised Code shall be guilty of a felony of 81427
the fifth degree and shall be subject to a fine of not more than 81428
five thousand dollars plus the costs of prosecution, or 81429
imprisonment for a term not exceeding five years, or both. 81430

(C) Each instance of access or disclosure in violation of 81431
division (A) of section 5718.13 of the Revised Code constitutes a 81432
separate offense. 81433

Sec. 5725.33. (A) Except as otherwise provided in this 81434
section, terms used in this section have the same meaning as 81435
section 45D of the Internal Revenue Code, any related proposed, 81436
temporary, or final regulations promulgated under the Internal 81437
Revenue Code, any rules or guidance of the internal revenue 81438
service or the United States department of the treasury, and any 81439
related rules or guidance issued by the community development 81440
financial institutions fund of the United States department of the 81441
treasury, as such law, regulations, rules, and guidance exist on 81442
October 16, 2009. 81443

As used in this section: 81444

(1) "Adjusted purchase price" means the amount paid for the 81445
portion of a qualified equity investment approved or certified by 81446
the director of development services for a qualified community 81447
development entity in accordance with rules adopted under division 81448
(E) of this section. 81449

(2) "Applicable percentage" means zero per cent for each of 81450
the first two credit allowance dates, seven per cent for the third 81451
credit allowance date, and eight per cent for the four following 81452
credit allowance dates. 81453

(3) "Credit allowance date" means the date, on or after 81454
January 1, 2010, a qualified equity investment is made and each of 81455
the six anniversary dates thereafter. For qualified equity 81456

investments made after October 16, 2009, but before January 1, 81457
2010, the initial credit allowance date is January 1, 2010, and 81458
each of the six anniversary dates thereafter is on the first day 81459
of January of each year. 81460

(4) "Qualified community development entity" includes only 81461
entities: 81462

(a) That have entered into an allocation agreement with the 81463
community development financial institutions fund of the United 81464
States department of the treasury with respect to credits 81465
authorized by section 45D of the Internal Revenue Code; 81466

(b) Whose service area includes any portion of this state; 81467
and 81468

(c) That will designate an equity investment in such entities 81469
as a qualified equity investment for purposes of both section 45D 81470
of the Internal Revenue Code and this section. 81471

(5) "Qualified equity investment" is limited to an equity 81472
investment in a qualified community development entity that: 81473

(a) Is acquired after October 16, 2009, at its original 81474
issuance solely in exchange for cash; 81475

(b) Has at least eighty-five per cent of its cash purchase 81476
price used by the qualified community development entity to make 81477
qualified low-income community investments in qualified active 81478
low-income community businesses in this state, provided that in 81479
the seventh year after a qualified equity investment is made, only 81480
seventy-five per cent of such cash purchase price must be used by 81481
the qualified community development entity to make qualified 81482
low-income community investments in those businesses; and 81483

(c) Is designated by the issuer as a qualified equity 81484
investment. 81485

"Qualified equity investment" includes any equity investment 81486

that would, but for division (A)(5)(a) of this section, be a 81487
qualified equity investment in the hands of the taxpayer if such 81488
investment was a qualified equity investment in the hands of a 81489
prior holder. 81490

(B) There is hereby allowed a nonrefundable credit against 81491
the tax imposed by section 5725.18 of the Revised Code for an 81492
insurance company holding a qualified equity investment on the 81493
credit allowance date occurring in the calendar year for which the 81494
tax is due. The credit shall equal the applicable percentage of 81495
the adjusted purchase price, subject to divisions (B)(1) and (2) 81496
of this section: 81497

(1) For the purpose of calculating the amount of qualified 81498
low-income community investments held by a qualified community 81499
development entity, an investment shall be considered held by a 81500
qualified community development entity even if the investment has 81501
been sold or repaid, provided that, at any time before the seventh 81502
anniversary of the issuance of the qualified equity investment, 81503
the qualified community development entity reinvests an amount 81504
equal to the capital returned to or received or recovered by the 81505
qualified community development entity from the original 81506
investment, exclusive of any profits realized and costs incurred 81507
in the sale or repayment, in another qualified low-income 81508
community investment in this state within twelve months of the 81509
receipt of such capital. If the qualified low-income community 81510
investment is sold or repaid after the sixth anniversary of the 81511
issuance of the qualified equity investment, the qualified 81512
low-income community investment shall be considered held by the 81513
qualified community development entity through the seventh 81514
anniversary of the qualified equity investment's issuance. 81515

(2) The qualified low-income community investment made in 81516
this state shall equal the sum of the qualified low-income 81517
community investments in each qualified active low-income 81518

community business in this state, not to exceed two million five 81519
hundred sixty-four thousand dollars, in which the qualified 81520
community development entity invests, including such investments 81521
in any such businesses in this state related to that qualified 81522
active low-income community business through majority ownership or 81523
control. 81524

The credit shall be claimed in the order prescribed by 81525
section 5725.98 of the Revised Code. If the amount of the credit 81526
exceeds the amount of tax otherwise due after deducting all other 81527
credits in that order, the excess may be carried forward and 81528
applied to the tax due for not more than four ensuing years. 81529

By claiming a tax credit under this section, an insurance 81530
company waives its rights under section 5725.222 of the Revised 81531
Code with respect to the time limitation for the assessment of 81532
taxes as it relates to credits claimed that later become subject 81533
to recapture under division (E) of this section. 81534

~~(C) The amount of qualified equity investments on the basis 81535
of which credits may be claimed under this section and sections 81536
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 81537
the amount, estimated by the director of development, that would 81538
cause the total amount of credits allowed each fiscal year to 81539
exceed ten million dollars, computed without regard to the 81540
potential for taxpayers to carry tax credits forward to later 81541
years~~ The aggregate amount of credit allocations made by the 81542
director of development services under this section and sections 81543
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 81544
shall not exceed ten million dollars. 81545

(D) If any amount of the federal tax credit allowed for a 81546
qualified equity investment for which a credit was received under 81547
this section is recaptured under section 45D of the Internal 81548
Revenue Code, or if the director of development services 81549
determines that an investment for which a tax credit is claimed 81550

under this section is not a qualified equity investment or that 81551
the proceeds of an investment for which a tax credit is claimed 81552
under this section are used to make qualified low-income community 81553
investments other than in a qualified active low-income community 81554
business in this state, all or a portion of the credit received on 81555
account of that investment shall be paid by the insurance company 81556
that received the credit to the superintendent of insurance. The 81557
amount to be recovered shall be determined by the director of 81558
development services pursuant to rules adopted under division (E) 81559
of this section. The director shall certify any amount due under 81560
this division to the superintendent of insurance, and the 81561
superintendent shall notify the treasurer of state of the amount 81562
due. Upon notification, the treasurer shall invoice the insurance 81563
company for the amount due. The amount due is payable not later 81564
than thirty days after the date the treasurer invoices the 81565
insurance company. The amount due shall be considered to be tax 81566
due under section 5725.18 of the Revised Code, and may be 81567
collected by assessment without regard to the time limitations 81568
imposed under section 5725.222 of the Revised Code for the 81569
assessment of taxes by the superintendent. All amounts collected 81570
under this division shall be credited as revenue from the tax 81571
levied under section 5725.18 of the Revised Code. 81572

(E) The tax credits authorized under this section and 81573
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 81574
be administered by the development services agency. The director 81575
of development services, in consultation with the tax commissioner 81576
and the superintendent of insurance, pursuant to Chapter 119. of 81577
the Revised Code, shall adopt rules for the administration of this 81578
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 81579
Code. The rules shall provide for determining the recovery of 81580
credits under division (D) of this section and under sections 81581
5726.54, 5729.16, and 5733.58 of the Revised Code, including 81582
prorating the amount of the credit to be recovered on any 81583

reasonable basis, the manner in which credits may be allocated 81584
among claimants, and the amount of any application or other fees 81585
to be charged in connection with a recovery. 81586

(F) ~~There is hereby created in the state treasury the new~~ 81587
~~markets tax credit operating fund.~~ The director of development 81588
services is authorized to charge reasonable application and other 81589
fees in connection with the administration of tax credits 81590
authorized by this section and sections 5726.54, 5729.16, and 81591
5733.58 of the Revised Code. Any such fees collected shall be 81592
credited to the tax incentives operating fund created in section 81593
122.174 of the Revised Code. ~~The director of development services~~ 81594
~~shall use money in the fund to pay expenses related to the~~ 81595
~~administration of tax credits authorized under sections 5725.33,~~ 81596
~~5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 81597

(G) Tax credits earned or allocated to a pass-through entity, 81598
as that term is defined in section 5733.04 of the Revised Code, 81599
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 81600
Code may be allocated to persons having a direct or indirect 81601
ownership interest in the pass-through entity for such persons' 81602
direct use in accordance with the provisions of any mutual 81603
agreement between such persons. 81604

Sec. 5727.26. (A) The tax commissioner may make an 81605
assessment, based on any information in the commissioner's 81606
possession, against any natural gas company or combined company 81607
that fails to file a return or pay any tax, interest, or 81608
additional charge as required by sections 5727.24 to 5727.29 of 81609
the Revised Code. The commissioner shall give the company assessed 81610
written notice of the assessment as provided in section 5703.37 of 81611
the Revised Code. With the notice, the commissioner shall provide 81612
instructions on how to petition for reassessment and request a 81613
hearing on the petition. A penalty of up to fifteen per cent may 81614

be added to all amounts assessed under this section. The tax 81615
commissioner may adopt rules providing for the imposition and 81616
remission of the penalty. 81617

(B) Unless the company assessed, within sixty days after 81618
service of the notice of assessment, files with the tax 81619
commissioner, either personally or by certified mail, a written 81620
petition signed by the company's authorized agent having knowledge 81621
of the facts, the assessment becomes final, and the amount of the 81622
assessment is due and payable from the company assessed to the 81623
~~treasurer of state~~ commissioner. The petition shall indicate the 81624
objections of the company assessed, but additional objections may 81625
be raised in writing if received by the commissioner prior to the 81626
date shown on the final determination. 81627

If a petition for reassessment has been properly filed, the 81628
commissioner shall proceed under section 5703.60 of the Revised 81629
Code. 81630

(C) After an assessment becomes final, if any portion of the 81631
assessment, including accrued interest, remains unpaid, a 81632
certified copy of the tax commissioner's entry making the 81633
assessment final may be filed in the office of the clerk of the 81634
court of common pleas in the county in which the natural gas 81635
company's or combined company's principal place of business is 81636
located, or in the office of the clerk of court of common pleas of 81637
Franklin county. 81638

Immediately on the filing of the entry, the clerk shall enter 81639
judgment for the state against the company assessed in the amount 81640
shown on the entry. The judgment may be filed by the clerk in a 81641
loose-leaf book entitled, "special judgments for the public 81642
utility excise tax on natural gas and combined companies," and 81643
shall have the same effect as other judgments. Execution shall 81644
issue upon the judgment at the request of the tax commissioner, 81645
and all laws applicable to sales on execution shall apply to sales 81646

made under the judgment. 81647

If the assessment is not paid in its entirety within sixty 81648
days after the day the assessment was issued, the portion of the 81649
assessment consisting of tax due shall bear interest at the rate 81650
per annum prescribed by section 5703.47 of the Revised Code from 81651
the day the tax commissioner issues the assessment until it is 81652
paid or until it is certified to the attorney general for 81653
collection under section 131.02 of the Revised Code, whichever 81654
comes first. If the unpaid portion of the assessment is certified 81655
to the attorney general for collection, the entire unpaid portion 81656
of the assessment shall bear interest at the rate per annum 81657
prescribed by section 5703.47 of the Revised Code from the date of 81658
certification until the date it is paid in its entirety. Interest 81659
shall be paid in the same manner as the tax and may be collected 81660
by the issuance of an assessment under this section. 81661

(D) If the tax commissioner believes that collection of the 81662
tax will be jeopardized unless proceedings to collect or secure 81663
collection of the tax are instituted without delay, the 81664
commissioner may issue a jeopardy assessment against the company 81665
liable for the tax. Immediately upon the issuance of the jeopardy 81666
assessment, the commissioner shall file an entry with the clerk of 81667
the court of common pleas in the manner prescribed by division (C) 81668
of this section. Notice of the jeopardy assessment shall be served 81669
on the company assessed or the company's authorized agent in the 81670
manner provided in section 5703.37 of the Revised Code within five 81671
days of the filing of the entry with the clerk. The total amount 81672
assessed is immediately due and payable, unless the company 81673
assessed files a petition for reassessment in accordance with 81674
division (B) of this section and provides security in a form 81675
satisfactory to the commissioner and in an amount sufficient to 81676
satisfy the unpaid balance of the assessment. Full or partial 81677
payment of the assessment does not prejudice the commissioner's 81678

consideration of the petition for reassessment. 81679

(E) The tax commissioner shall immediately forward to the 81680
treasurer of state all amounts that the tax commissioner receives 81681
under this section, and such amounts shall be considered revenue 81682
arising from the tax imposed by section 5727.24 of the Revised 81683
Code. 81684

(F) No assessment shall be made or issued against a natural 81685
gas company or combined company for the tax imposed by section 81686
5727.24 of the Revised Code more than four years after the return 81687
date for the period in which the tax was reported, or more than 81688
four years after the return for the period was filed, whichever is 81689
later. 81690

Sec. 5727.28. (A) ~~The treasurer of state~~ tax commissioner 81691
shall refund to a natural gas company or combined company subject 81692
to the tax imposed by section 5727.24 of the Revised Code, the 81693
amount of tax paid illegally or erroneously, or paid on an illegal 81694
or erroneous assessment. Applications for a refund shall be filed 81695
with the tax commissioner, on a form prescribed by the 81696
commissioner, within four years of the illegal or erroneous 81697
payment of the tax. 81698

On the filing of the application, the commissioner shall 81699
determine the amount of refund to which the applicant is entitled. 81700
If the amount is not less than that claimed, the commissioner 81701
shall ~~certify the amount to~~ notify the director of budget and 81702
management and ~~treasurer of state for payment~~ issue the refund 81703
from the tax refund fund under section 5703.052 of the Revised 81704
Code. If the amount is less than that claimed, the commissioner 81705
shall proceed in accordance with section 5703.70 of the Revised 81706
Code. 81707

If the application for refund is for taxes paid on an illegal 81708
or erroneous assessment, the commissioner shall include in the 81709

certified amount interest calculated at the rate per annum 81710
prescribed by section 5703.47 of the Revised Code from the date of 81711
overpayment to the date of the commissioner's certification. 81712

(B) If a natural gas company or combined company entitled to 81713
a refund of taxes under this section, or section 5703.70 of the 81714
Revised Code, is indebted to the state for any tax or fee 81715
administered by the tax commissioner that is paid to the state, or 81716
any charge, penalty, or interest arising from such a tax or fee, 81717
the amount refundable may be applied in satisfaction of that debt. 81718
If the amount refundable is less than the amount of the debt, it 81719
may be applied in partial satisfaction of the debt. If the amount 81720
refundable is greater than the amount of the debt, the amount 81721
remaining after satisfaction of the debt shall be refunded. 81722

(C) In lieu of granting a refund under division (A) or (B) of 81723
this section, the tax commissioner may allow a natural gas company 81724
or combined company to claim a credit of the amount of the tax 81725
refund on the return for the period during which the tax became 81726
refundable. The commissioner may require the company to submit 81727
information to support a claim for a credit under this division, 81728
and the commissioner may disallow the credit if the information is 81729
not provided. 81730

Sec. 5727.31. (A) Each public utility subject to the excise 81731
tax imposed by section 5727.30 of the Revised Code, annually, on 81732
or before the first day of August, shall file with the tax 81733
commissioner a statement in such form as the commissioner 81734
prescribes and shall pay any amount due. 81735

(B)(1) Annually, on or before the fifteenth day of October of 81736
the current year, each public utility whose estimated excise taxes 81737
for the current year as based upon the statement required to be 81738
filed in that year by division (A) of this section are one 81739
thousand dollars or more shall file with the ~~treasurer of state~~ 81740

commissioner a report, in such form as the ~~tax~~ commissioner 81741
prescribes, showing the amount of excise tax estimated to be 81742
charged or levied pursuant to law for the current year upon the 81743
basis of such annual statement, and shall remit a portion of the 81744
estimated excise taxes shown to be due by the report. The portion 81745
of the estimated excise taxes due at the time the report is filed 81746
shall be one-third of its total excise taxes estimated to be 81747
charged or levied for the current year based upon the annual 81748
statement filed under division (A) of this section. 81749

(2) Annually, on or before the first day of March and June, 81750
each public utility whose excise taxes as based upon its last 81751
preceding annual statement filed under division (A) of this 81752
section prior to the first day of January were one thousand 81753
dollars or more shall file with the ~~treasurer of state~~ 81754
commissioner a report, in such form as the ~~tax~~ commissioner 81755
prescribes, showing the amount of excise tax charged or levied 81756
pursuant to law upon the basis of such annual statement, and shall 81757
remit a portion of the excise taxes shown to be due by each such 81758
report. The portion of the excise taxes due at the time each such 81759
report is filed shall be one-third of its total excise taxes so 81760
charged or levied based upon such annual statement. 81761

(C) Any public utility subject to the excise taxes imposed by 81762
section 5727.30 of the Revised Code whose tax as certified under 81763
section 5727.38 of the Revised Code in a year equals or exceeds 81764
the amount specified for that year in section 5727.311 of the 81765
Revised Code shall make the payments required under this section 81766
in the second ensuing and each succeeding year in the manner 81767
prescribed by section 5727.311 of the Revised Code, except as 81768
otherwise prescribed by that section. 81769

(D)(1) For purposes of this section, a report required to be 81770
filed under division (B) of this section is considered filed when 81771
it is received by the ~~treasurer of state~~ tax commissioner. 81772

(2) For purposes of this section and sections 5727.311 and 81773
5727.42 of the Revised Code, remittance of an excise tax required 81774
to be made under this section is considered to be made when the 81775
remittance is received by the treasurer of state or tax 81776
commissioner, or when credited to an account designated by the 81777
treasurer of state for the receipt of tax remittances. 81778

Sec. 5727.311. (A) Any public utility subject to an excise 81779
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 81780
~~certified by the tax commissioner under section 5727.38 of the~~ 81781
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 81782
each payment required under division (B) of section 5727.31 of the 81783
Revised Code for the second ensuing and each succeeding year by 81784
electronic funds transfer as prescribed by division (C) of this 81785
section. 81786

If the tax ~~certified by the tax commissioner~~ in each of two 81787
consecutive years is less than fifty thousand dollars, the public 81788
utility is relieved of the requirement to remit taxes by 81789
electronic funds transfer for the year that next follows the 81790
second of the consecutive years in which the tax certified is less 81791
than fifty thousand dollars, and is relieved of that requirement 81792
for each succeeding year unless the tax ~~certified~~ in a subsequent 81793
year equals or exceeds fifty thousand dollars. 81794

(B) The tax commissioner shall notify each public utility 81795
required by this section or section 5727.25 of the Revised Code to 81796
remit taxes by electronic funds transfer of the public utility's 81797
obligation to do so, and shall maintain an updated list of those 81798
public utilities, ~~and shall timely certify the list and any~~ 81799
~~additions thereto or deletions therefrom to the treasurer of~~ 81800
~~state~~. Failure by the tax commissioner to notify a public utility 81801
subject to this section to remit taxes by electronic funds 81802
transfer does not relieve the public utility of its obligation to 81803

remit taxes by electronic funds transfer. 81804

(C) Public utilities required by this section or section 81805
5727.25 of the Revised Code to remit periodic payments by 81806
electronic funds transfer shall remit such payments to the 81807
treasurer of state in the manner prescribed by rules adopted by 81808
the treasurer of state under section 113.061 of the Revised Code. 81809
The payment of public utility excise taxes by electronic funds 81810
transfer does not affect a public utility's obligation to file the 81811
annual statement and periodic reports in the manner and at the 81812
times prescribed by section 5727.31 of the Revised Code. 81813

A public utility required by this section or section 5727.25 81814
of the Revised Code to remit taxes by electronic funds transfer 81815
may apply to the ~~treasurer of state~~ tax commissioner in the manner 81816
prescribed by the ~~treasurer of state~~ commissioner to be excused 81817
from that requirement. The ~~treasurer of state~~ commissioner may 81818
excuse the public utility from remittance by electronic funds 81819
transfer for good cause shown for the period of time requested by 81820
the public utility or for a portion of that period. The ~~treasurer~~ 81821
~~of state~~ commissioner shall notify the ~~tax commissioner~~ and the 81822
public utility of the ~~treasurer of state's~~ commissioner's decision 81823
as soon as is practicable. 81824

(D) If a public utility required by this section or section 81825
5727.25 of the Revised Code to remit taxes by electronic funds 81826
transfer remits those taxes by some means other than by electronic 81827
funds transfer as prescribed by this section and the rules adopted 81828
by the treasurer of state, and the ~~treasurer of state~~ tax 81829
commissioner determines that the failure to remit taxes as 81830
required was not due to reasonable cause or was due to willful 81831
neglect, the ~~treasurer of state~~ commissioner may impose an 81832
additional charge on the public utility equal to five per cent of 81833
the amount of the taxes required to be paid by electronic funds 81834
transfer, but not to exceed five thousand dollars. Any additional 81835

charge imposed under this section is in addition to any other 81836
penalty or charge imposed under this chapter, and shall be 81837
considered as revenue arising from excise taxes imposed by this 81838
chapter. 81839

No additional charge shall be assessed under this division 81840
against a public utility that has been notified of its obligation 81841
to remit taxes under this section and that remits its first two 81842
tax payments after such notification by some means other than 81843
electronic funds transfer. The additional charge may be assessed 81844
upon the remittance of any subsequent tax payment that the public 81845
utility remits by some means other than electronic funds transfer. 81846

Sec. 5727.38. On or before the first Monday of November, 81847
annually, the tax commissioner ~~shall~~ may assess an excise tax 81848
against ~~each~~ a public utility subject to the excise tax under 81849
section 5727.30 of the Revised Code. The tax shall be computed by 81850
multiplying the taxable gross receipts as determined by the 81851
commissioner under section 5727.33 of the Revised Code by six and 81852
three-fourths per cent in the case of pipe-line companies, and 81853
four and three-fourths per cent in the case of all other 81854
companies. The minimum tax for any such company for owning 81855
property or doing business in this state shall be fifty dollars. 81856
The assessment shall be ~~certified~~ mailed to the taxpayer ~~and~~ 81857
~~treasurer of state.~~ 81858

Sec. 5727.42. (A) The treasurer of state shall ~~maintain a~~ 81859
~~list of all taxes levied and payments made pursuant to the annual~~ 81860
notify the tax commissioner of any payment of the excise tax 81861
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 81862
~~state~~ commissioner shall collect and the taxpayer shall pay all 81863
taxes and any penalties thereon. Payments of the tax may be made 81864
by mail, in person, by electronic funds transfer if required to do 81865
so by section 5727.311 of the Revised Code, or by any other means 81866

authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 81867
~~of state~~ commissioner may adopt rules concerning the methods and 81868
timeliness of payment. 81869

(B) Each tax ~~bill~~ assessment issued pursuant to this section 81870
shall separately reflect the taxes and any penalty due, ~~due date,~~ 81871
and any other information considered necessary. ~~The last day on~~ 81872
~~which payment may be made without penalty shall be at least twenty~~ 81873
~~but not more than thirty days from the date of mailing the tax~~ 81874
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 81875
assessment to the taxpayer, and the mailing of it shall be 81876
prima-facie evidence of receipt thereof by the taxpayer. 81877

(C) The ~~treasurer of state~~ commissioner shall refund taxes 81878
levied and payments made for the tax imposed by section 5727.30 of 81879
the Revised Code as provided in this section, but no refund shall 81880
be made to a taxpayer having a delinquent claim certified pursuant 81881
to this section that remains unpaid. The ~~treasurer of state~~ 81882
commissioner may consult the attorney general regarding such 81883
claims. 81884

(D) ~~Within twenty days after receipt of~~ After receiving any 81885
excise tax ~~assessment certified to the treasurer of state~~ annual 81886
statement for the tax imposed by section 5727.30 of the Revised 81887
Code, the ~~treasurer of state~~ commissioner shall: 81888

(1) Ascertain the difference between the total taxes ~~shown on~~ 81889
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 81890
~~exclusive of any penalties thereon, previously~~ made for that year. 81891

(2) If the difference is a deficiency, the ~~treasurer of state~~ 81892
commissioner shall issue ~~a tax bill~~ an assessment. 81893

(3) If the difference is an excess, the ~~treasurer of state~~ 81894
commissioner shall ~~certify the name of the taxpayer and the amount~~ 81895
~~to be refunded to~~ notify the director of budget and management for 81896
payment and issue a refund of that amount to the taxpayer. If the 81897

amount of the refund is less than that claimed by the taxpayer, 81898
the taxpayer, within sixty days of the issuance of the refund, may 81899
provide to the commissioner additional information to support the 81900
claim or may request a hearing. Upon receiving such information or 81901
request within that time, the commissioner shall follow the same 81902
procedures set forth in divisions (C) and (D) of section 5703.70 81903
of the Revised Code for the determination of refund applications. 81904

If the taxpayer has a deficiency for one tax year and an 81905
excess for another tax year, or any combination thereof for more 81906
than two years, the ~~treasurer of state~~ commissioner may determine 81907
the net result and, depending on such result, proceed to ~~mail a~~ 81908
~~tax bill~~ issue an assessment or certify a refund. 81909

(E) If a taxpayer fails to pay ~~all the amount of taxes on or~~ 81910
~~before the due date shown on the tax bill~~ required to be paid, or 81911
fails to make an estimated payment on or before the due date 81912
prescribed in division (B) of section 5727.31 of the Revised Code, 81913
~~but makes payment within ten calendar days of such date, the~~ 81914
~~treasurer of state shall add a penalty equal to five per cent of~~ 81915
~~the amount that should have been timely paid. If payment is not~~ 81916
~~made within ten days of such date, the treasurer of state shall~~ 81917
~~add a penalty equal to fifteen per cent of the amount that should~~ 81918
~~have been timely paid. The treasurer of state shall prepare a~~ 81919
~~delinquent claim for each tax bill on which penalties were added~~ 81920
~~and certify such claims to the attorney general and tax~~ 81921
~~commissioner. The~~ the commissioner shall impose a penalty in the 81922
amount of fifteen per cent of the unpaid amount, and the 81923
commissioner shall issue an assessment for the unpaid amount and 81924
penalty. Unless a timely petition for reassessment is filed under 81925
section 5727.47 of the Revised Code, the attorney general shall 81926
proceed to collect the delinquent taxes and penalties thereon in 81927
the manner prescribed by law and notify the ~~treasurer of state and~~ 81928
~~tax~~ commissioner of all collections. 81929

Sec. 5727.47. (A) Notice of each assessment certified or 81930
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 81931
shall be mailed to the public utility, and its mailing shall be 81932
prima-facie evidence of its receipt by the public utility to which 81933
it is addressed. With the notice, the tax commissioner shall 81934
provide instructions on how to petition for reassessment and 81935
request a hearing on the petition. If a public utility objects to 81936
~~any such an assessment certified to it pursuant to such sections,~~ 81937
it may file with the commissioner, either personally or by 81938
certified mail, within sixty days after the mailing of the notice 81939
of assessment a written petition for reassessment signed by the 81940
utility's authorized agent having knowledge of the facts. The date 81941
the commissioner receives the petition shall be considered the 81942
date of filing. The petition shall indicate the utility's 81943
objections, but additional objections may be raised in writing if 81944
received by the commissioner prior to the date shown on the final 81945
determination. 81946

In the case of a petition seeking a reduction in taxable 81947
value filed with respect to an assessment ~~issued~~ certified under 81948
section 5727.23 of the Revised Code, the petitioner shall state in 81949
the petition the total amount of reduction in taxable value sought 81950
by the petitioner. If the petitioner objects to the percentage of 81951
true value at which taxable property is assessed by the 81952
commissioner, the petitioner shall state in the petition the total 81953
amount of reduction in taxable value sought both with and without 81954
regard to the objection pertaining to the percentage of true value 81955
at which its taxable property is assessed. If a petitioner objects 81956
to the commissioner's apportionment of the taxable value of the 81957
petitioner's taxable property, the petitioner shall distinctly 81958
state in the petition that the petitioner objects to the 81959
commissioner's apportionment, and, within forty-five days after 81960
filing the petition for reassessment, shall submit the 81961

petitioner's proposed apportionment of the taxable value of its 81962
taxable property among taxing districts. If a petitioner that 81963
objects to the commissioner's apportionment fails to state its 81964
objections to that apportionment in its petition for reassessment 81965
or fails to submit its proposed apportionment within forty-five 81966
days after filing the petition for reassessment, the commissioner 81967
shall dismiss the petitioner's objection to the commissioner's 81968
apportionment, and the taxable value of the petitioner's taxable 81969
property, subject to any adjustment to taxable value pursuant to 81970
the petition or appeal, shall be apportioned in the manner used by 81971
the commissioner in the preliminary or amended preliminary 81972
assessment ~~issued~~ certified under section 5727.23 of the Revised 81973
Code. 81974

If an additional objection seeking a reduction in taxable 81975
value in excess of the reduction stated in the original petition 81976
is properly and timely raised with respect to an assessment issued 81977
under section 5727.23 of the Revised Code, the petitioner shall 81978
state the total amount of the reduction in taxable value sought in 81979
the additional objection both with and without regard to any 81980
reduction in taxable value pertaining to the percentage of true 81981
value at which taxable property is assessed. If a petitioner fails 81982
to state the reduction in taxable value sought in the original 81983
petition or in additional objections properly raised after the 81984
petition is filed, the commissioner shall notify the petitioner of 81985
the failure by certified mail. If the petitioner fails to notify 81986
the commissioner in writing of the reduction in taxable value 81987
sought in the petition or in an additional objection within thirty 81988
days after receiving the commissioner's notice, the commissioner 81989
shall dismiss the petition or the additional objection in which 81990
that reduction is sought. 81991

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 81992
public utility filing a petition for reassessment regarding an 81993

assessment certified or issued under section 5727.23 or 5727.38 of 81994
the Revised Code shall pay the tax with respect to the assessment 81995
objected to as required by law. The acceptance of any tax payment 81996
by the treasurer of state, tax commissioner, or any county 81997
treasurer shall not prejudice any claim for taxes on final 81998
determination by the commissioner or final decision by the board 81999
of tax appeals or any court. 82000

(2) If a public utility properly and timely files a petition 82001
for reassessment regarding an assessment ~~issued~~ certified under 82002
section 5727.23 of the Revised Code, the petitioner shall pay the 82003
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 82004
section: 82005

(a) If the petitioner does not object to the commissioner's 82006
apportionment of the taxable value of the petitioner's taxable 82007
property, the petitioner is not required to pay the part of the 82008
tax otherwise due on the taxable value that the petitioner seeks 82009
to have reduced, subject to division (B)(2)(c) of this section. 82010

(b) If the petitioner objects to the commissioner's 82011
apportionment of the taxable value of the petitioner's taxable 82012
property, the petitioner is not required to pay the tax otherwise 82013
due on the part of the taxable value apportioned to any taxing 82014
district that the petitioner objects to, subject to division 82015
(B)(2)(c) of this section. If, pursuant to division (A) of this 82016
section, the petitioner has, in a proper and timely manner, 82017
apportioned taxable value to a taxing district to which the 82018
commissioner did not apportion the petitioner's taxable value, the 82019
petitioner shall pay the tax due on the taxable value that the 82020
petitioner has apportioned to the taxing district, subject to 82021
division (B)(2)(c) of this section. 82022

(c) If a petitioner objects to the percentage of true value 82023
at which taxable property is assessed by the commissioner, the 82024
petitioner shall pay the tax due on the basis of the percentage of 82025

true value at which the public utility's taxable property is 82026
assessed by the commissioner. In any case, the petitioner's 82027
payment of tax shall not be less than the amount of tax due based 82028
on the taxable value reflected on the last appeal notice issued by 82029
the commissioner under division (C) of this section. Until the 82030
county auditor receives notification under division (E) of this 82031
section and proceeds under section 5727.471 of the Revised Code to 82032
issue any refund that is found to be due, the county auditor shall 82033
not issue a refund for any increase in the reduction in taxable 82034
value that is sought by a petitioner later than forty-five days 82035
after the petitioner files the original petition as required under 82036
division (A) of this section. 82037

(3) Any part of the tax that, under division (B)(2)(a) or (b) 82038
of this section, is not paid shall be collected upon receipt of 82039
the notification as provided in section 5727.471 of the Revised 82040
Code with interest thereon computed in the same manner as interest 82041
is computed under division (E) of section 5715.19 of the Revised 82042
Code, subject to any correction of the assessment by the 82043
commissioner under division (E) of this section or the final 82044
judgment of the board of tax appeals or a court to which the 82045
board's final judgment is appealed. The penalty imposed under 82046
section 323.121 of the Revised Code shall apply only to the unpaid 82047
portion of the tax if the petitioner's tax payment is less than 82048
the amount of tax due based on the taxable value reflected on the 82049
last appeal notice issued by the commissioner under division (C) 82050
of this section. 82051

(C) Upon receipt of a properly filed petition for 82052
reassessment with respect to an assessment certified under section 82053
5727.23 of the Revised Code, the tax commissioner shall notify the 82054
treasurer of state or the auditor of each county to which the 82055
assessment objected to has been certified. In the case of a 82056
petition with respect to an assessment ~~issued~~ certified under 82057

section 5727.23 of the Revised Code, the commissioner shall issue 82058
an appeal notice within thirty days after receiving the amount of 82059
the taxable value reduction and apportionment changes sought by 82060
the petitioner in the original petition or in any additional 82061
objections properly and timely raised by the petitioner. The 82062
appeal notice shall indicate the amount of the reduction in 82063
taxable value sought in the petition or in the additional 82064
objections and the extent to which the reduction in taxable value 82065
and any change in apportionment requested by the petitioner would 82066
affect the commissioner's apportionment of the taxable value among 82067
taxing districts in the county as shown in the assessment. If a 82068
petitioner is seeking a reduction in taxable value on the basis of 82069
a lower percentage of true value than the percentage at which the 82070
commissioner assessed the petitioner's taxable property, the 82071
appeal notice shall indicate the reduction in taxable value sought 82072
by the petitioner without regard to the reduction sought on the 82073
basis of the lower percentage and shall indicate that the 82074
petitioner is required to pay tax on the reduced taxable value 82075
determined without regard to the reduction sought on the basis of 82076
a lower percentage of true value, as provided under division 82077
(B)(2)(c) of this section. The appeal notice shall include a 82078
statement that the reduced taxable value and the apportionment 82079
indicated in the notice are not final and are subject to 82080
adjustment by the commissioner or by the board of tax appeals or a 82081
court on appeal. If the commissioner finds an error in the appeal 82082
notice, the commissioner may amend the notice, but the notice is 82083
only for informational and tax payment purposes; the notice is not 82084
subject to appeal by any person. The commissioner also shall mail 82085
a copy of the appeal notice to the petitioner. Upon the request of 82086
a taxing authority, the county auditor may disclose to the taxing 82087
authority the extent to which a reduction in taxable value sought 82088
by a petitioner would affect the apportionment of taxable value to 82089
the taxing district or districts under the taxing authority's 82090

jurisdiction, but such a disclosure does not constitute a notice 82091
required by law to be given for the purpose of section 5717.02 of 82092
the Revised Code. 82093

(D) If the petitioner requests a hearing on the petition, the 82094
tax commissioner shall assign a time and place for the hearing on 82095
the petition and notify the petitioner of such time and place, but 82096
the commissioner may continue the hearing from time to time as 82097
necessary. 82098

(E) The tax commissioner may make corrections to the 82099
assessment as the commissioner finds proper. The commissioner 82100
shall serve a copy of the commissioner's final determination on 82101
the petitioner in the manner provided in section 5703.37 of the 82102
Revised Code. The commissioner's decision in the matter shall be 82103
final, subject to appeal under section 5717.02 of the Revised 82104
Code. The With respect to a final determination issued for an 82105
assessment certified under section 5727.23 of the Revised Code, 82106
the commissioner also shall transmit a copy of the final 82107
determination to the ~~treasurer of state or~~ applicable county 82108
auditor. In the absence of any further appeal, or when a decision 82109
of the board of tax appeals or of any court to which the decision 82110
has been appealed becomes final, the commissioner shall notify the 82111
public utility and, as appropriate, ~~the treasurer of state who~~ 82112
shall proceed under section 5727.42 of the Revised Code, or notify 82113
the applicable county auditor, who shall proceed under section 82114
5727.471 of the Revised Code. 82115

The notification made under this division is not subject to 82116
further appeal. 82117

(F) On appeal, no adjustment shall be made in the tax 82118
commissioner's assessment ~~issued~~ certified under section 5727.23 82119
of the Revised Code that reduces the taxable value of a 82120
petitioner's taxable property by an amount that exceeds the 82121
reduction sought by the petitioner in its petition for 82122

reassessment or in any additional objections properly and timely 82123
raised after the petition is filed with the commissioner. 82124

Sec. 5727.48. The tax commissioner, on application by a 82125
public utility, may extend to the public utility a further 82126
specified time, not to exceed ~~sixty~~ thirty days, within which to 82127
file any report or statement required by this chapter to be filed 82128
with the commissioner, except reports required by sections 5727.24 82129
to 5727.29 of the Revised Code. A public utility must file such an 82130
application, in writing, with the commissioner on or before the 82131
date that the report or statement is otherwise required to be 82132
filed. 82133

Sec. 5727.53. The taxes, fees, and penalties provided by this 82134
chapter that are remitted to the treasurer of state may be 82135
recovered by an action brought in the name of the state in the 82136
court of common pleas of Franklin county, or of any county in 82137
which such public utility is doing business, or in which the line 82138
of any railroad company is located, and such court of common pleas 82139
shall have jurisdiction of the action regardless of the amount 82140
involved. The attorney general, on request of the tax 82141
commissioner, shall institute such action in the court of common 82142
pleas of Franklin county or of any of such counties the 82143
commissioner directs. ~~In any such action it shall be sufficient to~~ 82144
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 82145
~~charged on the delinquent duplicate of the treasurer of state, and~~ 82146
~~that the same has been unpaid for a period of thirty days after~~ 82147
~~having been placed thereon.~~ Sums recovered in any such action 82148
shall be paid into the state treasury in the same manner as the 82149
tax. 82150

Sec. 5727.60. If a person fails to file a report within the 82151
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 82152

including any extensions of time granted by the tax commissioner, 82153
a penalty of fifty dollars per month, not to exceed five hundred 82154
dollars, may be imposed for each month or fraction of a month 82155
elapsing between the due date of the report, including any 82156
extensions, and the date the report was filed. The penalty under 82157
this section for failing to file a report required by section 82158
5727.08 of the Revised Code shall be paid into the state general 82159
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 82160
~~notice of the penalty is mailed to the person who failed to timely~~ 82161
~~file the report, the tax commissioner shall certify the penalty as~~ 82162
~~a claim to the attorney general for collection.~~ The penalty under 82163
this section for failing to file the report required by section 82164
5727.31 of the Revised Code shall be deposited into the state 82165
treasury in the same manner as the tax, and the commissioner may 82166
collect the penalty by assessment pursuant to section 5727.38 of 82167
the Revised Code. The tax commissioner may abate this penalty in 82168
full or in part. 82169

Sec. 5731.46. The county treasurer shall keep an account 82170
showing the amount of all taxes and interest received by ~~him~~ the 82171
treasurer under Chapter 5731. of the Revised Code. On the 82172
twenty-fifth day of February ~~and the twentieth day of August~~ of 82173
each year ~~he, the treasurer~~ shall settle with the county auditor 82174
for all such taxes and interest so received ~~at the time of making~~ 82175
~~such settlement, in the preceding calendar year and~~ not included 82176
in any ~~preceding~~ prior settlement, showing for what estate, by 82177
whom, and when paid. At each such settlement the auditor shall 82178
allow to the treasurer and ~~himself~~ to the auditor, on the money so 82179
collected and accounted for by ~~him~~ the auditor, their respective 82180
fees, ~~at the percentages allowed by law under section 319.54 or~~ 82181
321.27 of the Revised Code. The correctness thereof, together with 82182
a statement of the fees allowed at such settlement, and the fees 82183
and expenses allowed to the officers ~~under such chapter~~ shall be 82184

certified by the auditor. 82185

Sec. 5731.49. At each ~~semiannual~~ annual settlement provided 82186
for by section 5731.46 of the Revised Code, the county auditor 82187
shall certify to the county auditor of any other county in which 82188
is located in whole or in part any municipal corporation or 82189
township to which any of the taxes collected under this chapter 82190
and not previously accounted for, is due, a statement of the 82191
amount of such taxes due to each corporation or township in such 82192
county entitled to share in the distribution thereof. The amount 82193
due upon such settlement to each such municipal corporation or 82194
township, and to each municipal corporation and township in the 82195
county in which the taxes are collected, shall be paid upon the 82196
warrant of the county auditor to the county treasurer or other 82197
proper officer of such municipal corporation or township. The 82198
amount of any refund chargeable against any such municipal 82199
corporation or township at the time of making such settlement, 82200
shall be adjusted in determining the amount due to such municipal 82201
corporation or township at such settlement; provided that if the 82202
municipal corporation or township against which such refund is 82203
chargeable is not entitled to share in the fund to be distributed 82204
at such settlement, the auditor shall draw a warrant for the 82205
amount in favor of the treasurer payable from any undivided 82206
general taxes in the possession of such treasurer, unless such 82207
municipal corporation or township is located in another county, in 82208
which event the auditor shall issue a certificate for such amount 82209
to the auditor of the proper county, who shall draw a like warrant 82210
therefor payable from any undivided general taxes in the 82211
possession of the treasurer of such county. In either case at the 82212
next semiannual settlement of such undivided general taxes, the 82213
amount of such warrant shall be deducted from the distribution of 82214
taxes of such municipal corporation or township and charged 82215
against the proceeds of levies for the general fund of such 82216

municipal corporation or township, and a similar deduction shall 82217
be made at each next semiannual settlement of such undivided 82218
general taxes until such warrant has been satisfied in full. 82219

If it is discovered that an amount of taxes collected under 82220
this chapter has been paid in error to a township or municipal 82221
corporation to which the taxes are not due under this chapter, the 82222
township or municipal corporation to which the amount was 82223
erroneously paid, when repaying that amount to any subdivision to 82224
which the taxes were due, shall not be required to pay interest on 82225
that amount. 82226

Sec. 5735.02. (A) A motor fuel dealer shall not receive, use, 82227
sell, or distribute any motor fuel or engage in business within 82228
this state unless the motor fuel dealer holds an unrevoked license 82229
issued by the tax commissioner to engage in such business. 82230

(B) To procure a motor fuel dealer's license, every motor 82231
fuel dealer shall file with the commissioner an application 82232
verified under oath by the applicant and in such form as the 82233
commissioner prescribes, setting forth, in addition to such other 82234
information required by the commissioner, the following: 82235

(1) The name under which the motor fuel dealer will transact 82236
business within the state; 82237

(2) The location, including street number address, of its 82238
principal office or place of business within this state; 82239

(3) The name and address of the owner, or the names and 82240
addresses of the partners if such motor fuel dealer is a 82241
partnership, or the names and addresses of the principal officers 82242
if such motor fuel dealer is a corporation or an association; 82243

(4) If such motor fuel dealer is a corporation organized 82244
under the laws of another state, territory, or country, a 82245
certified copy of the certificate or license issued by the Ohio 82246

secretary of state showing that such corporation is authorized to 82247
transact business in this state; 82248

(5) An agreement that the motor fuel dealer will assume the 82249
liability and will pay the tax on any shipment of motor fuel made 82250
into the state from any other state or foreign country and sold or 82251
caused to be sold by such motor fuel dealer for delivery to a 82252
person in this state who is not the holder of an unrevoked motor 82253
fuel dealer's license. 82254

(C)(1) Except as provided in division (C)(2) of this section, 82255
an application for a license shall be accompanied by a bond, of 82256
the character stipulated and in the amount provided for in section 82257
5735.03 of the Revised Code, which shall be filed with the 82258
commissioner. 82259

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 82260
the requirements set forth in division (C)(1) of this section and 82261
section 5735.03 of the Revised Code if the motor fuel dealer only 82262
sells or distributes motor fuel upon which the motor fuel taxes 82263
imposed under this chapter have been paid or are not required to 82264
be paid by the motor fuel dealer. 82265

(D) If any application for a license to transact business as 82266
a motor fuel dealer in the state is filed by any person who has 82267
had any license previously canceled for cause by the tax 82268
commissioner; if the commissioner believes that such application 82269
is not filed in good faith or that such application is filed as a 82270
subterfuge by some person for the real person in interest who has 82271
previously had any license canceled for cause by the tax 82272
commissioner; ~~or~~ if the person has violated any provision of this 82273
chapter; or if the person has failed to file any returns, submit 82274
any information, or pay any outstanding taxes, charges, or fees as 82275
required for any tax, charge, or fee administered by the 82276
commissioner, to the extent the commissioner is aware of such 82277
failure at the time of the application, then the tax commissioner, 82278

after a hearing, of which the applicant shall be given five days' 82279
notice in writing and at which said applicant shall have the right 82280
to appear in person or by counsel and present testimony, may 82281
refuse to issue to such person a license to transact business as a 82282
motor fuel dealer in the state. 82283

(E) When the application in proper form has been accepted for 82284
filing, and the bond accepted and approved, the commissioner shall 82285
issue to such motor fuel dealer a license to transact business as 82286
a motor fuel dealer in the state, subject to cancellation of such 82287
license as provided by law. 82288

(F) No person shall make a false or fraudulent statement on 82289
the application required by this section. 82290

Sec. 5736.06. (A) No person subject to the tax imposed by 82291
section 5736.02 of the Revised Code shall distribute, import, or 82292
cause the importation of motor fuel for consumption in this state 82293
without holding a supplier's license issued by the tax 82294
commissioner to engage in such activities. 82295

(B)(1) ~~A person~~ Within thirty days after first becoming 82296
subject to the tax imposed by section 5736.02 of the Revised Code 82297
~~shall, on or before March 1, 2014, or within thirty days of first~~ 82298
~~becoming subject to the tax imposed by this chapter, whichever is~~ 82299
~~earlier,~~ a person shall apply to the tax commissioner for a 82300
supplier's license on the form prescribed by the commissioner. 82301

(2) Each person issued a supplier's license under division 82302
(B)(1) of this section shall apply to renew the license on or 82303
before the first day of March of each year. 82304

(3) Each license issued or renewed under division (B)(1) or 82305
(2) of this section shall be valid from the first day of March 82306
through the last day of February or, in the case of a new license 82307
issued after the first day of March, the date of issuance through 82308

<u>the last day of February.</u>	82309
(4) With each license application submitted under division	82310
(B)(1) or (2) of this section, the applicant shall pay an	82311
application fee equal to one of the following amounts:	82312
(a) If the applicant solely imports or causes the importation	82313
of motor fuel for sale, exchange, or transfer by the person in	82314
this state, three hundred dollars;	82315
(b) If the applicant engages in activities in addition to	82316
those described in division (B) ~~(3)~~ (4)(a) of this section, one	82317
thousand dollars.	82318
If an applicant timely submits an application under division	82319
(B)(1) of this section on or after the first day of September of	82320
any year, the fee that would apply to the applicant under division	82321
(B) ~~(3)~~ (4)(a) or (b) of this section shall be reduced by one-half.	82322
~~(4)~~ (5) The failure to apply to the commissioner for a	82323
supplier's license does not relieve a person from the requirement	82324
to file returns and pay the tax imposed by this chapter.	82325
(C) The tax commissioner may refuse to issue a license to any	82326
applicant under this section in the following circumstances:	82327
(1) The applicant has previously had any license canceled for	82328
cause by the commissioner.	82329
(2) The commissioner believes that the application is not	82330
filed in good faith or is filed as a subterfuge in an attempt to	82331
procure a license for another person.	82332
(3) The applicant has violated any provision of this chapter.	82333
(D) If the tax commissioner refuses to issue a license to an	82334
applicant under this section, the applicant is entitled to a	82335
refund of the application fee in accordance with section 5736.08	82336
of the Revised Code. All application fees collected under this	82337
section shall be deposited into the petroleum activity tax	82338

administration fund created in section 5736.13 of the Revised Code.	82339 82340
(E) No person shall make a false or fraudulent statement on an application required by this section.	82341 82342
Sec. 5739.01. As used in this chapter:	82343
(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.	82344 82345 82346 82347 82348
(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:	82349 82350 82351 82352
(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;	82353 82354 82355 82356
(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	82357 82358
(3) All transactions by which:	82359
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	82360 82361 82362
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	82363 82364 82365 82366 82367 82368

(c) The service of washing, cleaning, waxing, polishing, or 82369
painting a motor vehicle is or is to be furnished; 82370

(d) Until August 1, 2003, industrial laundry cleaning 82371
services are or are to be provided and, on and after August 1, 82372
2003, laundry and dry cleaning services are or are to be provided; 82373

(e) Automatic data processing, computer services, or 82374
electronic information services are or are to be provided for use 82375
in business when the true object of the transaction is the receipt 82376
by the consumer of automatic data processing, computer services, 82377
or electronic information services rather than the receipt of 82378
personal or professional services to which automatic data 82379
processing, computer services, or electronic information services 82380
are incidental or supplemental. Notwithstanding any other 82381
provision of this chapter, such transactions that occur between 82382
members of an affiliated group are not sales. An "affiliated 82383
group" means two or more persons related in such a way that one 82384
person owns or controls the business operation of another member 82385
of the group. In the case of corporations with stock, one 82386
corporation owns or controls another if it owns more than fifty 82387
per cent of the other corporation's common stock with voting 82388
rights. 82389

(f) Telecommunications service, including prepaid calling 82390
service, prepaid wireless calling service, or ancillary service, 82391
is or is to be provided, but not including coin-operated telephone 82392
service; 82393

(g) Landscaping and lawn care service is or is to be 82394
provided; 82395

(h) Private investigation and security service is or is to be 82396
provided; 82397

(i) Information services or tangible personal property is 82398
provided or ordered by means of a nine hundred telephone call; 82399

(j) Building maintenance and janitorial service is or is to be provided;	82400 82401
(k) Employment service is or is to be provided;	82402
(l) Employment placement service is or is to be provided;	82403
(m) Exterminating service is or is to be provided;	82404
(n) Physical fitness facility service is or is to be provided;	82405 82406
(o) Recreation and sports club service is or is to be provided;	82407 82408
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	82409 82410
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	82411 82412 82413 82414 82415 82416 82417 82418
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	82419 82420 82421 82422 82423 82424 82425 82426
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked,	82427 82428 82429

disabled, or illegally parked motor vehicle. 82430

(t) On and after August 1, 2003, snow removal service is or 82431
is to be provided. As used in this division, "snow removal 82432
service" means the removal of snow by any mechanized means, but 82433
does not include the providing of such service by a person that 82434
has less than five thousand dollars in sales of such service 82435
during the calendar year. 82436

(u) Electronic publishing service is or is to be provided to 82437
a consumer for use in business, except that such transactions 82438
occurring between members of an affiliated group, as defined in 82439
division (B)(3)(e) of this section, are not sales. 82440

(v) A cosmetic medical procedure is or is to be provided. As 82441
used in division (B)(3)(v) of this section: 82442

(i) "Cosmetic medical procedure" means a medical procedure 82443
performed on an individual that is directed at improving the 82444
individual's appearance and that does not meaningfully promote the 82445
proper function of the body or prevent or treat illness or 82446
disease. "Cosmetic medical procedure" includes cosmetic surgery, 82447
hair transplants, cosmetic injections, cosmetic soft tissue 82448
fillers, dermabrasion and chemical peel, laser hair removal, laser 82449
skin resurfacing, laser treatment of leg veins, sclerotherapy, and 82450
cosmetic dentistry. "Cosmetic medical procedure" does not include 82451
reconstructive surgery or dentistry that is necessary to 82452
ameliorate a deformity arising from, or directly related to, a 82453
congenital abnormality, a personal injury resulting from an 82454
accident or trauma, or a disfiguring disease. 82455

(ii) "Cosmetic surgery" means the surgical reshaping of 82456
normal structures on the body to improve the body image, 82457
self-esteem, or appearance of an individual. 82458

(4) All transactions by which printed, imprinted, 82459
overprinted, lithographic, multilithic, blueprinted, photostatic, 82460

or other productions or reproductions of written or graphic matter 82461
are or are to be furnished or transferred; 82462

(5) The production or fabrication of tangible personal 82463
property for a consideration for consumers who furnish either 82464
directly or indirectly the materials used in the production of 82465
fabrication work; and include the furnishing, preparing, or 82466
serving for a consideration of any tangible personal property 82467
consumed on the premises of the person furnishing, preparing, or 82468
serving such tangible personal property. Except as provided in 82469
section 5739.03 of the Revised Code, a construction contract 82470
pursuant to which tangible personal property is or is to be 82471
incorporated into a structure or improvement on and becoming a 82472
part of real property is not a sale of such tangible personal 82473
property. The construction contractor is the consumer of such 82474
tangible personal property, provided that the sale and 82475
installation of carpeting, the sale and installation of 82476
agricultural land tile, the sale and erection or installation of 82477
portable grain bins, or the provision of landscaping and lawn care 82478
service and the transfer of property as part of such service is 82479
never a construction contract. 82480

As used in division (B)(5) of this section: 82481

(a) "Agricultural land tile" means fired clay or concrete 82482
tile, or flexible or rigid perforated plastic pipe or tubing, 82483
incorporated or to be incorporated into a subsurface drainage 82484
system appurtenant to land used or to be used primarily in 82485
production by farming, agriculture, horticulture, or floriculture. 82486
The term does not include such materials when they are or are to 82487
be incorporated into a drainage system appurtenant to a building 82488
or structure even if the building or structure is used or to be 82489
used in such production. 82490

(b) "Portable grain bin" means a structure that is used or to 82491
be used by a person engaged in farming or agriculture to shelter 82492

the person's grain and that is designed to be disassembled without 82493
significant damage to its component parts. 82494

(6) All transactions in which all of the shares of stock of a 82495
closely held corporation are transferred, or an ownership interest 82496
in a pass-through entity, as defined in section 5733.04 of the 82497
Revised Code, is transferred, if the corporation or pass-through 82498
entity is not engaging in business and its entire assets consist 82499
of boats, planes, motor vehicles, or other tangible personal 82500
property operated primarily for the use and enjoyment of the 82501
shareholders or owners; 82502

(7) All transactions in which a warranty, maintenance or 82503
service contract, or similar agreement by which the vendor of the 82504
warranty, contract, or agreement agrees to repair or maintain the 82505
tangible personal property of the consumer is or is to be 82506
provided; 82507

(8) The transfer of copyrighted motion picture films used 82508
solely for advertising purposes, except that the transfer of such 82509
films for exhibition purposes is not a sale; 82510

(9) On and after August 1, 2003, all transactions by which 82511
tangible personal property is or is to be stored, except such 82512
property that the consumer of the storage holds for sale in the 82513
regular course of business; 82514

(10) All transactions in which "guaranteed auto protection" 82515
is provided whereby a person promises to pay to the consumer the 82516
difference between the amount the consumer receives from motor 82517
vehicle insurance and the amount the consumer owes to a person 82518
holding title to or a lien on the consumer's motor vehicle in the 82519
event the consumer's motor vehicle suffers a total loss under the 82520
terms of the motor vehicle insurance policy or is stolen and not 82521
recovered, if the protection and its price are included in the 82522
purchase or lease agreement; 82523

(11)(a) Except as provided in division (B)(11)(b) of this 82524
section, on and after October 1, 2009, all transactions by which 82525
health care services are paid for, reimbursed, provided, 82526
delivered, arranged for, or otherwise made available by a medicaid 82527
health insuring corporation pursuant to the corporation's contract 82528
with the state. 82529

(b) If the centers for medicare and medicaid services of the 82530
United States department of health and human services determines 82531
that the taxation of transactions described in division (B)(11)(a) 82532
of this section constitutes an impermissible health care-related 82533
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 82534
1396b(w), and regulations adopted thereunder, the medicaid 82535
director shall notify the tax commissioner of that determination. 82536
Beginning with the first day of the month following that 82537
notification, the transactions described in division (B)(11)(a) of 82538
this section are not sales for the purposes of this chapter or 82539
Chapter 5741. of the Revised Code. The tax commissioner shall 82540
order that the collection of taxes under sections 5739.02, 82541
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 82542
5741.023 of the Revised Code shall cease for transactions 82543
occurring on or after that date. 82544

(12) All transactions by which a specified digital product is 82545
provided for permanent use or less than permanent use, regardless 82546
of whether continued payment is required. 82547

(13) All transactions by which: 82548

(a) Lobbying service is or is to be provided. As used in this 82549
division, "lobbying service" means any activity engaged in by a 82550
registered lobbyist that serves to influence the behavior or 82551
opinion of an elected official, an industry, or an organization. 82552
"Lobbying service" does not include an attorney representing the 82553
attorney's client in a specific administrative or judicial matter 82554
or any form of advertising. As used in division (B)(13)(a) of this 82555

section, "registered lobbyist" means a person registered with the 82556
state, the clerk of the United States house of representatives, or 82557
the secretary of the United States senate to engage in lobbying 82558
service. 82559

(b) Repossession service is or is to be provided. As used in 82560
this division, "repossession service" means repossessing tangible 82561
assets for a creditor because of delinquent debts. Such 82562
repossessed assets include automobiles, boats, equipment, 82563
aircraft, furniture, and appliances. 82564

(c) Cable television service is or is to be provided. As used 82565
in this division, "cable television service" means the one-way 82566
transmission to a subscriber of video programming or other 82567
programming service and subscriber interaction, if any, that is 82568
required for the selection or use of such video programming or 82569
other programming service. 82570

(d) Landscape design service is or is to be provided. As used 82571
in this division, "landscape design service" means the planning 82572
and design of exterior spaces, including consultation; research; 82573
supervision; preparation of general or specific design or detail 82574
plans, studies, or specifications; or any other similar service. 82575

(e) Interior design and interior decorating service is or is 82576
to be provided. As used in this division, "interior design and 82577
interior decorating service" means the planning and design of 82578
interior spaces, including the preparation of layout drawings, 82579
schedules, and specifications pertaining to the planning and 82580
design of interior spaces; furniture arranging; design and 82581
planning of furniture, fixtures, and cabinetry; staging; lighting 82582
and sound design; interior floral design; selection, purchase, and 82583
arrangement of surface coverings, draperies, furniture, and other 82584
decorations; or any other similar service. 82585

(f) Travel service is or is to be provided. As used in this 82586

division, "travel service" means acting as an agent to sell 82587
travel, tour, or accommodation services to the general public and 82588
commercial clients. "Travel service" does not include the cost of 82589
the travel, tour, or accommodation. 82590

Transactions described in division (B)(13) of this section 82591
occurring between members of an affiliated group, as defined in 82592
division (B)(3)(e) of this section, are not sales. 82593

Except as provided in this section, "sale" and "selling" do 82594
not include transfers of interest in leased property where the 82595
original lessee and the terms of the original lease agreement 82596
remain unchanged, or professional, insurance, or personal service 82597
transactions that involve the transfer of tangible personal 82598
property as an inconsequential element, for which no separate 82599
charges are made. 82600

(C) "Vendor" means the person providing the service or by 82601
whom the transfer effected or license given by a sale is or is to 82602
be made or given and, for sales described in division (B)(3)(i) of 82603
this section, the telecommunications service vendor that provides 82604
the nine hundred telephone service; if two or more persons are 82605
engaged in business at the same place of business under a single 82606
trade name in which all collections on account of sales by each 82607
are made, such persons shall constitute a single vendor. 82608

Physicians, dentists, hospitals, and veterinarians who are 82609
engaged in selling tangible personal property as received from 82610
others, such as eyeglasses, mouthwashes, dentifrices, or similar 82611
articles, are vendors. Veterinarians who are engaged in 82612
transferring to others for a consideration drugs, the dispensing 82613
of which does not require an order of a licensed veterinarian or 82614
physician under federal law, are vendors. 82615

(D)(1) "Consumer" means the person for whom the service is 82616
provided, to whom the transfer effected or license given by a sale 82617

is or is to be made or given, to whom the service described in 82618
division (B)(3)(f) or (i) of this section is charged, or to whom 82619
the admission is granted. 82620

(2) Physicians, dentists, hospitals, and blood banks operated 82621
by nonprofit institutions and persons licensed to practice 82622
veterinary medicine, surgery, and dentistry are consumers of all 82623
tangible personal property and services purchased by them in 82624
connection with the practice of medicine, dentistry, the rendition 82625
of hospital or blood bank service, or the practice of veterinary 82626
medicine, surgery, and dentistry. In addition to being consumers 82627
of drugs administered by them or by their assistants according to 82628
their direction, veterinarians also are consumers of drugs that 82629
under federal law may be dispensed only by or upon the order of a 82630
licensed veterinarian or physician, when transferred by them to 82631
others for a consideration to provide treatment to animals as 82632
directed by the veterinarian. 82633

(3) A person who performs a facility management, or similar 82634
service contract for a contractee is a consumer of all tangible 82635
personal property and services purchased for use in connection 82636
with the performance of such contract, regardless of whether title 82637
to any such property vests in the contractee. The purchase of such 82638
property and services is not subject to the exception for resale 82639
under division (E)(1) of this section. 82640

(4)(a) In the case of a person who purchases printed matter 82641
for the purpose of distributing it or having it distributed to the 82642
public or to a designated segment of the public, free of charge, 82643
that person is the consumer of that printed matter, and the 82644
purchase of that printed matter for that purpose is a sale. 82645

(b) In the case of a person who produces, rather than 82646
purchases, printed matter for the purpose of distributing it or 82647
having it distributed to the public or to a designated segment of 82648
the public, free of charge, that person is the consumer of all 82649

tangible personal property and services purchased for use or 82650
consumption in the production of that printed matter. That person 82651
is not entitled to claim exemption under division (B)(42)(f) of 82652
section 5739.02 of the Revised Code for any material incorporated 82653
into the printed matter or any equipment, supplies, or services 82654
primarily used to produce the printed matter. 82655

(c) The distribution of printed matter to the public or to a 82656
designated segment of the public, free of charge, is not a sale to 82657
the members of the public to whom the printed matter is 82658
distributed or to any persons who purchase space in the printed 82659
matter for advertising or other purposes. 82660

(5) A person who makes sales of any of the services listed in 82661
division (B)(3) or (13) of this section is the consumer of any 82662
tangible personal property used in performing the service. The 82663
purchase of that property is not subject to the resale exception 82664
under division (E)(1) of this section. 82665

(6) A person who engages in highway transportation for hire 82666
is the consumer of all packaging materials purchased by that 82667
person and used in performing the service, except for packaging 82668
materials sold by such person in a transaction separate from the 82669
service. 82670

(7) In the case of a transaction for health care services 82671
under division (B)(11) of this section, a medicaid health insuring 82672
corporation is the consumer of such services. The purchase of such 82673
services by a medicaid health insuring corporation is not subject 82674
to the exception for resale under division (E)(1) of this section 82675
or to the exemptions provided under divisions (B)(12), (18), (19), 82676
and (22) of section 5739.02 of the Revised Code. 82677

(E) "Retail sale" and "sales at retail" include all sales, 82678
except those in which the purpose of the consumer is to resell the 82679
thing transferred or benefit of the service provided, by a person 82680

engaging in business, in the form in which the same is, or is to 82681
be, received by the person. 82682

(F) "Business" includes any activity engaged in by any person 82683
with the object of gain, benefit, or advantage, either direct or 82684
indirect. "Business" does not include the activity of a person in 82685
managing and investing the person's own funds. 82686

(G) "Engaging in business" means commencing, conducting, or 82687
continuing in business, and liquidating a business when the 82688
liquidator thereof holds itself out to the public as conducting 82689
such business. Making a casual sale is not engaging in business. 82690

(H)(1)(a) "Price," except as provided in divisions (H)(2), 82691
(3), and (4) of this section, means the total amount of 82692
consideration, including cash, credit, property, and services, for 82693
which tangible personal property or services are sold, leased, or 82694
rented, valued in money, whether received in money or otherwise, 82695
without any deduction for any of the following: 82696

(i) The vendor's cost of the property sold; 82697

(ii) The cost of materials used, labor or service costs, 82698
interest, losses, all costs of transportation to the vendor, all 82699
taxes imposed on the vendor, including the tax imposed under 82700
Chapter 5751. of the Revised Code, and any other expense of the 82701
vendor; 82702

(iii) Charges by the vendor for any services necessary to 82703
complete the sale; 82704

(iv) On and after August 1, 2003, delivery charges. As used 82705
in this division, "delivery charges" means charges by the vendor 82706
for preparation and delivery to a location designated by the 82707
consumer of tangible personal property or a service, including 82708
transportation, shipping, postage, handling, crating, and packing. 82709

(v) Installation charges; 82710

(vi) Credit for any trade-in.	82711
(b) "Price" includes consideration received by the vendor	82712
from a third party, if the vendor actually receives the	82713
consideration from a party other than the consumer, and the	82714
consideration is directly related to a price reduction or discount	82715
on the sale; the vendor has an obligation to pass the price	82716
reduction or discount through to the consumer; the amount of the	82717
consideration attributable to the sale is fixed and determinable	82718
by the vendor at the time of the sale of the item to the consumer;	82719
and one of the following criteria is met:	82720
(i) The consumer presents a coupon, certificate, or other	82721
document to the vendor to claim a price reduction or discount	82722
where the coupon, certificate, or document is authorized,	82723
distributed, or granted by a third party with the understanding	82724
that the third party will reimburse any vendor to whom the coupon,	82725
certificate, or document is presented;	82726
(ii) The consumer identifies the consumer's self to the	82727
seller as a member of a group or organization entitled to a price	82728
reduction or discount. A preferred customer card that is available	82729
to any patron does not constitute membership in such a group or	82730
organization.	82731
(iii) The price reduction or discount is identified as a	82732
third party price reduction or discount on the invoice received by	82733
the consumer, or on a coupon, certificate, or other document	82734
presented by the consumer.	82735
(c) "Price" does not include any of the following:	82736
(i) Discounts, including cash, term, or coupons that are not	82737
reimbursed by a third party that are allowed by a vendor and taken	82738
by a consumer on a sale;	82739
(ii) Interest, financing, and carrying charges from credit	82740
extended on the sale of tangible personal property or services, if	82741

the amount is separately stated on the invoice, bill of sale, or 82742
similar document given to the purchaser; 82743

(iii) Any taxes legally imposed directly on the consumer that 82744
are separately stated on the invoice, bill of sale, or similar 82745
document given to the consumer. For the purpose of this division, 82746
the tax imposed under Chapter 5751. of the Revised Code is not a 82747
tax directly on the consumer, even if the tax or a portion thereof 82748
is separately stated. 82749

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 82750
section, any discount allowed by an automobile manufacturer to its 82751
employee, or to the employee of a supplier, on the purchase of a 82752
new motor vehicle from a new motor vehicle dealer in this state. 82753

(v) The dollar value of a gift card that is not sold by a 82754
vendor or purchased by a consumer and that is redeemed by the 82755
consumer in purchasing tangible personal property or services if 82756
the vendor is not reimbursed and does not receive compensation 82757
from a third party to cover all or part of the gift card value. 82758
For the purposes of this division, a gift card is not sold by a 82759
vendor or purchased by a consumer if it is distributed pursuant to 82760
an awards, loyalty, or promotional program. Past and present 82761
purchases of tangible personal property or services by the 82762
consumer shall not be treated as consideration exchanged for a 82763
gift card. 82764

(2) In the case of a sale of any new motor vehicle by a new 82765
motor vehicle dealer, as defined in section 4517.01 of the Revised 82766
Code, in which another motor vehicle is accepted by the dealer as 82767
part of the consideration received, "price" has the same meaning 82768
as in division (H)(1) of this section, reduced by the credit 82769
afforded the consumer by the dealer for the motor vehicle received 82770
in trade. 82771

(3) In the case of a sale of any watercraft or outboard motor 82772

by a watercraft dealer licensed in accordance with section 82773
1547.543 of the Revised Code, in which another watercraft, 82774
watercraft and trailer, or outboard motor is accepted by the 82775
dealer as part of the consideration received, "price" has the same 82776
meaning as in division (H)(1) of this section, reduced by the 82777
credit afforded the consumer by the dealer for the watercraft, 82778
watercraft and trailer, or outboard motor received in trade. As 82779
used in this division, "watercraft" includes an outdrive unit 82780
attached to the watercraft. 82781

(4) In the case of transactions for health care services 82782
under division (B)(11) of this section, "price" means the amount 82783
of managed care premiums received each month by a medicaid health 82784
insuring corporation. 82785

(I) "Receipts" means the total amount of the prices of the 82786
sales of vendors, provided that the dollar value of gift cards 82787
distributed pursuant to an awards, loyalty, or promotional 82788
program, and cash discounts allowed and taken on sales at the time 82789
they are consummated are not included, minus any amount deducted 82790
as a bad debt pursuant to section 5739.121 of the Revised Code. 82791
"Receipts" does not include the sale price of property returned or 82792
services rejected by consumers when the full sale price and tax 82793
are refunded either in cash or by credit. 82794

(J) "Place of business" means any location at which a person 82795
engages in business. 82796

(K) "Premises" includes any real property or portion thereof 82797
upon which any person engages in selling tangible personal 82798
property at retail or making retail sales and also includes any 82799
real property or portion thereof designated for, or devoted to, 82800
use in conjunction with the business engaged in by such person. 82801

(L) "Casual sale" means a sale of an item of tangible 82802
personal property that was obtained by the person making the sale, 82803

through purchase or otherwise, for the person's own use and was 82804
previously subject to any state's taxing jurisdiction on its sale 82805
or use, and includes such items acquired for the seller's use that 82806
are sold by an auctioneer employed directly by the person for such 82807
purpose, provided the location of such sales is not the 82808
auctioneer's permanent place of business. As used in this 82809
division, "permanent place of business" includes any location 82810
where such auctioneer has conducted more than two auctions during 82811
the year. 82812

(M) "Hotel" means every establishment kept, used, maintained, 82813
advertised, or held out to the public to be a place where sleeping 82814
accommodations are offered to guests, in which five or more rooms 82815
are used for the accommodation of such guests, whether the rooms 82816
are in one or several structures, except as otherwise provided in 82817
division (G) of section 5739.09 of the Revised Code. 82818

(N) "Transient guests" means persons occupying a room or 82819
rooms for sleeping accommodations for less than thirty consecutive 82820
days. 82821

(O) "Making retail sales" means the effecting of transactions 82822
wherein one party is obligated to pay the price and the other 82823
party is obligated to provide a service or to transfer title to or 82824
possession of the item sold. "Making retail sales" does not 82825
include the preliminary acts of promoting or soliciting the retail 82826
sales, other than the distribution of printed matter which 82827
displays or describes and prices the item offered for sale, nor 82828
does it include delivery of a predetermined quantity of tangible 82829
personal property or transportation of property or personnel to or 82830
from a place where a service is performed. 82831

(P) "Used directly in the rendition of a public utility 82832
service" means that property that is to be incorporated into and 82833
will become a part of the consumer's production, transmission, 82834
transportation, or distribution system and that retains its 82835

classification as tangible personal property after such 82836
incorporation; fuel or power used in the production, transmission, 82837
transportation, or distribution system; and tangible personal 82838
property used in the repair and maintenance of the production, 82839
transmission, transportation, or distribution system, including 82840
only such motor vehicles as are specially designed and equipped 82841
for such use. Tangible personal property and services used 82842
primarily in providing highway transportation for hire are not 82843
used directly in the rendition of a public utility service. In 82844
this definition, "public utility" includes a citizen of the United 82845
States holding, and required to hold, a certificate of public 82846
convenience and necessity issued under 49 U.S.C. 41102. 82847

(Q) "Refining" means removing or separating a desirable 82848
product from raw or contaminated materials by distillation or 82849
physical, mechanical, or chemical processes. 82850

(R) "Assembly" and "assembling" mean attaching or fitting 82851
together parts to form a product, but do not include packaging a 82852
product. 82853

(S) "Manufacturing operation" means a process in which 82854
materials are changed, converted, or transformed into a different 82855
state or form from which they previously existed and includes 82856
refining materials, assembling parts, and preparing raw materials 82857
and parts by mixing, measuring, blending, or otherwise committing 82858
such materials or parts to the manufacturing process. 82859
"Manufacturing operation" does not include packaging. 82860

(T) "Fiscal officer" means, with respect to a regional 82861
transit authority, the secretary-treasurer thereof, and with 82862
respect to a county that is a transit authority, the fiscal 82863
officer of the county transit board if one is appointed pursuant 82864
to section 306.03 of the Revised Code or the county auditor if the 82865
board of county commissioners operates the county transit system. 82866

(U) "Transit authority" means a regional transit authority 82867
created pursuant to section 306.31 of the Revised Code or a county 82868
in which a county transit system is created pursuant to section 82869
306.01 of the Revised Code. For the purposes of this chapter, a 82870
transit authority must extend to at least the entire area of a 82871
single county. A transit authority that includes territory in more 82872
than one county must include all the area of the most populous 82873
county that is a part of such transit authority. County population 82874
shall be measured by the most recent census taken by the United 82875
States census bureau. 82876

(V) "Legislative authority" means, with respect to a regional 82877
transit authority, the board of trustees thereof, and with respect 82878
to a county that is a transit authority, the board of county 82879
commissioners. 82880

(W) "Territory of the transit authority" means all of the 82881
area included within the territorial boundaries of a transit 82882
authority as they from time to time exist. Such territorial 82883
boundaries must at all times include all the area of a single 82884
county or all the area of the most populous county that is a part 82885
of such transit authority. County population shall be measured by 82886
the most recent census taken by the United States census bureau. 82887

(X) "Providing a service" means providing or furnishing 82888
anything described in division (B)(3) of this section for 82889
consideration. 82890

(Y)(1)(a) "Automatic data processing" means processing of 82891
others' data, including keypunching or similar data entry services 82892
together with verification thereof, or providing access to 82893
computer equipment for the purpose of processing data. 82894

(b) "Computer services" means providing services consisting 82895
of specifying computer hardware configurations and evaluating 82896
technical processing characteristics, computer programming, and 82897

training of computer programmers and operators, provided in 82898
conjunction with and to support the sale, lease, or operation of 82899
taxable computer equipment or systems. 82900

(c) "Electronic information services" means providing access 82901
to computer equipment by means of telecommunications equipment for 82902
the purpose of either of the following: 82903

(i) Examining or acquiring data stored in or accessible to 82904
the computer equipment; 82905

(ii) Placing data into the computer equipment to be retrieved 82906
by designated recipients with access to the computer equipment. 82907

For transactions occurring on or after the effective date of 82908
the amendment of this section by H.B. 157 of the 127th general 82909
assembly, December 21, 2007, "electronic information services" 82910
does not include electronic publishing as defined in division 82911
(LLL) of this section. 82912

(d) "Automatic data processing, computer services, or 82913
electronic information services" shall not include personal or 82914
professional services. 82915

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 82916
section, "personal and professional services" means all services 82917
other than automatic data processing, computer services, or 82918
electronic information services, including but not limited to: 82919

(a) Accounting and legal services such as advice on tax 82920
matters, asset management, budgetary matters, quality control, 82921
information security, and auditing and any other situation where 82922
the service provider receives data or information and studies, 82923
alters, analyzes, interprets, or adjusts such material; 82924

(b) Analyzing business policies and procedures; 82925

(c) Identifying management information needs; 82926

(d) Feasibility studies, including economic and technical 82927

analysis of existing or potential computer hardware or software	82928
needs and alternatives;	82929
(e) Designing policies, procedures, and custom software for	82930
collecting business information, and determining how data should	82931
be summarized, sequenced, formatted, processed, controlled, and	82932
reported so that it will be meaningful to management;	82933
(f) Developing policies and procedures that document how	82934
business events and transactions are to be authorized, executed,	82935
and controlled;	82936
(g) Testing of business procedures;	82937
(h) Training personnel in business procedure applications;	82938
(i) Providing credit information to users of such information	82939
by a consumer reporting agency, as defined in the "Fair Credit	82940
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	82941
as hereafter amended, including but not limited to gathering,	82942
organizing, analyzing, recording, and furnishing such information	82943
by any oral, written, graphic, or electronic medium;	82944
(j) Providing debt collection services by any oral, written,	82945
graphic, or electronic means;	82946
(k) Providing digital advertising services.	82947
The services listed in divisions (Y)(2)(a) to (k) of this	82948
section are not automatic data processing or computer services.	82949
(Z) "Highway transportation for hire" means the	82950
transportation of personal property belonging to others for	82951
consideration by any of the following:	82952
(1) The holder of a permit or certificate issued by this	82953
state or the United States authorizing the holder to engage in	82954
transportation of personal property belonging to others for	82955
consideration over or on highways, roadways, streets, or any	82956
similar public thoroughfare;	82957

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third

parties;	82989
(f) Internet access service;	82990
(g) Radio and television audio and video programming	82991
services, regardless of the medium, including the furnishing of	82992
transmission, conveyance, and routing of such services by the	82993
programming service provider. Radio and television audio and video	82994
programming services include, but are not limited to, cable	82995
service, as defined in 47 U.S.C. 522(6), and audio and video	82996
programming services delivered by commercial mobile radio service	82997
providers, as defined in 47 C.F.R. 20.3;	82998
(h) Ancillary service;	82999
(i) Digital products delivered electronically, including	83000
software, music, video, reading materials, or ring tones.	83001
(2) "Ancillary service" means a service that is associated	83002
with or incidental to the provision of telecommunications service,	83003
including conference bridging service, detailed telecommunications	83004
billing service, directory assistance, vertical service, and voice	83005
mail service. As used in this division:	83006
(a) "Conference bridging service" means an ancillary service	83007
that links two or more participants of an audio or video	83008
conference call, including providing a telephone number.	83009
"Conference bridging service" does not include telecommunications	83010
services used to reach the conference bridge.	83011
(b) "Detailed telecommunications billing service" means an	83012
ancillary service of separately stating information pertaining to	83013
individual calls on a customer's billing statement.	83014
(c) "Directory assistance" means an ancillary service of	83015
providing telephone number or address information.	83016
(d) "Vertical service" means an ancillary service that is	83017
offered in connection with one or more telecommunications	83018

services, which offers advanced calling features that allow 83019
customers to identify callers and manage multiple calls and call 83020
connections, including conference bridging service. 83021

(e) "Voice mail service" means an ancillary service that 83022
enables the customer to store, send, or receive recorded messages. 83023
"Voice mail service" does not include any vertical services that 83024
the customer may be required to have in order to utilize the voice 83025
mail service. 83026

(3) "900 service" means an inbound toll telecommunications 83027
service purchased by a subscriber that allows the subscriber's 83028
customers to call in to the subscriber's prerecorded announcement 83029
or live service, and which is typically marketed under the name 83030
"900 service" and any subsequent numbers designated by the federal 83031
communications commission. "900 service" does not include the 83032
charge for collection services provided by the seller of the 83033
telecommunications service to the subscriber, or services or 83034
products sold by the subscriber to the subscriber's customer. 83035

(4) "Prepaid calling service" means the right to access 83036
exclusively telecommunications services, which must be paid for in 83037
advance and which enables the origination of calls using an access 83038
number or authorization code, whether manually or electronically 83039
dialed, and that is sold in predetermined units or dollars of 83040
which the number declines with use in a known amount. 83041

(5) "Prepaid wireless calling service" means a 83042
telecommunications service that provides the right to utilize 83043
mobile telecommunications service as well as other 83044
non-telecommunications services, including the download of digital 83045
products delivered electronically, and content and ancillary 83046
services, that must be paid for in advance and that is sold in 83047
predetermined units or dollars of which the number declines with 83048
use in a known amount. 83049

(6) "Value-added non-voice data service" means a 83050
telecommunications service in which computer processing 83051
applications are used to act on the form, content, code, or 83052
protocol of the information or data primarily for a purpose other 83053
than transmission, conveyance, or routing. 83054

(7) "Coin-operated telephone service" means a 83055
telecommunications service paid for by inserting money into a 83056
telephone accepting direct deposits of money to operate. 83057

(8) "Customer" has the same meaning as in section 5739.034 of 83058
the Revised Code. 83059

(BB) "Laundry and dry cleaning services" means removing soil 83060
or dirt from towels, linens, articles of clothing, or other fabric 83061
items that belong to others and supplying towels, linens, articles 83062
of clothing, or other fabric items. "Laundry and dry cleaning 83063
services" does not include the provision of self-service 83064
facilities for use by consumers to remove soil or dirt from 83065
towels, linens, articles of clothing, or other fabric items. 83066

(CC) "Magazines distributed as controlled circulation 83067
publications" means magazines containing at least twenty-four 83068
pages, at least twenty-five per cent editorial content, issued at 83069
regular intervals four or more times a year, and circulated 83070
without charge to the recipient, provided that such magazines are 83071
not owned or controlled by individuals or business concerns which 83072
conduct such publications as an auxiliary to, and essentially for 83073
the advancement of the main business or calling of, those who own 83074
or control them. 83075

(DD) "Landscaping and lawn care service" means the services 83076
of planting, seeding, sodding, removing, cutting, trimming, 83077
pruning, mulching, aerating, applying chemicals, watering, 83078
fertilizing, and providing similar services to establish, promote, 83079
or control the growth of trees, shrubs, flowers, grass, ground 83080

cover, and other flora, or otherwise maintaining a lawn or 83081
landscape grown or maintained by the owner for ornamentation or 83082
other nonagricultural purpose. However, "landscaping and lawn care 83083
service" does not include the providing of such services by a 83084
person who has less than five thousand dollars in sales of such 83085
services during the calendar year. 83086

(EE) "Private investigation and security service" means the 83087
performance of any activity for which the provider of such service 83088
is required to be licensed pursuant to Chapter 4749. of the 83089
Revised Code, or would be required to be so licensed in performing 83090
such services in this state, and also includes the services of 83091
conducting polygraph examinations and of monitoring or overseeing 83092
the activities on or in, or the condition of, the consumer's home, 83093
business, or other facility by means of electronic or similar 83094
monitoring devices. "Private investigation and security service" 83095
does not include special duty services provided by off-duty police 83096
officers, deputy sheriffs, and other peace officers regularly 83097
employed by the state or a political subdivision. 83098

(FF) "Information services" means providing conversation, 83099
giving consultation or advice, playing or making a voice or other 83100
recording, making or keeping a record of the number of callers, 83101
and any other service provided to a consumer by means of a nine 83102
hundred telephone call, except when the nine hundred telephone 83103
call is the means by which the consumer makes a contribution to a 83104
recognized charity. 83105

(GG) "Research and development" means designing, creating, or 83106
formulating new or enhanced products, equipment, or manufacturing 83107
processes, and also means conducting scientific or technological 83108
inquiry and experimentation in the physical sciences with the goal 83109
of increasing scientific knowledge which may reveal the bases for 83110
new or enhanced products, equipment, or manufacturing processes. 83111

(HH) "Qualified research and development equipment" means 83112

capitalized tangible personal property, and leased personal 83113
property that would be capitalized if purchased, used by a person 83114
primarily to perform research and development. Tangible personal 83115
property primarily used in testing, as defined in division (A)(4) 83116
of section 5739.011 of the Revised Code, or used for recording or 83117
storing test results, is not qualified research and development 83118
equipment unless such property is primarily used by the consumer 83119
in testing the product, equipment, or manufacturing process being 83120
created, designed, or formulated by the consumer in the research 83121
and development activity or in recording or storing such test 83122
results. 83123

(II) "Building maintenance and janitorial service" means 83124
cleaning the interior or exterior of a building and any tangible 83125
personal property located therein or thereon, including any 83126
services incidental to such cleaning for which no separate charge 83127
is made. However, "building maintenance and janitorial service" 83128
does not include the providing of such service by a person who has 83129
less than five thousand dollars in sales of such service during 83130
the calendar year. As used in this division, "cleaning" does not 83131
include sanitation services necessary for an establishment 83132
described in 21 U.S.C. 608 to comply with rules and regulations 83133
adopted pursuant to that section. 83134

(JJ) "Employment service" means providing or supplying 83135
personnel, on a temporary or long-term basis, to perform work or 83136
labor under the supervision or control of another, when the 83137
personnel so provided or supplied receive their wages, salary, or 83138
other compensation from the provider or supplier of the employment 83139
service or from a third party that provided or supplied the 83140
personnel to the provider or supplier. "Employment service" does 83141
not include: 83142

(1) Acting as a contractor or subcontractor, where the 83143
personnel performing the work are not under the direct control of 83144

the purchaser.	83145
(2) Medical and health care services.	83146
(3) Supplying personnel to a purchaser pursuant to a contract	83147
of at least one year between the service provider and the	83148
purchaser that specifies that each employee covered under the	83149
contract is assigned to the purchaser on a permanent basis.	83150
(4) Transactions between members of an affiliated group, as	83151
defined in division (B)(3)(e) of this section.	83152
(5) Transactions where the personnel so provided or supplied	83153
by a provider or supplier to a purchaser of an employment service	83154
are then provided or supplied by that purchaser to a third party	83155
as an employment service, except "employment service" does include	83156
the transaction between that purchaser and the third party.	83157
(KK) "Employment placement service" means locating or finding	83158
employment for a person or finding or locating an employee to fill	83159
an available position.	83160
(LL) "Exterminating service" means eradicating or attempting	83161
to eradicate vermin infestations from a building or structure, or	83162
the area surrounding a building or structure, and includes	83163
activities to inspect, detect, or prevent vermin infestation of a	83164
building or structure.	83165
(MM) "Physical fitness facility service" means all	83166
transactions by which a membership is granted, maintained, or	83167
renewed, including initiation fees, membership dues, renewal fees,	83168
monthly minimum fees, and other similar fees and dues, by a	83169
physical fitness facility such as an athletic club, health spa, or	83170
gymnasium, which entitles the member to use the facility for	83171
physical exercise.	83172
(NN) "Recreation and sports club service" means all	83173
transactions by which a membership is granted, maintained, or	83174

renewed, including initiation fees, membership dues, renewal fees, 83175
monthly minimum fees, and other similar fees and dues, by a 83176
recreation and sports club, which entitles the member to use the 83177
facilities of the organization. "Recreation and sports club" means 83178
an organization that has ownership of, or controls or leases on a 83179
continuing, long-term basis, the facilities used by its members 83180
and includes an aviation club, gun or shooting club, yacht club, 83181
card club, swimming club, tennis club, golf club, country club, 83182
riding club, amateur sports club, or similar organization. 83183

(OO) "Livestock" means farm animals commonly raised for food, 83184
food production, or other agricultural purposes, including, but 83185
not limited to, cattle, sheep, goats, swine, poultry, and captive 83186
deer. "Livestock" does not include invertebrates, amphibians, 83187
reptiles, domestic pets, animals for use in laboratories or for 83188
exhibition, or other animals not commonly raised for food or food 83189
production. 83190

(PP) "Livestock structure" means a building or structure used 83191
exclusively for the housing, raising, feeding, or sheltering of 83192
livestock, and includes feed storage or handling structures and 83193
structures for livestock waste handling. 83194

(QQ) "Horticulture" means the growing, cultivation, and 83195
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 83196
and nursery stock. As used in this division, "nursery stock" has 83197
the same meaning as in section 927.51 of the Revised Code. 83198

(RR) "Horticulture structure" means a building or structure 83199
used exclusively for the commercial growing, raising, or 83200
overwintering of horticultural products, and includes the area 83201
used for stocking, storing, and packing horticultural products 83202
when done in conjunction with the production of those products. 83203

(SS) "Newspaper" means an unbound publication bearing a title 83204
or name that is regularly published, at least as frequently as 83205

biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of

the property. "Lease" or "rental" does not include: 83238

(a) A transfer of possession or control of tangible personal 83239
property under a security agreement or a deferred payment plan 83240
that requires the transfer of title upon completion of the 83241
required payments; 83242

(b) A transfer of possession or control of tangible personal 83243
property under an agreement that requires the transfer of title 83244
upon completion of required payments and payment of an option 83245
price that does not exceed the greater of one hundred dollars or 83246
one per cent of the total required payments; 83247

(c) Providing tangible personal property along with an 83248
operator for a fixed or indefinite period of time, if the operator 83249
is necessary for the property to perform as designed. For purposes 83250
of this division, the operator must do more than maintain, 83251
inspect, or set up the tangible personal property. 83252

(2) "Lease" and "rental," as defined in division (UU) of this 83253
section, shall not apply to leases or rentals that exist before 83254
June 26, 2003. 83255

(3) "Lease" and "rental" have the same meaning as in division 83256
(UU)(1) of this section regardless of whether a transaction is 83257
characterized as a lease or rental under generally accepted 83258
accounting principles, the Internal Revenue Code, Title XIII of 83259
the Revised Code, or other federal, state, or local laws. 83260

(VV) "Mobile telecommunications service" has the same meaning 83261
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 83262
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 83263
on and after August 1, 2003, includes related fees and ancillary 83264
services, including universal service fees, detailed billing 83265
service, directory assistance, service initiation, voice mail 83266
service, and vertical services, such as caller ID and three-way 83267
calling. 83268

(WW) "Certified service provider" has the same meaning as in 83269
section 5740.01 of the Revised Code. 83270

(XX) "Satellite broadcasting service" means the distribution 83271
or broadcasting of programming or services by satellite directly 83272
to the subscriber's receiving equipment without the use of ground 83273
receiving or distribution equipment, except the subscriber's 83274
receiving equipment or equipment used in the uplink process to the 83275
satellite, and includes all service and rental charges, premium 83276
channels or other special services, installation and repair 83277
service charges, and any other charges having any connection with 83278
the provision of the satellite broadcasting service. 83279

(YY) "Tangible personal property" means personal property 83280
that can be seen, weighed, measured, felt, or touched, or that is 83281
in any other manner perceptible to the senses. For purposes of 83282
this chapter and Chapter 5741. of the Revised Code, "tangible 83283
personal property" includes motor vehicles, electricity, water, 83284
gas, steam, and prewritten computer software. 83285

(ZZ) ~~"Direct mail" means printed material delivered or 83286
distributed by United States mail or other delivery service to a 83287
mass audience or to addressees on a mailing list provided by the 83288
consumer or at the direction of the consumer when the cost of the 83289
items are not billed directly to the recipients. "Direct mail" 83290
includes tangible personal property supplied directly or 83291
indirectly by the consumer to the direct mail vendor for inclusion 83292
in the package containing the printed material. "Direct mail" does 83293
not include multiple items of printed material delivered to a 83294
single address~~ "Municipal gas utility" means a municipal 83295
corporation that owns or operates a system for the distribution of 83296
natural gas. 83297

(AAA) "Computer" means an electronic device that accepts 83298
information in digital or similar form and manipulates it for a 83299
result based on a sequence of instructions. 83300

(BBB) "Computer software" means a set of coded instructions 83301
designed to cause a computer or automatic data processing 83302
equipment to perform a task. 83303

(CCC) "Delivered electronically" means delivery of computer 83304
software from the seller to the purchaser by means other than 83305
tangible storage media. 83306

(DDD) "Prewritten computer software" means computer software, 83307
including prewritten upgrades, that is not designed and developed 83308
by the author or other creator to the specifications of a specific 83309
purchaser. The combining of two or more prewritten computer 83310
software programs or prewritten portions thereof does not cause 83311
the combination to be other than prewritten computer software. 83312
"Prewritten computer software" includes software designed and 83313
developed by the author or other creator to the specifications of 83314
a specific purchaser when it is sold to a person other than the 83315
purchaser. If a person modifies or enhances computer software of 83316
which the person is not the author or creator, the person shall be 83317
deemed to be the author or creator only of such person's 83318
modifications or enhancements. Prewritten computer software or a 83319
prewritten portion thereof that is modified or enhanced to any 83320
degree, where such modification or enhancement is designed and 83321
developed to the specifications of a specific purchaser, remains 83322
prewritten computer software; provided, however, that where there 83323
is a reasonable, separately stated charge or an invoice or other 83324
statement of the price given to the purchaser for the modification 83325
or enhancement, the modification or enhancement shall not 83326
constitute prewritten computer software. 83327

(EEE)(1) "Food" means substances, whether in liquid, 83328
concentrated, solid, frozen, dried, or dehydrated form, that are 83329
sold for ingestion or chewing by humans and are consumed for their 83330
taste or nutritional value. "Food" does not include alcoholic 83331
beverages, dietary supplements, soft drinks, or tobacco. 83332

- (2) As used in division (EEE)(1) of this section: 83333
- (a) "Alcoholic beverages" means beverages that are suitable 83334
for human consumption and contain one-half of one per cent or more 83335
of alcohol by volume. 83336
- (b) "Dietary supplements" means any product, other than 83337
tobacco, that is intended to supplement the diet and that is 83338
intended for ingestion in tablet, capsule, powder, softgel, 83339
gelcap, or liquid form, or, if not intended for ingestion in such 83340
a form, is not represented as conventional food for use as a sole 83341
item of a meal or of the diet; that is required to be labeled as a 83342
dietary supplement, identifiable by the "supplement facts" box 83343
found on the label, as required by 21 C.F.R. 101.36; and that 83344
contains one or more of the following dietary ingredients: 83345
- (i) A vitamin; 83346
- (ii) A mineral; 83347
- (iii) An herb or other botanical; 83348
- (iv) An amino acid; 83349
- (v) A dietary substance for use by humans to supplement the 83350
diet by increasing the total dietary intake; 83351
- (vi) A concentrate, metabolite, constituent, extract, or 83352
combination of any ingredient described in divisions 83353
(EEE)(2)(b)(i) to (v) of this section. 83354
- (c) "Soft drinks" means nonalcoholic beverages that contain 83355
natural or artificial sweeteners. "Soft drinks" does not include 83356
beverages that contain milk or milk products, soy, rice, or 83357
similar milk substitutes, or that contains greater than fifty per 83358
cent vegetable or fruit juice by volume. 83359
- (d) "Tobacco" means cigarettes, cigars, chewing or pipe 83360
tobacco, or any other item that contains tobacco. 83361
- (FFF) "Drug" means a compound, substance, or preparation, and 83362

any component of a compound, substance, or preparation, other than 83363
food, dietary supplements, or alcoholic beverages that is 83364
recognized in the official United States pharmacopoeia, official 83365
homeopathic pharmacopoeia of the United States, or official 83366
national formulary, and supplements to them; is intended for use 83367
in the diagnosis, cure, mitigation, treatment, or prevention of 83368
disease; or is intended to affect the structure or any function of 83369
the body. 83370

(GGG) "Prescription" means an order, formula, or recipe 83371
issued in any form of oral, written, electronic, or other means of 83372
transmission by a duly licensed practitioner authorized by the 83373
laws of this state to issue a prescription. 83374

(HHH) "Durable medical equipment" means equipment, including 83375
repair and replacement parts for such equipment, that can 83376
withstand repeated use, is primarily and customarily used to serve 83377
a medical purpose, generally is not useful to a person in the 83378
absence of illness or injury, and is not worn in or on the body. 83379
"Durable medical equipment" does not include mobility enhancing 83380
equipment. 83381

(III) "Mobility enhancing equipment" means equipment, 83382
including repair and replacement parts for such equipment, that is 83383
primarily and customarily used to provide or increase the ability 83384
to move from one place to another and is appropriate for use 83385
either in a home or a motor vehicle, that is not generally used by 83386
persons with normal mobility, and that does not include any motor 83387
vehicle or equipment on a motor vehicle normally provided by a 83388
motor vehicle manufacturer. "Mobility enhancing equipment" does 83389
not include durable medical equipment. 83390

(JJJ) "Prosthetic device" means a replacement, corrective, or 83391
supportive device, including repair and replacement parts for the 83392
device, worn on or in the human body to artificially replace a 83393
missing portion of the body, prevent or correct physical deformity 83394

or malfunction, or support a weak or deformed portion of the body. 83395
As used in this division, "prosthetic device" does not include 83396
corrective eyeglasses, contact lenses, or dental prosthesis. 83397

(KKK)(1) "Fractional aircraft ownership program" means a 83398
program in which persons within an affiliated group sell and 83399
manage fractional ownership program aircraft, provided that at 83400
least one hundred airworthy aircraft are operated in the program 83401
and the program meets all of the following criteria: 83402

(a) Management services are provided by at least one program 83403
manager within an affiliated group on behalf of the fractional 83404
owners. 83405

(b) Each program aircraft is owned or possessed by at least 83406
one fractional owner. 83407

(c) Each fractional owner owns or possesses at least a 83408
one-sixteenth interest in at least one fixed-wing program 83409
aircraft. 83410

(d) A dry-lease aircraft interchange arrangement is in effect 83411
among all of the fractional owners. 83412

(e) Multi-year program agreements are in effect regarding the 83413
fractional ownership, management services, and dry-lease aircraft 83414
interchange arrangement aspects of the program. 83415

(2) As used in division (KKK)(1) of this section: 83416

(a) "Affiliated group" has the same meaning as in division 83417
(B)(3)(e) of this section. 83418

(b) "Fractional owner" means a person that owns or possesses 83419
at least a one-sixteenth interest in a program aircraft and has 83420
entered into the agreements described in division (KKK)(1)(e) of 83421
this section. 83422

(c) "Fractional ownership program aircraft" or "program 83423
aircraft" means a turbojet aircraft that is owned or possessed by 83424

a fractional owner and that has been included in a dry-lease 83425
aircraft interchange arrangement and agreement under divisions 83426
(KKK)(1)(d) and (e) of this section, or an aircraft a program 83427
manager owns or possesses primarily for use in a fractional 83428
aircraft ownership program. 83429

(d) "Management services" means administrative and aviation 83430
support services furnished under a fractional aircraft ownership 83431
program in accordance with a management services agreement under 83432
division (KKK)(1)(e) of this section, and offered by the program 83433
manager to the fractional owners, including, at a minimum, the 83434
establishment and implementation of safety guidelines; the 83435
coordination of the scheduling of the program aircraft and crews; 83436
program aircraft maintenance; program aircraft insurance; crew 83437
training for crews employed, furnished, or contracted by the 83438
program manager or the fractional owner; the satisfaction of 83439
record-keeping requirements; and the development and use of an 83440
operations manual and a maintenance manual for the fractional 83441
aircraft ownership program. 83442

(e) "Program manager" means the person that offers management 83443
services to fractional owners pursuant to a management services 83444
agreement under division (KKK)(1)(e) of this section. 83445

(LLL) "Electronic publishing" means providing access to one 83446
or more of the following primarily for business customers, 83447
including the federal government or a state government or a 83448
political subdivision thereof, to conduct research: news; 83449
business, financial, legal, consumer, or credit materials; 83450
editorials, columns, reader commentary, or features; photos or 83451
images; archival or research material; legal notices, identity 83452
verification, or public records; scientific, educational, 83453
instructional, technical, professional, trade, or other literary 83454
materials; or other similar information which has been gathered 83455
and made available by the provider to the consumer in an 83456

electronic format. Providing electronic publishing includes the 83457
functions necessary for the acquisition, formatting, editing, 83458
storage, and dissemination of data or information that is the 83459
subject of a sale. 83460

(MMM) "Medicaid health insuring corporation" means a health 83461
insuring corporation that holds a certificate of authority under 83462
Chapter 1751. of the Revised Code and is under contract with the 83463
department of ~~job and family services~~ medicaid pursuant to section 83464
~~5111.17~~ 5167.10 of the Revised Code. 83465

(NNN) "Managed care premium" means any premium, capitation, 83466
or other payment a medicaid health insuring corporation receives 83467
for providing or arranging for the provision of health care 83468
services to its members or enrollees residing in this state. 83469

(OOO) "Captive deer" means deer and other cervidae that have 83470
been legally acquired, or their offspring, that are privately 83471
owned for agricultural or farming purposes. 83472

(PPP) "Gift card" means a document, card, certificate, or 83473
other record, whether tangible or intangible, that may be redeemed 83474
by a consumer for a dollar value when making a purchase of 83475
tangible personal property or services. 83476

(QQQ) "Specified digital product" means an electronically 83477
transferred digital audiovisual work, digital audio work, or 83478
digital book. 83479

As used in division (QQQ) of this section: 83480

(1) "Digital audiovisual work" means a series of related 83481
images that, when shown in succession, impart an impression of 83482
motion, together with accompanying sounds, if any. 83483

(2) "Digital audio work" means a work that results from the 83484
fixation of a series of musical, spoken, or other sounds, 83485
including digitized sound files that are downloaded onto a device 83486

and that may be used to alert the customer with respect to a 83487
communication. 83488

(3) "Digital book" means a work that is generally recognized 83489
in the ordinary and usual sense as a book. 83490

(4) "Electronically transferred" means obtained by the 83491
purchaser by means other than tangible storage media. 83492

(RRR) "Digital advertising services" means providing access, 83493
by means of telecommunications equipment, to computer equipment 83494
that is used to enter, upload, download, review, manipulate, 83495
store, add, or delete data for the purpose of electronically 83496
displaying, delivering, placing, or transferring promotional 83497
advertisements to potential customers about products or services 83498
or about industry or business brands. 83499

~~(SSS) "Municipal gas utility" means a municipal corporation 83500
that owns or operates a system for the distribution of natural 83501
gas. 83502~~

Sec. 5739.02. For the purpose of providing revenue with which 83503
to meet the needs of the state, for the use of the general revenue 83504
fund of the state, for the purpose of securing a thorough and 83505
efficient system of common schools throughout the state, for the 83506
purpose of affording revenues, in addition to those from general 83507
property taxes, permitted under constitutional limitations, and 83508
from other sources, for the support of local governmental 83509
functions, and for the purpose of reimbursing the state for the 83510
expense of administering this chapter, an excise tax is hereby 83511
levied on each retail sale made in this state. 83512

(A)(1) The tax shall be collected as provided in section 83513
5739.025 of the Revised Code. The rate of the tax shall be ~~five~~ 83514
six and ~~three-fourths~~ one-fourth per cent. The tax applies and is 83515
collectible when the sale is made, regardless of the time when the 83516

price is paid or delivered. 83517

(2) In the case of the lease or rental, with a fixed term of 83518
more than thirty days or an indefinite term with a minimum period 83519
of more than thirty days, of any motor vehicles designed by the 83520
manufacturer to carry a load of not more than one ton, watercraft, 83521
outboard motor, or aircraft, or of any tangible personal property, 83522
other than motor vehicles designed by the manufacturer to carry a 83523
load of more than one ton, to be used by the lessee or renter 83524
primarily for business purposes, the tax shall be collected by the 83525
vendor at the time the lease or rental is consummated and shall be 83526
calculated by the vendor on the basis of the total amount to be 83527
paid by the lessee or renter under the lease agreement. If the 83528
total amount of the consideration for the lease or rental includes 83529
amounts that are not calculated at the time the lease or rental is 83530
executed, the tax shall be calculated and collected by the vendor 83531
at the time such amounts are billed to the lessee or renter. In 83532
the case of an open-end lease or rental, the tax shall be 83533
calculated by the vendor on the basis of the total amount to be 83534
paid during the initial fixed term of the lease or rental, and for 83535
each subsequent renewal period as it comes due. As used in this 83536
division, "motor vehicle" has the same meaning as in section 83537
4501.01 of the Revised Code, and "watercraft" includes an outdrive 83538
unit attached to the watercraft. 83539

A lease with a renewal clause and a termination penalty or 83540
similar provision that applies if the renewal clause is not 83541
exercised is presumed to be a sham transaction. In such a case, 83542
the tax shall be calculated and paid on the basis of the entire 83543
length of the lease period, including any renewal periods, until 83544
the termination penalty or similar provision no longer applies. 83545
The taxpayer shall bear the burden, by a preponderance of the 83546
evidence, that the transaction or series of transactions is not a 83547
sham transaction. 83548

(3) Except as provided in division (A)(2) of this section, in 83549
the case of a sale, the price of which consists in whole or in 83550
part of the lease or rental of tangible personal property, the tax 83551
shall be measured by the installments of that lease or rental. 83552

(4) In the case of a sale of a physical fitness facility 83553
service or recreation and sports club service, the price of which 83554
consists in whole or in part of a membership for the receipt of 83555
the benefit of the service, the tax applicable to the sale shall 83556
be measured by the installments thereof. 83557

(B) The tax does not apply to the following: 83558

(1) Sales to the state or any of its political subdivisions, 83559
or to any other state or its political subdivisions if the laws of 83560
that state exempt from taxation sales made to this state and its 83561
political subdivisions; 83562

(2) Sales of food for human consumption off the premises 83563
where sold; 83564

(3) Sales of food sold to students only in a cafeteria, 83565
dormitory, fraternity, or sorority maintained in a private, 83566
public, or parochial school, college, or university; 83567

(4) Sales of newspapers and sales or transfers of magazines 83568
distributed as controlled circulation publications; 83569

(5) The furnishing, preparing, or serving of meals without 83570
charge by an employer to an employee provided the employer records 83571
the meals as part compensation for services performed or work 83572
done; 83573

(6) Sales of motor fuel upon receipt, use, distribution, or 83574
sale of which in this state a tax is imposed by the law of this 83575
state, but this exemption shall not apply to the sale of motor 83576
fuel on which a refund of the tax is allowable under division (A) 83577
of section 5735.14 of the Revised Code; and the tax commissioner 83578

may deduct the amount of tax levied by this section applicable to 83579
the price of motor fuel when granting a refund of motor fuel tax 83580
pursuant to division (A) of section 5735.14 of the Revised Code 83581
and shall cause the amount deducted to be paid into the general 83582
revenue fund of this state; 83583

(7) Sales of natural gas by a natural gas company or 83584
municipal gas utility, of water by a water-works company, or of 83585
steam by a heating company, if in each case the thing sold is 83586
delivered to consumers through pipes or conduits, and all sales of 83587
communications services by a telegraph company, all terms as 83588
defined in section 5727.01 of the Revised Code, and sales of 83589
electricity delivered through wires; 83590

(8) Casual sales by a person, or auctioneer employed directly 83591
by the person to conduct such sales, except as to such sales of 83592
motor vehicles, watercraft or outboard motors required to be 83593
titled under section 1548.06 of the Revised Code, watercraft 83594
documented with the United States coast guard, snowmobiles, and 83595
all-purpose vehicles as defined in section 4519.01 of the Revised 83596
Code; 83597

(9)(a) Sales of services or tangible personal property, other 83598
than motor vehicles, mobile homes, and manufactured homes, by 83599
churches, organizations exempt from taxation under section 83600
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 83601
organizations operated exclusively for charitable purposes as 83602
defined in division (B)(12) of this section, provided that the 83603
number of days on which such tangible personal property or 83604
services, other than items never subject to the tax, are sold does 83605
not exceed six in any calendar year, except as otherwise provided 83606
in division (B)(9)(b) of this section. If the number of days on 83607
which such sales are made exceeds six in any calendar year, the 83608
church or organization shall be considered to be engaged in 83609
business and all subsequent sales by it shall be subject to the 83610

tax. In counting the number of days, all sales by groups within a 83611
church or within an organization shall be considered to be sales 83612
of that church or organization. 83613

(b) The limitation on the number of days on which tax-exempt 83614
sales may be made by a church or organization under division 83615
(B)(9)(a) of this section does not apply to sales made by student 83616
clubs and other groups of students of a primary or secondary 83617
school, or a parent-teacher association, booster group, or similar 83618
organization that raises money to support or fund curricular or 83619
extracurricular activities of a primary or secondary school. 83620

(c) Divisions (B)(9)(a) and (b) of this section do not apply 83621
to sales by a noncommercial educational radio or television 83622
broadcasting station. 83623

(10) Sales not within the taxing power of this state under 83624
the Constitution or laws of the United States or the Constitution 83625
of this state; 83626

(11) Except for transactions that are sales under division 83627
(B)(3)(r) of section 5739.01 of the Revised Code, the 83628
transportation of persons or property, unless the transportation 83629
is by a private investigation and security service; 83630

(12) Sales of tangible personal property or services to 83631
churches, to organizations exempt from taxation under section 83632
501(c)(3) of the Internal Revenue Code of 1986, and to any other 83633
nonprofit organizations operated exclusively for charitable 83634
purposes in this state, no part of the net income of which inures 83635
to the benefit of any private shareholder or individual, and no 83636
substantial part of the activities of which consists of carrying 83637
on propaganda or otherwise attempting to influence legislation; 83638
sales to offices administering one or more homes for the aged or 83639
one or more hospital facilities exempt under section 140.08 of the 83640
Revised Code; and sales to organizations described in division (D) 83641

of section 5709.12 of the Revised Code. 83642

"Charitable purposes" means the relief of poverty; the 83643
improvement of health through the alleviation of illness, disease, 83644
or injury; the operation of an organization exclusively for the 83645
provision of professional, laundry, printing, and purchasing 83646
services to hospitals or charitable institutions; the operation of 83647
a home for the aged, as defined in section 5701.13 of the Revised 83648
Code; the operation of a radio or television broadcasting station 83649
that is licensed by the federal communications commission as a 83650
noncommercial educational radio or television station; the 83651
operation of a nonprofit animal adoption service or a county 83652
humane society; the promotion of education by an institution of 83653
learning that maintains a faculty of qualified instructors, 83654
teaches regular continuous courses of study, and confers a 83655
recognized diploma upon completion of a specific curriculum; the 83656
operation of a parent-teacher association, booster group, or 83657
similar organization primarily engaged in the promotion and 83658
support of the curricular or extracurricular activities of a 83659
primary or secondary school; the operation of a community or area 83660
center in which presentations in music, dramatics, the arts, and 83661
related fields are made in order to foster public interest and 83662
education therein; the production of performances in music, 83663
dramatics, and the arts; or the promotion of education by an 83664
organization engaged in carrying on research in, or the 83665
dissemination of, scientific and technological knowledge and 83666
information primarily for the public. 83667

Nothing in this division shall be deemed to exempt sales to 83668
any organization for use in the operation or carrying on of a 83669
trade or business, or sales to a home for the aged for use in the 83670
operation of independent living facilities as defined in division 83671
(A) of section 5709.12 of the Revised Code. 83672

(13) Building and construction materials and services sold to 83673

construction contractors for incorporation into a structure or	83674
improvement to real property under a construction contract with	83675
this state or a political subdivision of this state, or with the	83676
United States government or any of its agencies; building and	83677
construction materials and services sold to construction	83678
contractors for incorporation into a structure or improvement to	83679
real property that are accepted for ownership by this state or any	83680
of its political subdivisions, or by the United States government	83681
or any of its agencies at the time of completion of the structures	83682
or improvements; building and construction materials sold to	83683
construction contractors for incorporation into a horticulture	83684
structure or livestock structure for a person engaged in the	83685
business of horticulture or producing livestock; building	83686
materials and services sold to a construction contractor for	83687
incorporation into a house of public worship or religious	83688
education, or a building used exclusively for charitable purposes	83689
under a construction contract with an organization whose purpose	83690
is as described in division (B)(12) of this section; building	83691
materials and services sold to a construction contractor for	83692
incorporation into a building under a construction contract with	83693
an organization exempt from taxation under section 501(c)(3) of	83694
the Internal Revenue Code of 1986 when the building is to be used	83695
exclusively for the organization's exempt purposes; building and	83696
construction materials sold for incorporation into the original	83697
construction of a sports facility under section 307.696 of the	83698
Revised Code; building and construction materials and services	83699
sold to a construction contractor for incorporation into real	83700
property outside this state if such materials and services, when	83701
sold to a construction contractor in the state in which the real	83702
property is located for incorporation into real property in that	83703
state, would be exempt from a tax on sales levied by that state;	83704
building and construction materials for incorporation into a	83705
transportation facility pursuant to a public-private agreement	83706

entered into under sections 5501.70 to 5501.83 of the Revised 83707
Code; and, until one calendar year after the construction of a 83708
convention center that qualifies for property tax exemption under 83709
section 5709.084 of the Revised Code is completed, building and 83710
construction materials and services sold to a construction 83711
contractor for incorporation into the real property comprising 83712
that convention center; 83713

(14) Sales of ships or vessels or rail rolling stock used or 83714
to be used principally in interstate or foreign commerce, and 83715
repairs, alterations, fuel, and lubricants for such ships or 83716
vessels or rail rolling stock; 83717

(15) Sales to persons primarily engaged in any of the 83718
activities mentioned in division (B)(42)(a), (g), or (h) of this 83719
section, to persons engaged in making retail sales, or to persons 83720
who purchase for sale from a manufacturer tangible personal 83721
property that was produced by the manufacturer in accordance with 83722
specific designs provided by the purchaser, of packages, including 83723
material, labels, and parts for packages, and of machinery, 83724
equipment, and material for use primarily in packaging tangible 83725
personal property produced for sale, including any machinery, 83726
equipment, and supplies used to make labels or packages, to 83727
prepare packages or products for labeling, or to label packages or 83728
products, by or on the order of the person doing the packaging, or 83729
sold at retail. "Packages" includes bags, baskets, cartons, 83730
crates, boxes, cans, bottles, bindings, wrappings, and other 83731
similar devices and containers, but does not include motor 83732
vehicles or bulk tanks, trailers, or similar devices attached to 83733
motor vehicles. "Packaging" means placing in a package. Division 83734
(B)(15) of this section does not apply to persons engaged in 83735
highway transportation for hire. 83736

(16) Sales of food to persons using supplemental nutrition 83737
assistance program benefits to purchase the food. As used in this 83738

division, "food" has the same meaning as in 7 U.S.C. 2012 and 83739
federal regulations adopted pursuant to the Food and Nutrition Act 83740
of 2008. 83741

(17) Sales to persons engaged in farming, agriculture, 83742
horticulture, or floriculture, of tangible personal property for 83743
use or consumption primarily in the production by farming, 83744
agriculture, horticulture, or floriculture of other tangible 83745
personal property for use or consumption primarily in the 83746
production of tangible personal property for sale by farming, 83747
agriculture, horticulture, or floriculture; or material and parts 83748
for incorporation into any such tangible personal property for use 83749
or consumption in production; and of tangible personal property 83750
for such use or consumption in the conditioning or holding of 83751
products produced by and for such use, consumption, or sale by 83752
persons engaged in farming, agriculture, horticulture, or 83753
floriculture, except where such property is incorporated into real 83754
property; 83755

(18) Sales of drugs for a human being that may be dispensed 83756
only pursuant to a prescription; insulin as recognized in the 83757
official United States pharmacopoeia; urine and blood testing 83758
materials when used by diabetics or persons with hypoglycemia to 83759
test for glucose or acetone; hypodermic syringes and needles when 83760
used by diabetics for insulin injections; epoetin alfa when 83761
purchased for use in the treatment of persons with medical 83762
disease; hospital beds when purchased by hospitals, nursing homes, 83763
or other medical facilities; and medical oxygen and medical 83764
oxygen-dispensing equipment when purchased by hospitals, nursing 83765
homes, or other medical facilities; 83766

(19) Sales of prosthetic devices, durable medical equipment 83767
for home use, or mobility enhancing equipment, when made pursuant 83768
to a prescription and when such devices or equipment are for use 83769
by a human being. 83770

(20) Sales of emergency and fire protection vehicles and	83771
equipment to nonprofit organizations for use solely in providing	83772
fire protection and emergency services, including trauma care and	83773
emergency medical services, for political subdivisions of the	83774
state;	83775
(21) Sales of tangible personal property manufactured in this	83776
state, if sold by the manufacturer in this state to a retailer for	83777
use in the retail business of the retailer outside of this state	83778
and if possession is taken from the manufacturer by the purchaser	83779
within this state for the sole purpose of immediately removing the	83780
same from this state in a vehicle owned by the purchaser;	83781
(22) Sales of services provided by the state or any of its	83782
political subdivisions, agencies, instrumentalities, institutions,	83783
or authorities, or by governmental entities of the state or any of	83784
its political subdivisions, agencies, instrumentalities,	83785
institutions, or authorities;	83786
(23) Sales of motor vehicles to nonresidents of this state	83787
under the circumstances described in division (B) of section	83788
5739.029 of the Revised Code;	83789
(24) Sales to persons engaged in the preparation of eggs for	83790
sale of tangible personal property used or consumed directly in	83791
such preparation, including such tangible personal property used	83792
for cleaning, sanitizing, preserving, grading, sorting, and	83793
classifying by size; packages, including material and parts for	83794
packages, and machinery, equipment, and material for use in	83795
packaging eggs for sale; and handling and transportation equipment	83796
and parts therefor, except motor vehicles licensed to operate on	83797
public highways, used in intraplant or interplant transfers or	83798
shipment of eggs in the process of preparation for sale, when the	83799
plant or plants within or between which such transfers or	83800
shipments occur are operated by the same person. "Packages"	83801
includes containers, cases, baskets, flats, fillers, filler flats,	83802

cartons, closure materials, labels, and labeling materials, and	83803
"packaging" means placing therein.	83804
(25)(a) Sales of water to a consumer for residential use;	83805
(b) Sales of water by a nonprofit corporation engaged	83806
exclusively in the treatment, distribution, and sale of water to	83807
consumers, if such water is delivered to consumers through pipes	83808
or tubing.	83809
(26) Fees charged for inspection or reinspection of motor	83810
vehicles under section 3704.14 of the Revised Code;	83811
(27) Sales to persons licensed to conduct a food service	83812
operation pursuant to section 3717.43 of the Revised Code, of	83813
tangible personal property primarily used directly for the	83814
following:	83815
(a) To prepare food for human consumption for sale;	83816
(b) To preserve food that has been or will be prepared for	83817
human consumption for sale by the food service operator, not	83818
including tangible personal property used to display food for	83819
selection by the consumer;	83820
(c) To clean tangible personal property used to prepare or	83821
serve food for human consumption for sale.	83822
(28) Sales of animals by nonprofit animal adoption services	83823
or county humane societies;	83824
(29) Sales of services to a corporation described in division	83825
(A) of section 5709.72 of the Revised Code, and sales of tangible	83826
personal property that qualifies for exemption from taxation under	83827
section 5709.72 of the Revised Code;	83828
(30) Sales and installation of agricultural land tile, as	83829
defined in division (B)(5)(a) of section 5739.01 of the Revised	83830
Code;	83831
(31) Sales and erection or installation of portable grain	83832

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and

describes tangible personal property offered for retail sale. 83865

(b) Sales to direct marketing vendors of preliminary 83866
materials such as photographs, artwork, and typesetting that will 83867
be used in printing advertising material; and of printed matter 83868
that offers free merchandise or chances to win sweepstake prizes 83869
and that is mailed to potential customers with advertising 83870
material described in division (B)(35)(a) of this section; 83871

(c) Sales of equipment such as telephones, computers, 83872
facsimile machines, and similar tangible personal property 83873
primarily used to accept orders for direct marketing retail sales. 83874

(d) Sales of automatic food vending machines that preserve 83875
food with a shelf life of forty-five days or less by refrigeration 83876
and dispense it to the consumer. 83877

For purposes of division (B)(35) of this section, "direct 83878
marketing" means the method of selling where consumers order 83879
tangible personal property by United States mail, delivery 83880
service, or telecommunication and the vendor delivers or ships the 83881
tangible personal property sold to the consumer from a warehouse, 83882
catalogue distribution center, or similar fulfillment facility by 83883
means of the United States mail, delivery service, or common 83884
carrier. 83885

(36) Sales to a person engaged in the business of 83886
horticulture or producing livestock of materials to be 83887
incorporated into a horticulture structure or livestock structure; 83888

(37) Sales of personal computers, computer monitors, computer 83889
keyboards, modems, and other peripheral computer equipment to an 83890
individual who is licensed or certified to teach in an elementary 83891
or a secondary school in this state for use by that individual in 83892
preparation for teaching elementary or secondary school students; 83893

(38) Sales to a professional racing team of any of the 83894
following: 83895

(a) Motor racing vehicles;	83896
(b) Repair services for motor racing vehicles;	83897
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	83898 83899 83900 83901 83902 83903 83904 83905
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	83906 83907 83908
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	83909 83910 83911 83912 83913 83914 83915 83916 83917 83918 83919 83920 83921 83922 83923 83924 83925 83926

(41) Sales to a person providing services under division	83927
(B)(3)(r) of section 5739.01 of the Revised Code of tangible	83928
personal property and services used directly and primarily in	83929
providing taxable services under that section.	83930
(42) Sales where the purpose of the purchaser is to do any of	83931
the following:	83932
(a) To incorporate the thing transferred as a material or a	83933
part into tangible personal property to be produced for sale by	83934
manufacturing, assembling, processing, or refining; or to use or	83935
consume the thing transferred directly in producing tangible	83936
personal property for sale by mining, including, without	83937
limitation, the extraction from the earth of all substances that	83938
are classed geologically as minerals, production of crude oil and	83939
natural gas, or directly in the rendition of a public utility	83940
service, except that the sales tax levied by this section shall be	83941
collected upon all meals, drinks, and food for human consumption	83942
sold when transporting persons. Persons engaged in rendering	83943
services in the exploration for, and production of, crude oil and	83944
natural gas for others are deemed engaged directly in the	83945
exploration for, and production of, crude oil and natural gas.	83946
This paragraph does not exempt from "retail sale" or "sales at	83947
retail" the sale of tangible personal property that is to be	83948
incorporated into a structure or improvement to real property.	83949
(b) To hold the thing transferred as security for the	83950
performance of an obligation of the vendor;	83951
(c) To resell, hold, use, or consume the thing transferred as	83952
evidence of a contract of insurance;	83953
(d) To use or consume the thing directly in commercial	83954
fishing;	83955
(e) To incorporate the thing transferred as a material or a	83956
part into, or to use or consume the thing transferred directly in	83957

the production of, magazines distributed as controlled circulation 83958
publications; 83959

(f) To use or consume the thing transferred in the production 83960
and preparation in suitable condition for market and sale of 83961
printed, imprinted, overprinted, lithographic, multilithic, 83962
blueprinted, photostatic, or other productions or reproductions of 83963
written or graphic matter; 83964

(g) To use the thing transferred, as described in section 83965
5739.011 of the Revised Code, primarily in a manufacturing 83966
operation to produce tangible personal property for sale; 83967

(h) To use the benefit of a warranty, maintenance or service 83968
contract, or similar agreement, as described in division (B)(7) of 83969
section 5739.01 of the Revised Code, to repair or maintain 83970
tangible personal property, if all of the property that is the 83971
subject of the warranty, contract, or agreement would not be 83972
subject to the tax imposed by this section; 83973

(i) To use the thing transferred as qualified research and 83974
development equipment; 83975

(j) To use or consume the thing transferred primarily in 83976
storing, transporting, mailing, or otherwise handling purchased 83977
sales inventory in a warehouse, distribution center, or similar 83978
facility when the inventory is primarily distributed outside this 83979
state to retail stores of the person who owns or controls the 83980
warehouse, distribution center, or similar facility, to retail 83981
stores of an affiliated group of which that person is a member, or 83982
by means of direct marketing. This division does not apply to 83983
motor vehicles registered for operation on the public highways. As 83984
used in this division, "affiliated group" has the same meaning as 83985
in division (B)(3)(e) of section 5739.01 of the Revised Code and 83986
"direct marketing" has the same meaning as in division (B)(35) of 83987
this section. 83988

(k) To use or consume the thing transferred to fulfill a 83989
contractual obligation incurred by a warrantor pursuant to a 83990
warranty provided as a part of the price of the tangible personal 83991
property sold or by a vendor of a warranty, maintenance or service 83992
contract, or similar agreement the provision of which is defined 83993
as a sale under division (B)(7) of section 5739.01 of the Revised 83994
Code; 83995

(l) To use or consume the thing transferred in the production 83996
of a newspaper for distribution to the public; 83997

(m) To use tangible personal property to perform a service 83998
listed in division (B)(3) or (13) of section 5739.01 of the 83999
Revised Code, if the property is or is to be permanently 84000
transferred to the consumer of the service as an integral part of 84001
the performance of the service; 84002

(n) To use or consume the thing transferred primarily in 84003
producing tangible personal property for sale by farming, 84004
agriculture, horticulture, or floriculture. Persons engaged in 84005
rendering farming, agriculture, horticulture, or floriculture 84006
services for others are deemed engaged primarily in farming, 84007
agriculture, horticulture, or floriculture. This paragraph does 84008
not exempt from "retail sale" or "sales at retail" the sale of 84009
tangible personal property that is to be incorporated into a 84010
structure or improvement to real property. 84011

(o) To use or consume the thing transferred in acquiring, 84012
formatting, editing, storing, and disseminating data or 84013
information by electronic publishing; 84014

(p) To provide the thing transferred to the owner or lessee 84015
of a motor vehicle that is being repaired or serviced, if the 84016
thing transferred is a rented motor vehicle and the purchaser is 84017
reimbursed for the cost of the rented motor vehicle by a 84018
manufacturer, warrantor, or provider of a maintenance, service, or 84019

other similar contract or agreement, with respect to the motor 84020
vehicle that is being repaired or serviced. 84021

As used in division (B)(42) of this section, "thing" includes 84022
all transactions included in divisions (B)(3)(a), (b), and (e) of 84023
section 5739.01 of the Revised Code. 84024

(43) Sales conducted through a coin operated device that 84025
activates vacuum equipment or equipment that dispenses water, 84026
whether or not in combination with soap or other cleaning agents 84027
or wax, to the consumer for the consumer's use on the premises in 84028
washing, cleaning, or waxing a motor vehicle, provided no other 84029
personal property or personal service is provided as part of the 84030
transaction. 84031

(44) Sales of replacement and modification parts for engines, 84032
airframes, instruments, and interiors in, and paint for, aircraft 84033
used primarily in a fractional aircraft ownership program, and 84034
sales of services for the repair, modification, and maintenance of 84035
such aircraft, and machinery, equipment, and supplies primarily 84036
used to provide those services. 84037

(45) Sales of telecommunications service that is used 84038
directly and primarily to perform the functions of a call center. 84039
As used in this division, "call center" means any physical 84040
location where telephone calls are placed or received in high 84041
volume for the purpose of making sales, marketing, customer 84042
service, technical support, or other specialized business 84043
activity, and that employs at least fifty individuals that engage 84044
in call center activities on a full-time basis, or sufficient 84045
individuals to fill fifty full-time equivalent positions. 84046

(46) Sales by a telecommunications service vendor of 900 84047
service to a subscriber. This division does not apply to 84048
information services, as defined in division (FF) of section 84049
5739.01 of the Revised Code. 84050

(47) Sales of value-added non-voice data service. This 84051
division does not apply to any similar service that is not 84052
otherwise a telecommunications service. 84053

(48)(a) Sales of machinery, equipment, and software to a 84054
qualified direct selling entity for use in a warehouse or 84055
distribution center primarily for storing, transporting, or 84056
otherwise handling inventory that is held for sale to independent 84057
salespersons who operate as direct sellers and that is held 84058
primarily for distribution outside this state; 84059

(b) As used in division (B)(48)(a) of this section: 84060

(i) "Direct seller" means a person selling consumer products 84061
to individuals for personal or household use and not from a fixed 84062
retail location, including selling such product at in-home product 84063
demonstrations, parties, and other one-on-one selling. 84064

(ii) "Qualified direct selling entity" means an entity 84065
selling to direct sellers at the time the entity enters into a tax 84066
credit agreement with the tax credit authority pursuant to section 84067
122.17 of the Revised Code, provided that the agreement was 84068
entered into on or after January 1, 2007. Neither contingencies 84069
relevant to the granting of, nor later developments with respect 84070
to, the tax credit shall impair the status of the qualified direct 84071
selling entity under division (B)(48) of this section after 84072
execution of the tax credit agreement by the tax credit authority. 84073

(c) Division (B)(48) of this section is limited to machinery, 84074
equipment, and software first stored, used, or consumed in this 84075
state within the period commencing June 24, 2008, and ending on 84076
the date that is five years after that date. 84077

(49) Sales of materials, parts, equipment, or engines used in 84078
the repair or maintenance of aircraft or avionics systems of such 84079
aircraft, and sales of repair, remodeling, replacement, or 84080
maintenance services in this state performed on aircraft or on an 84081

aircraft's avionics, engine, or component materials or parts. As 84082
used in division (B)(49) of this section, "aircraft" means 84083
aircraft of more than six thousand pounds maximum certified 84084
takeoff weight or used exclusively in general aviation. 84085

(50) Sales of full flight simulators that are used for pilot 84086
or flight-crew training, sales of repair or replacement parts or 84087
components, and sales of repair or maintenance services for such 84088
full flight simulators. "Full flight simulator" means a replica of 84089
a specific type, or make, model, and series of aircraft cockpit. 84090
It includes the assemblage of equipment and computer programs 84091
necessary to represent aircraft operations in ground and flight 84092
conditions, a visual system providing an out-of-the-cockpit view, 84093
and a system that provides cues at least equivalent to those of a 84094
three-degree-of-freedom motion system, and has the full range of 84095
capabilities of the systems installed in the device as described 84096
in appendices A and B of part 60 of chapter 1 of title 14 of the 84097
Code of Federal Regulations. 84098

(51) Any transfer or lease of tangible personal property 84099
between the state and JobsOhio in accordance with section 4313.02 84100
of the Revised Code. 84101

(52)(a) Sales to a qualifying corporation. 84102

(b) As used in division (B)(52) of this section: 84103

(i) "Qualifying corporation" means a nonprofit corporation 84104
organized in this state that leases from an eligible county land, 84105
buildings, structures, fixtures, and improvements to the land that 84106
are part of or used in a public recreational facility used by a 84107
major league professional athletic team or a class A to class AAA 84108
minor league affiliate of a major league professional athletic 84109
team for a significant portion of the team's home schedule, 84110
provided the following apply: 84111

(I) The facility is leased from the eligible county pursuant 84112

to a lease that requires substantially all of the revenue from the 84113
operation of the business or activity conducted by the nonprofit 84114
corporation at the facility in excess of operating costs, capital 84115
expenditures, and reserves to be paid to the eligible county at 84116
least once per calendar year. 84117

(II) Upon dissolution and liquidation of the nonprofit 84118
corporation, all of its net assets are distributable to the board 84119
of commissioners of the eligible county from which the corporation 84120
leases the facility. 84121

(ii) "Eligible county" has the same meaning as in section 84122
307.695 of the Revised Code. 84123

(53) Sales to ~~or by~~ a cable service provider, video service 84124
provider, or radio or television broadcast station regulated by 84125
the federal government of cable service or programming, video 84126
service or programming, audio service or programming, or 84127
electronically transferred digital audiovisual or audio work. As 84128
used in division (B)(53) of this section, "cable service" and 84129
"cable service provider" have the same meanings as in section 84130
1332.01 of the Revised Code, and "video service," "video service 84131
provider," and "video programming" have the same meanings as in 84132
section 1332.21 of the Revised Code. 84133

(54) Sales of investment metal bullion and investment coins. 84134
"Investment metal bullion" means any bullion described in section 84135
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 84136
that bullion is in the physical possession of a trustee. 84137
"Investment coin" means any coin composed primarily of gold, 84138
silver, platinum, or palladium. 84139

(C) For the purpose of the proper administration of this 84140
chapter, and to prevent the evasion of the tax, it is presumed 84141
that all sales made in this state are subject to the tax until the 84142
contrary is established. 84143

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

~~Sec. 5739.025. As used in this section, "local tax" means a tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised Code.~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the Revised Code shall be collected as follows:~~

~~(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:~~

~~If the price~~	~~The amount of~~	
~~is at least~~	~~the tax is~~	
~~But not more than~~		
~~\$.01~~	~~No tax~~	
~~.16~~	~~1¢~~	
~~.17~~	~~2¢~~	
~~.34~~	~~3¢~~	
~~.51~~	~~4¢~~	
~~.67~~	~~5¢~~	

~~.84~~	~~1.00~~	~~6¢~~	84175

~~If the price exceeds one dollar, the tax is six cents on each~~	84176
~~one dollar. If the price exceeds one dollar or a multiple thereof~~	84177
~~by not more than seventeen cents, the amount of tax is six cents~~	84178
~~for each one dollar plus one cent. If the price exceeds one dollar~~	84179
~~or a multiple thereof by more than seventeen cents, the amount of~~	84180
~~tax is six cents for each one dollar plus the amount of tax for~~	84181
~~prices eighteen cents through ninety nine cents in accordance with~~	84182
~~the schedule above.~~	84183

~~(2) On and after July 1, 2005, and on and before December 31,~~	84184
~~2005, in accordance with the following schedule:~~	84185

~~If the price~~	~~But not~~	~~The amount~~	84186
~~is at least~~	~~more than~~	~~of the tax is~~	84187
~~\$.01~~	~~\$.15~~	~~No tax~~	84188
~~.16~~	~~.18~~	~~1¢~~	84189
~~.19~~	~~.36~~	~~2¢~~	84190
~~.37~~	~~.54~~	~~3¢~~	84191
~~.55~~	~~.72~~	~~4¢~~	84192
~~.73~~	~~.90~~	~~5¢~~	84193
~~.91~~	~~1.09~~	~~6¢~~	84194
~~1.10~~	~~1.27~~	~~7¢~~	84195
~~1.28~~	~~1.46~~	~~8¢~~	84196
~~1.47~~	~~1.64~~	~~9¢~~	84197
~~1.65~~	~~1.82~~	~~10¢~~	84198
~~1.83~~	~~2.00~~	~~11¢~~	84199

~~If the price exceeds two dollars, the tax is eleven cents on~~	84200
~~each two dollars. If the price exceeds two dollars or a multiple~~	84201
~~thereof by not more than eighteen cents, the amount of tax is~~	84202
~~eleven cents for each two dollars plus one cent. If the price~~	84203
~~exceeds two dollars or a multiple thereof by more than eighteen~~	84204
~~cents, the amount of tax is eleven cents for each two dollars plus~~	84205
~~the amount of tax for prices nineteen cents through one dollar and~~	84206

~~ninety-nine cents in accordance with the schedule above.~~ 84207
84208

~~(B) On and after July 1, 2003, and on and before June 30,~~ 84209
~~2005, the combined taxes levied by sections 5739.02 and 5741.02~~ 84210
~~and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021,~~ 84211
~~5741.022, and 5741.023 of the Revised Code shall be collected in~~ 84212
~~accordance with the following schedules:~~ 84213

~~(1) When the combined rate of state and local tax is six and~~ 84214
~~one-fourth per cent:~~ 84215

~~If the price~~		~~The amount of~~	
~~is at least~~	~~But not more than~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	84218
~~.16~~	~~.16~~	~~1¢~~	84219
~~.17~~	~~.32~~	~~2¢~~	84220
~~.33~~	~~.48~~	~~3¢~~	84221
~~.49~~	~~.64~~	~~4¢~~	84222
~~.65~~	~~.80~~	~~5¢~~	84223
~~.81~~	~~.96~~	~~6¢~~	84224
~~.97~~	~~1.12~~	~~7¢~~	84225
~~1.13~~	~~1.28~~	~~8¢~~	84226
~~1.29~~	~~1.44~~	~~9¢~~	84227
~~1.45~~	~~1.60~~	~~10¢~~	84228
~~1.61~~	~~1.76~~	~~11¢~~	84229
~~1.77~~	~~1.92~~	~~12¢~~	84230
~~1.93~~	~~2.08~~	~~13¢~~	84231
~~2.09~~	~~2.24~~	~~14¢~~	84232
~~2.25~~	~~2.40~~	~~15¢~~	84233
~~2.41~~	~~2.56~~	~~16¢~~	84234
~~2.57~~	~~2.72~~	~~17¢~~	84235
~~2.73~~	~~2.88~~	~~18¢~~	84236
~~2.89~~	~~3.04~~	~~19¢~~	84237
~~3.05~~	~~3.20~~	~~20¢~~	84238

~~3.21~~	~~3.36~~	~~21¢~~	84239
~~3.37~~	~~3.52~~	~~22¢~~	84240
~~3.53~~	~~3.68~~	~~23¢~~	84241
~~3.69~~	~~3.84~~	~~24¢~~	84242
~~3.85~~	~~4.00~~	~~25¢~~	84243

~~If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

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~~(2) When the combined rate of state and local tax is six and one-half per cent:~~

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84254

~~If the price~~	~~The amount of~~		
~~is at least~~	~~But not more than~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	84257
~~.16~~	~~.30~~	~~2¢~~	84258
~~.31~~	~~.46~~	~~3¢~~	84259
~~.47~~	~~.61~~	~~4¢~~	84260
~~.62~~	~~.76~~	~~5¢~~	84261
~~.77~~	~~.92~~	~~6¢~~	84262
~~.93~~	~~1.07~~	~~7¢~~	84263
~~1.08~~	~~1.23~~	~~8¢~~	84264
~~1.24~~	~~1.38~~	~~9¢~~	84265
~~1.39~~	~~1.53~~	~~10¢~~	84266
~~1.54~~	~~1.69~~	~~11¢~~	84267
~~1.70~~	~~1.84~~	~~12¢~~	84268
~~1.85~~	~~2.00~~	~~13¢~~	84269

~~If the price exceeds two dollars, the tax is thirteen cents~~

84270

~~on each two dollars. If the price exceeds two dollars or a~~ 84271
~~multiple thereof by not more than fifteen cents, the amount of tax~~ 84272
~~is thirteen cents for each two dollars plus one cent. If the price~~ 84273
~~exceeds two dollars or a multiple thereof by more than fifteen~~ 84274
~~cents, the amount of tax is thirteen cents for each two dollars~~ 84275
~~plus the amount of tax for prices sixteen cents through one dollar~~ 84276
~~and ninety-nine cents in accordance with the schedule above.~~ 84277

~~(3) When the combined rate of state and local tax is six and~~ 84278
~~three-fourths per cent:~~ 84279

~~If the price~~		~~The amount of~~	
~~is at least~~	~~But not more than~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	84282
~~.16~~	~~.29~~	~~2¢~~	84283
~~.30~~	~~.44~~	~~3¢~~	84284
~~.45~~	~~.59~~	~~4¢~~	84285
~~.60~~	~~.74~~	~~5¢~~	84286
~~.75~~	~~.88~~	~~6¢~~	84287
~~.89~~	~~1.03~~	~~7¢~~	84288
~~1.04~~	~~1.18~~	~~8¢~~	84289
~~1.19~~	~~1.33~~	~~9¢~~	84290
~~1.34~~	~~1.48~~	~~10¢~~	84291
~~1.49~~	~~1.62~~	~~11¢~~	84292
~~1.63~~	~~1.77~~	~~12¢~~	84293
~~1.78~~	~~1.92~~	~~13¢~~	84294
~~1.93~~	~~2.07~~	~~14¢~~	84295
~~2.08~~	~~2.22~~	~~15¢~~	84296
~~2.23~~	~~2.37~~	~~16¢~~	84297
~~2.38~~	~~2.51~~	~~17¢~~	84298
~~2.52~~	~~2.66~~	~~18¢~~	84299
~~2.67~~	~~2.81~~	~~19¢~~	84300
~~2.82~~	~~2.96~~	~~20¢~~	84301
~~2.97~~	~~3.11~~	~~21¢~~	84302

~~3.12~~	~~3.25~~	~~22¢~~	84303
~~3.26~~	~~3.40~~	~~23¢~~	84304
~~3.41~~	~~3.55~~	~~24¢~~	84305
~~3.56~~	~~3.70~~	~~25¢~~	84306
~~3.71~~	~~3.85~~	~~26¢~~	84307
~~3.86~~	~~4.00~~	~~27¢~~	84308

~~If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

~~If the price~~	~~The amount of~~	84323
~~is at least~~	~~the tax is~~	84324
~~But not more than~~	~~No tax~~	84325
~~\$.01~~	~~\$.15~~	84326
~~.16~~	~~.28~~	84327
~~.29~~	~~.42~~	84328
~~.43~~	~~.57~~	84329
~~.58~~	~~.71~~	84330
~~.72~~	~~.85~~	84331
~~.86~~	~~1.00~~	

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven~~

~~cents for each one dollar plus one cent. If the price exceeds one~~ 84335
~~dollar or a multiple thereof by more than fifteen cents, the~~ 84336
~~amount of tax is seven cents for each one dollar plus the amount~~ 84337
~~of tax for prices sixteen cents through ninety-nine cents in~~ 84338
~~accordance with the schedule above.~~ 84339

~~(5) When the combined rate of state and local tax is seven~~ 84340
~~and one-fourth per cent:~~ 84341

~~If the price~~ 84342
~~is at least~~ 84343

~~\$.01~~	~~But not more than~~	~~The amount of~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~		84344
~~.16~~	~~.27~~	~~2¢~~		84345
~~.28~~	~~.41~~	~~3¢~~		84346
~~.42~~	~~.55~~	~~4¢~~		84347
~~.56~~	~~.68~~	~~5¢~~		84348
~~.69~~	~~.82~~	~~6¢~~		84349
~~.83~~	~~.96~~	~~7¢~~		84350
~~.97~~	~~1.10~~	~~8¢~~		84351
~~1.11~~	~~1.24~~	~~9¢~~		84352
~~1.25~~	~~1.37~~	~~10¢~~		84353
~~1.38~~	~~1.51~~	~~11¢~~		84354
~~1.52~~	~~1.65~~	~~12¢~~		84355
~~1.66~~	~~1.79~~	~~13¢~~		84356
~~1.80~~	~~1.93~~	~~14¢~~		84357
~~1.94~~	~~2.06~~	~~15¢~~		84358
~~2.07~~	~~2.20~~	~~16¢~~		84359
~~2.21~~	~~2.34~~	~~17¢~~		84360
~~2.35~~	~~2.48~~	~~18¢~~		84361
~~2.49~~	~~2.62~~	~~19¢~~		84362
~~2.63~~	~~2.75~~	~~20¢~~		84363
~~2.76~~	~~2.89~~	~~21¢~~		84364
~~2.90~~	~~3.03~~	~~22¢~~		84365
~~3.04~~	~~3.17~~	~~23¢~~		84366

~~3.18~~	~~3.31~~	~~24¢~~	84367
~~3.32~~	~~3.44~~	~~25¢~~	84368
~~3.45~~	~~3.58~~	~~26¢~~	84369
~~3.59~~	~~3.72~~	~~27¢~~	84370
~~3.73~~	~~3.86~~	~~28¢~~	84371
~~3.87~~	~~4.00~~	~~29¢~~	84372

~~If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one-half per cent:~~

~~If the price~~		~~The amount of~~	
~~is at least~~	~~But not more than~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	84389
~~.16~~	~~.26~~	~~2¢~~	84390
~~.27~~	~~.40~~	~~3¢~~	84391
~~.41~~	~~.53~~	~~4¢~~	84392
~~.54~~	~~.65~~	~~5¢~~	84393
~~.66~~	~~.80~~	~~6¢~~	84394
~~.81~~	~~.93~~	~~7¢~~	84395
~~.94~~	~~1.06~~	~~8¢~~	84396
~~1.07~~	~~1.20~~	~~9¢~~	84397
~~1.21~~	~~1.33~~	~~10¢~~	84398

~~1.34~~	~~1.46~~	~~11¢~~	84399
~~1.47~~	~~1.60~~	~~12¢~~	84400
~~1.61~~	~~1.73~~	~~13¢~~	84401
~~1.74~~	~~1.86~~	~~14¢~~	84402
~~1.87~~	~~2.00~~	~~15¢~~	84403

~~If the price exceeds two dollars, the tax is fifteen cents on~~ 84404
~~each two dollars. If the price exceeds two dollars or a multiple~~ 84405
~~thereof by not more than fifteen cents, the amount of tax is~~ 84406
~~fifteen cents for each two dollars plus one cent. If the price~~ 84407
~~exceeds two dollars or a multiple thereof by more than fifteen~~ 84408
~~cents, the amount of tax is fifteen cents for each two dollars~~ 84409
~~plus the amount of tax for prices sixteen cents through one dollar~~ 84410
~~and ninety nine cents in accordance with the schedule above.~~ 84411

~~(7) When the combined rate of state and local tax is seven~~ 84412
~~and three fourths per cent:~~ 84413

~~If the price~~		~~The amount of~~	84414
~~is at least~~		~~the tax is~~	84415
~~\$.01~~	~~But not more than~~	~~No tax~~	84416
~~.16~~	~~\$.15~~		
~~.26~~	~~.25~~	~~2¢~~	84417
~~.39~~	~~.38~~	~~3¢~~	84418
~~.52~~	~~.51~~	~~4¢~~	84419
~~.65~~	~~.64~~	~~5¢~~	84420
~~.78~~	~~.77~~	~~6¢~~	84421
~~.91~~	~~.90~~	~~7¢~~	84422
~~1.04~~	~~1.03~~	~~8¢~~	84423
~~1.17~~	~~1.16~~	~~9¢~~	84424
~~1.30~~	~~1.29~~	~~10¢~~	84425
~~1.42~~	~~1.41~~	~~11¢~~	84426
~~1.55~~	~~1.54~~	~~12¢~~	84427
~~1.68~~	~~1.67~~	~~13¢~~	84428
~~1.81~~	~~1.80~~	~~14¢~~	84429
	~~1.93~~	~~15¢~~	84430

1.94	2.06	16¢	84431
2.07	2.19	17¢	84432
2.20	2.32	18¢	84433
2.33	2.45	19¢	84434
2.46	2.58	20¢	84435
2.59	2.70	21¢	84436
2.71	2.83	22¢	84437
2.84	2.96	23¢	84438
2.97	3.09	24¢	84439
3.10	3.22	25¢	84440
3.23	3.35	26¢	84441
3.36	3.48	27¢	84442
3.49	3.61	28¢	84443
3.62	3.74	29¢	84444
3.75	3.87	30¢	84445
3.88	4.00	31¢	84446

~~If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of state and local tax is eight per cent:~~

If the price	The amount of	84459
is at least	But not more than	84460
	the tax is	84461
		84462

\$.01	\$.15	No tax	84463
.16	.25	2¢	84464
.26	.37	3¢	84465
.38	.50	4¢	84466
.51	.62	5¢	84467
.63	.75	6¢	84468
.76	.87	7¢	84469
.88	1.00	8¢	84470

~~If the price exceeds one dollar, the tax is eight cents on~~ 84471
~~each one dollar. If the price exceeds one dollar or a multiple~~ 84472
~~thereof by not more than twelve cents, the amount of tax is eight~~ 84473
~~cents for each one dollar plus one cent. If the price exceeds one~~ 84474
~~dollar or a multiple thereof by more than twelve cents but not~~ 84475
~~more than twenty-five cents, the amount of tax is eight cents for~~ 84476
~~each one dollar plus two cents. If the price exceeds one dollar or~~ 84477
~~a multiple thereof by more than twenty-five cents, the amount of~~ 84478
~~tax is eight cents for each one dollar plus the amount of tax for~~ 84479
~~prices twenty-six cents through ninety-nine cents in accordance~~ 84480
~~with the schedule above.~~ 84481

~~(9) When the combined rate of state and local tax is eight~~ 84482
~~and one-fourth per cent:~~ 84483

~~If the price~~		~~The amount of~~	84484
~~is at least~~	~~But not more than~~	~~the tax is~~	84485
\$.01	\$.15	No tax	84486
.16	.24	2¢	84487
.25	.36	3¢	84488
.37	.48	4¢	84489
.49	.60	5¢	84490
.61	.72	6¢	84491
.73	.84	7¢	84492
.85	.96	8¢	84493
.97	1.09	9¢	84494

~~1.10~~	~~1.21~~	~~10¢~~	84495
~~1.22~~	~~1.33~~	~~11¢~~	84496
~~1.34~~	~~1.45~~	~~12¢~~	84497
~~1.46~~	~~1.57~~	~~13¢~~	84498
~~1.58~~	~~1.69~~	~~14¢~~	84499
~~1.70~~	~~1.81~~	~~15¢~~	84500
~~1.82~~	~~1.93~~	~~16¢~~	84501
~~1.94~~	~~2.06~~	~~17¢~~	84502
~~2.07~~	~~2.18~~	~~18¢~~	84503
~~2.19~~	~~2.30~~	~~19¢~~	84504
~~2.31~~	~~2.42~~	~~20¢~~	84505
~~2.43~~	~~2.54~~	~~21¢~~	84506
~~2.55~~	~~2.66~~	~~22¢~~	84507
~~2.67~~	~~2.78~~	~~23¢~~	84508
~~2.79~~	~~2.90~~	~~24¢~~	84509
~~2.91~~	~~3.03~~	~~25¢~~	84510
~~3.04~~	~~3.15~~	~~26¢~~	84511
~~3.16~~	~~3.27~~	~~27¢~~	84512
~~3.28~~	~~3.39~~	~~28¢~~	84513
~~3.40~~	~~3.51~~	~~29¢~~	84514
~~3.52~~	~~3.63~~	~~30¢~~	84515
~~3.64~~	~~3.75~~	~~31¢~~	84516
~~3.76~~	~~3.87~~	~~32¢~~	84517
~~3.88~~	~~4.00~~	~~33¢~~	84518

~~If the price exceeds four dollars, the tax is thirty-three~~ 84519
~~cents on each four dollars. If the price exceeds four dollars or a~~ 84520
~~multiple thereof by not more than eleven cents, the amount of tax~~ 84521
~~is thirty-three cents for each four dollars plus one cent. If the~~ 84522
~~price exceeds four dollars or a multiple thereof by more than~~ 84523
~~eleven cents but by not more than twenty-four cents, the amount of~~ 84524
~~tax is thirty-three cents for each four dollars plus two cents. If~~ 84525
~~the price exceeds four dollars or a multiple thereof by more than~~ 84526
~~twenty-four cents, the amount of tax is thirty-three cents for~~ 84527

~~each four dollars plus the amount of tax for prices twenty-six~~ 84528
~~cents through three dollars and ninety-nine cents in accordance~~ 84529
~~with the schedule above.~~ 84530

~~(10) When the combined rate of state and local tax is eight~~ 84531
~~and one-half per cent:~~ 84532

~~If the price~~ The amount of 84533

~~is at least~~ But not more than the tax is 84534

~~\$.01~~ ~~\$.15~~ ~~No tax~~ 84535

~~.16~~ ~~.23~~ ~~2¢~~ 84536

~~.24~~ ~~.35~~ ~~3¢~~ 84537

~~.36~~ ~~.47~~ ~~4¢~~ 84538

~~.48~~ ~~.58~~ ~~5¢~~ 84539

~~.59~~ ~~.70~~ ~~6¢~~ 84540

~~.71~~ ~~.82~~ ~~7¢~~ 84541

~~.83~~ ~~.94~~ ~~8¢~~ 84542

~~.95~~ ~~1.05~~ ~~9¢~~ 84543

~~1.06~~ ~~1.17~~ ~~10¢~~ 84544

~~1.18~~ ~~1.29~~ ~~11¢~~ 84545

~~1.30~~ ~~1.41~~ ~~12¢~~ 84546

~~1.42~~ ~~1.52~~ ~~13¢~~ 84547

~~1.53~~ ~~1.64~~ ~~14¢~~ 84548

~~1.65~~ ~~1.76~~ ~~15¢~~ 84549

~~1.77~~ ~~1.88~~ ~~16¢~~ 84550

~~1.89~~ ~~2.00~~ ~~17¢~~ 84551

~~If the price exceeds two dollars, the tax is seventeen cents~~ 84552

~~on each two dollars. If the price exceeds two dollars or a~~ 84553

~~multiple thereof by not more than eleven cents, the amount of tax~~ 84554

~~is seventeen cents for each two dollars plus one cent. If the~~ 84555

~~price exceeds two dollars or a multiple thereof by more than~~ 84556

~~eleven cents but by not more than twenty-three cents, the amount~~ 84557

~~of tax is seventeen cents for each two dollars plus two cents. If~~ 84558

~~the price exceeds two dollars or a multiple thereof by more than~~ 84559

~~twenty-three cents, the amount of tax is seventeen cents for each~~ 84560
~~two dollars plus the amount of tax for prices twenty-four cents~~ 84561
~~through one dollar and ninety-nine cents in accordance with the~~ 84562
~~schedule above.~~ 84563

~~(11) When the combined rate of state and local tax is eight~~ 84564
~~and three-fourths per cent:~~ 84565

~~If the price~~		~~The amount of~~	
~~is at least~~	~~But not more than~~	~~the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	84568
~~.16~~	~~.22~~	~~2¢~~	84569
~~.23~~	~~.34~~	~~3¢~~	84570
~~.35~~	~~.45~~	~~4¢~~	84571
~~.46~~	~~.57~~	~~5¢~~	84572
~~.58~~	~~.68~~	~~6¢~~	84573
~~.69~~	~~.80~~	~~7¢~~	84574
~~.81~~	~~.91~~	~~8¢~~	84575
~~.92~~	~~1.02~~	~~9¢~~	84576
~~1.03~~	~~1.14~~	~~10¢~~	84577
~~1.15~~	~~1.25~~	~~11¢~~	84578
~~1.26~~	~~1.37~~	~~12¢~~	84579
~~1.38~~	~~1.48~~	~~13¢~~	84580
~~1.49~~	~~1.60~~	~~14¢~~	84581
~~1.61~~	~~1.71~~	~~15¢~~	84582
~~1.72~~	~~1.82~~	~~16¢~~	84583
~~1.83~~	~~1.94~~	~~17¢~~	84584
~~1.95~~	~~2.05~~	~~18¢~~	84585
~~2.06~~	~~2.17~~	~~19¢~~	84586
~~2.18~~	~~2.28~~	~~20¢~~	84587
~~2.29~~	~~2.40~~	~~21¢~~	84588
~~2.41~~	~~2.51~~	~~22¢~~	84589
~~2.52~~	~~2.62~~	~~23¢~~	84590
~~2.63~~	~~2.74~~	~~24¢~~	84591

~~2.75~~	~~2.85~~	~~25¢~~	84592
~~2.86~~	~~2.97~~	~~26¢~~	84593
~~2.98~~	~~3.08~~	~~27¢~~	84594
~~3.09~~	~~3.20~~	~~28¢~~	84595
~~3.21~~	~~3.31~~	~~29¢~~	84596
~~3.32~~	~~3.42~~	~~30¢~~	84597
~~3.43~~	~~3.54~~	~~31¢~~	84598
~~3.55~~	~~3.65~~	~~32¢~~	84599
~~3.66~~	~~3.77~~	~~33¢~~	84600
~~3.78~~	~~3.88~~	~~34¢~~	84601
~~3.89~~	~~4.00~~	~~35¢~~	84602

~~If the price exceeds four dollars, the tax is thirty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty-three cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

~~If the price~~	~~The amount of~~	84617
~~is at least~~	~~the tax is~~	84618
~~\$.01~~	~~No tax~~	84619
~~.16~~	~~2¢~~	84620
~~.23~~	~~3¢~~	84621
~~.34~~	~~4¢~~	84622
~~.45~~	~~5¢~~	84623

~~.56~~	~~.66~~	~~6¢~~	84624
~~.67~~	~~.77~~	~~7¢~~	84625
~~.78~~	~~.88~~	~~8¢~~	84626
~~.89~~	~~1.00~~	~~9¢~~	84627

~~If the price exceeds one dollar, the tax is nine cents on~~ 84628
~~each one dollar. If the price exceeds one dollar or a multiple~~ 84629
~~thereof by not more than eleven cents, the amount of tax is nine~~ 84630
~~cents for each one dollar plus one cent. If the price exceeds one~~ 84631
~~dollar or a multiple thereof by more than eleven cents but by not~~ 84632
~~more than twenty-two cents, the amount of tax is nine cents for~~ 84633
~~each one dollar plus two cents. If the price exceeds one dollar or~~ 84634
~~a multiple thereof by more than twenty-two cents, the amount of~~ 84635
~~tax is nine cents for each one dollar plus the amount of tax for~~ 84636
~~prices twenty-three cents through ninety-nine cents in accordance~~ 84637
~~with the schedule above.~~ 84638

~~(C) On and after July 1, 2005, and on and before December 31,~~ 84639
~~2005, the combined taxes levied by sections 5739.02 and 5741.02~~ 84640
~~and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021,~~ 84641
~~5741.022, and 5741.023 of the Revised Code shall be collected in~~ 84642
~~accordance with the following schedules:~~ 84643

~~(1) When the total rate of local tax is one-fourth per cent:~~			84644
~~If the price~~	~~But not~~	~~The amount~~	84645
~~is at least~~	~~more than~~	~~of the tax is~~	84646
~~\$.01~~	~~\$.15~~	~~No tax~~	84647
~~.16~~	~~.17~~	~~1¢~~	84648
~~.18~~	~~.34~~	~~2¢~~	84649
~~.35~~	~~.52~~	~~3¢~~	84650
~~.53~~	~~.69~~	~~4¢~~	84651
~~.70~~	~~.86~~	~~5¢~~	84652
~~.87~~	~~1.04~~	~~6¢~~	84653
~~1.05~~	~~1.21~~	~~7¢~~	84654
~~1.22~~	~~1.39~~	~~8¢~~	84655

~~1.40~~	~~1.56~~	~~9¢~~	84656
~~1.57~~	~~1.73~~	~~10¢~~	84657
~~1.74~~	~~1.91~~	~~11¢~~	84658
~~1.92~~	~~2.08~~	~~12¢~~	84659
~~2.09~~	~~2.26~~	~~13¢~~	84660
~~2.27~~	~~2.43~~	~~14¢~~	84661
~~2.44~~	~~2.60~~	~~15¢~~	84662
~~2.61~~	~~2.78~~	~~16¢~~	84663
~~2.79~~	~~2.95~~	~~17¢~~	84664
~~2.96~~	~~3.13~~	~~18¢~~	84665
~~3.14~~	~~3.30~~	~~19¢~~	84666
~~3.31~~	~~3.47~~	~~20¢~~	84667
~~3.48~~	~~3.65~~	~~21¢~~	84668
~~3.66~~	~~3.82~~	~~22¢~~	84669
~~3.83~~	~~4.00~~	~~23¢~~	84670

~~If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of local tax is one-half per cent:~~

~~If the price~~	~~But not~~	~~The amount~~	84681
~~is at least~~	~~more than~~	~~of the tax is~~	84682
~~\$.01~~	~~\$.15~~	~~No tax~~	84683
~~.16~~	~~.17~~	~~1¢~~	84684
~~.18~~	~~.34~~	~~2¢~~	84685
~~.35~~	~~.50~~	~~3¢~~	84686
~~.51~~	~~.67~~	~~4¢~~	84687

~~.68~~	~~.83~~	~~5¢~~	84688
~~.84~~	~~1.00~~	~~6¢~~	84689

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.~~

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~~(3) When the combined rate of local tax is three-fourths per cent:~~

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~~If the price~~	~~But not~~	~~The amount~~	84700
~~is at least~~	~~more than~~	~~of the tax is~~	84701
~~\$.01~~	~~\$.15~~	~~No tax~~	84702
~~.16~~	~~.16~~	~~1¢~~	84703
~~.17~~	~~.32~~	~~2¢~~	84704
~~.33~~	~~.48~~	~~3¢~~	84705
~~.49~~	~~.64~~	~~4¢~~	84706
~~.65~~	~~.80~~	~~5¢~~	84707
~~.81~~	~~.96~~	~~6¢~~	84708
~~.97~~	~~1.12~~	~~7¢~~	84709
~~1.13~~	~~1.28~~	~~8¢~~	84710
~~1.29~~	~~1.44~~	~~9¢~~	84711
~~1.45~~	~~1.60~~	~~10¢~~	84712
~~1.61~~	~~1.76~~	~~11¢~~	84713
~~1.77~~	~~1.92~~	~~12¢~~	84714
~~1.93~~	~~2.08~~	~~13¢~~	84715
~~2.09~~	~~2.24~~	~~14¢~~	84716
~~2.25~~	~~2.40~~	~~15¢~~	84717
~~2.41~~	~~2.56~~	~~16¢~~	84718
~~2.57~~	~~2.72~~	~~17¢~~	84719

~~2.73~~	~~2.88~~	~~18¢~~	84720
~~2.89~~	~~3.04~~	~~19¢~~	84721
~~3.05~~	~~3.20~~	~~20¢~~	84722
~~3.21~~	~~3.36~~	~~21¢~~	84723
~~3.37~~	~~3.52~~	~~22¢~~	84724
~~3.53~~	~~3.68~~	~~23¢~~	84725
~~3.69~~	~~3.84~~	~~24¢~~	84726
~~3.85~~	~~4.00~~	~~25¢~~	84727

~~If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

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~~(4) When the combined rate of local tax is one per cent:~~			84737
~~If the price~~	~~But not~~	~~The amount~~	84738
~~is at least~~	~~more than~~	~~of the tax is~~	84739
~~\$.01~~	~~\$.15~~	~~No tax~~	84740
~~.16~~	~~.30~~	~~2¢~~	84741
~~.31~~	~~.46~~	~~3¢~~	84742
~~.47~~	~~.61~~	~~4¢~~	84743
~~.62~~	~~.76~~	~~5¢~~	84744
~~.77~~	~~.92~~	~~6¢~~	84745
~~.93~~	~~1.07~~	~~7¢~~	84746
~~1.08~~	~~1.23~~	~~8¢~~	84747
~~1.24~~	~~1.38~~	~~9¢~~	84748
~~1.39~~	~~1.53~~	~~10¢~~	84749
~~1.54~~	~~1.69~~	~~11¢~~	84750
~~1.70~~	~~1.84~~	~~12¢~~	84751

1.85	2.00	13¢	84752

If the price exceeds two dollars, the tax is thirteen cents	84753
on each two dollars. If the price exceeds two dollars or a	84754
multiple thereof by not more than fifteen cents, the amount of tax	84755
is thirteen cents for each two dollars plus one cent. If the price	84756
exceeds two dollars or a multiple thereof by more than fifteen	84757
cents, the amount of tax is thirteen cents for each two dollars	84758
plus the amount of tax for prices sixteen cents through one dollar	84759
and ninety-nine cents in accordance with the schedule above.	84760

(5) When the combined rate of local tax is one and one-fourth	84761
per cent:	84762

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	84763
.16	.29	2¢	84764
.30	.44	3¢	84765
.45	.59	4¢	84766
.60	.74	5¢	84767
.75	.88	6¢	84768
.89	1.03	7¢	84769
1.04	1.18	8¢	84770
1.19	1.33	9¢	84771
1.34	1.48	10¢	84772
1.49	1.62	11¢	84773
1.63	1.77	12¢	84774
1.78	1.92	13¢	84775
1.93	2.07	14¢	84776
2.08	2.22	15¢	84777
2.23	2.37	16¢	84778
2.38	2.51	17¢	84779
2.52	2.66	18¢	84780
2.67	2.81	19¢	84781

~~2.82~~	~~2.96~~	~~20¢~~	84784
~~2.97~~	~~3.11~~	~~21¢~~	84785
~~3.12~~	~~3.25~~	~~22¢~~	84786
~~3.26~~	~~3.40~~	~~23¢~~	84787
~~3.41~~	~~3.55~~	~~24¢~~	84788
~~3.56~~	~~3.70~~	~~25¢~~	84789
~~3.71~~	~~3.85~~	~~26¢~~	84790
~~3.86~~	~~4.00~~	~~27¢~~	84791

~~If the price exceeds four dollars, the tax is twenty-seven~~ 84792
~~cents on each four dollars. If the price exceeds four dollars or a~~ 84793
~~multiple thereof by not more than fourteen cents, the amount of~~ 84794
~~tax is twenty-seven cents for each four dollars plus one cent. If~~ 84795
~~the price exceeds four dollars or a multiple thereof by more than~~ 84796
~~fourteen but by not more than twenty-nine cents, the amount of tax~~ 84797
~~is twenty-seven cents for each four dollars plus two cents. If the~~ 84798
~~price exceeds four dollars or a multiple thereof by more than~~ 84799
~~twenty-nine cents the amount of tax is twenty-seven cents for each~~ 84800
~~four dollars plus the amount of tax for prices thirty cents~~ 84801
~~through three dollars and ninety-nine cents in accordance with the~~ 84802
~~schedule above.~~ 84803

~~(6) When the combined rate of local tax is one and one-half~~ 84804
~~per cent:~~ 84805

~~If the price~~	~~But not~~	~~The amount~~	84806
~~is at least~~	~~more than~~	~~of the tax is~~	84807
~~\$.01~~	~~\$.15~~	~~No tax~~	84808
~~.16~~	~~.28~~	~~2¢~~	84809
~~.29~~	~~.42~~	~~3¢~~	84810
~~.43~~	~~.57~~	~~4¢~~	84811
~~.58~~	~~.71~~	~~5¢~~	84812
~~.72~~	~~.85~~	~~6¢~~	84813
~~.86~~	~~1.00~~	~~7¢~~	84814

~~If the price exceeds one dollar, the tax is seven cents on~~ 84815

~~each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety-nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three-fourths per cent:~~

~~If the price~~	~~But not~~	~~The amount~~	
~~is at least~~	~~more than~~	~~of the tax is~~	
~~\$.01~~	~~\$.15~~	~~No tax~~	
~~.16~~	~~.27~~	~~2¢~~	
~~.28~~	~~.41~~	~~3¢~~	
~~.42~~	~~.55~~	~~4¢~~	
~~.56~~	~~.68~~	~~5¢~~	
~~.69~~	~~.82~~	~~6¢~~	
~~.83~~	~~.96~~	~~7¢~~	
~~.97~~	~~1.10~~	~~8¢~~	
~~1.11~~	~~1.24~~	~~9¢~~	
~~1.25~~	~~1.37~~	~~10¢~~	
~~1.38~~	~~1.51~~	~~11¢~~	
~~1.52~~	~~1.65~~	~~12¢~~	
~~1.66~~	~~1.79~~	~~13¢~~	
~~1.80~~	~~1.93~~	~~14¢~~	
~~1.94~~	~~2.06~~	~~15¢~~	
~~2.07~~	~~2.20~~	~~16¢~~	
~~2.21~~	~~2.34~~	~~17¢~~	
~~2.35~~	~~2.48~~	~~18¢~~	
~~2.49~~	~~2.62~~	~~19¢~~	
~~2.63~~	~~2.75~~	~~20¢~~	
~~2.76~~	~~2.89~~	~~21¢~~	

~~2.90~~	~~3.03~~	~~22¢~~	84848
~~3.04~~	~~3.17~~	~~23¢~~	84849
~~3.18~~	~~3.31~~	~~24¢~~	84850
~~3.32~~	~~3.44~~	~~25¢~~	84851
~~3.45~~	~~3.58~~	~~26¢~~	84852
~~3.59~~	~~3.72~~	~~27¢~~	84853
~~3.73~~	~~3.86~~	~~28¢~~	84854
~~3.87~~	~~4.00~~	~~29¢~~	84855

~~If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of local tax is two per cent:~~

~~If the price~~	~~But not~~	~~The amount~~	84869
~~is at least~~	~~more than~~	~~of the tax is~~	84870
~~\$.01~~	~~\$.15~~	~~No tax~~	84871
~~.16~~	~~.26~~	~~2¢~~	84872
~~.27~~	~~.40~~	~~3¢~~	84873
~~.41~~	~~.53~~	~~4¢~~	84874
~~.54~~	~~.65~~	~~5¢~~	84875
~~.66~~	~~.80~~	~~6¢~~	84876
~~.81~~	~~.93~~	~~7¢~~	84877
~~.94~~	~~1.06~~	~~8¢~~	84878
~~1.07~~	~~1.20~~	~~9¢~~	84879

~~1.21~~	~~1.33~~	~~10¢~~	84880
~~1.34~~	~~1.46~~	~~11¢~~	84881
~~1.47~~	~~1.60~~	~~12¢~~	84882
~~1.61~~	~~1.73~~	~~13¢~~	84883
~~1.74~~	~~1.86~~	~~14¢~~	84884
~~1.87~~	~~2.00~~	~~15¢~~	84885

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one-fourth per cent:~~

~~If the price~~	~~But not~~	~~The amount~~	84896
~~is at least~~	~~more than~~	~~of the tax is~~	84897
~~\$.01~~	~~\$.15~~	~~No tax~~	84898
~~.16~~	~~.25~~	~~2¢~~	84899
~~.26~~	~~.38~~	~~3¢~~	84900
~~.39~~	~~.51~~	~~4¢~~	84901
~~.52~~	~~.64~~	~~5¢~~	84902
~~.65~~	~~.77~~	~~6¢~~	84903
~~.78~~	~~.90~~	~~7¢~~	84904
~~.91~~	~~1.03~~	~~8¢~~	84905
~~1.04~~	~~1.16~~	~~9¢~~	84906
~~1.17~~	~~1.29~~	~~10¢~~	84907
~~1.30~~	~~1.41~~	~~11¢~~	84908
~~1.42~~	~~1.54~~	~~12¢~~	84909
~~1.55~~	~~1.67~~	~~13¢~~	84910
~~1.68~~	~~1.80~~	~~14¢~~	84911

1.81	1.93	15¢	84912
1.94	2.06	16¢	84913
2.07	2.19	17¢	84914
2.20	2.32	18¢	84915
2.33	2.45	19¢	84916
2.46	2.58	20¢	84917
2.59	2.70	21¢	84918
2.71	2.83	22¢	84919
2.84	2.96	23¢	84920
2.97	3.09	24¢	84921
3.10	3.22	25¢	84922
3.23	3.35	26¢	84923
3.36	3.48	27¢	84924
3.49	3.61	28¢	84925
3.62	3.74	29¢	84926
3.75	3.87	30¢	84927
3.88	4.00	31¢	84928

~~If the price exceeds four dollars, the tax is thirty one~~ 84929
~~cents on each four dollars. If the price exceeds four dollars or a~~ 84930
~~multiple thereof by not more than twelve cents, the amount of tax~~ 84931
~~is thirty one cents for each four dollars plus one cent. If the~~ 84932
~~price exceeds four dollars or a multiple thereof by more than~~ 84933
~~twelve cents but not more than twenty five cents, the amount of~~ 84934
~~tax is thirty one cents for each four dollars plus two cents. If~~ 84935
~~the price exceeds four dollars or a multiple thereof by more than~~ 84936
~~twenty five cents, the amount of tax is thirty one cents for each~~ 84937
~~four dollars plus the amount of tax for prices twenty six cents~~ 84938
~~through three dollars and ninety nine cents in accordance with the~~ 84939
~~schedule above.~~ 84940

~~(10) When the combined rate of local tax is two and one half~~ 84941
~~per cent:~~ 84942

~~If the price~~	~~But not~~	~~The amount~~	84943

~~is at least~~	~~more than~~	~~of the tax is~~	84944
~~\$.01~~	~~\$.15~~	~~No tax~~	84945
~~.16~~	~~.25~~	~~2¢~~	84946
~~.26~~	~~.37~~	~~3¢~~	84947
~~.38~~	~~.50~~	~~4¢~~	84948
~~.51~~	~~.62~~	~~5¢~~	84949
~~.63~~	~~.75~~	~~6¢~~	84950
~~.76~~	~~.87~~	~~7¢~~	84951
~~.88~~	~~1.00~~	~~8¢~~	84952

~~If the price exceeds one dollar, the tax is eight cents on~~ 84953
~~each one dollar. If the price exceeds one dollar or a multiple~~ 84954
~~thereof by not more than twelve cents, the amount of tax is eight~~ 84955
~~cents for each one dollar plus one cent. If the price exceeds one~~ 84956
~~dollar or a multiple thereof by more than twelve cents but not~~ 84957
~~more than twenty five cents, the amount of tax is eight cents for~~ 84958
~~each one dollar plus two cents. If the price exceeds one dollar or~~ 84959
~~a multiple thereof by more than twenty five cents, the amount of~~ 84960
~~tax is eight cents for each one dollar plus the amount of tax for~~ 84961
~~prices twenty six cents through ninety nine cents in accordance~~ 84962
~~with the schedule above.~~ 84963

~~(11) When the combined rate of local tax is two and~~ 84964
~~three fourths per cent:~~ 84965

~~If the price~~	~~But not~~	~~The amount~~	84966
~~is at least~~	~~more than~~	~~of the tax is~~	84967
~~\$.01~~	~~\$.15~~	~~No tax~~	84968
~~.16~~	~~.24~~	~~2¢~~	84969
~~.25~~	~~.36~~	~~3¢~~	84970
~~.37~~	~~.48~~	~~4¢~~	84971
~~.49~~	~~.60~~	~~5¢~~	84972
~~.61~~	~~.72~~	~~6¢~~	84973
~~.73~~	~~.84~~	~~7¢~~	84974
~~.85~~	~~.96~~	~~8¢~~	84975

~~.97~~	~~1.09~~	~~9¢~~	84976
~~1.10~~	~~1.21~~	~~10¢~~	84977
~~1.22~~	~~1.33~~	~~11¢~~	84978
~~1.34~~	~~1.45~~	~~12¢~~	84979
~~1.46~~	~~1.57~~	~~13¢~~	84980
~~1.58~~	~~1.69~~	~~14¢~~	84981
~~1.70~~	~~1.81~~	~~15¢~~	84982
~~1.82~~	~~1.93~~	~~16¢~~	84983
~~1.94~~	~~2.06~~	~~17¢~~	84984
~~2.07~~	~~2.18~~	~~18¢~~	84985
~~2.19~~	~~2.30~~	~~19¢~~	84986
~~2.31~~	~~2.42~~	~~20¢~~	84987
~~2.43~~	~~2.54~~	~~21¢~~	84988
~~2.55~~	~~2.66~~	~~22¢~~	84989
~~2.67~~	~~2.78~~	~~23¢~~	84990
~~2.79~~	~~2.90~~	~~24¢~~	84991
~~2.91~~	~~3.03~~	~~25¢~~	84992
~~3.04~~	~~3.15~~	~~26¢~~	84993
~~3.16~~	~~3.27~~	~~27¢~~	84994
~~3.28~~	~~3.39~~	~~28¢~~	84995
~~3.40~~	~~3.51~~	~~29¢~~	84996
~~3.52~~	~~3.63~~	~~30¢~~	84997
~~3.64~~	~~3.75~~	~~31¢~~	84998
~~3.76~~	~~3.87~~	~~32¢~~	84999
~~3.88~~	~~4.00~~	~~33¢~~	85000

~~If the price exceeds four dollars, the tax is thirty-three~~ 85001
~~cents on each four dollars. If the price exceeds four dollars or a~~ 85002
~~multiple thereof by not more than eleven cents, the amount of tax~~ 85003
~~is thirty-three cents for each four dollars plus one cent. If the~~ 85004
~~price exceeds four dollars or a multiple thereof by more than~~ 85005
~~eleven cents but not more than twenty-four cents, the amount of~~ 85006
~~tax is thirty-three cents for each four dollars plus two cents. If~~ 85007
~~the price exceeds four dollars or a multiple thereof by more than~~ 85008

~~twenty-four cents, the amount of tax is thirty-three cents for~~ 85009
~~each four dollars plus the amount of tax for prices twenty-six~~ 85010
~~cents through three dollars and ninety-nine cents in accordance~~ 85011
~~with the schedule above.~~ 85012

~~(12) When the combined rate of local tax is three per cent:~~ 85013

~~If the price~~	~~But not~~	~~The amount~~	

 85014

~~is at least~~	~~more than~~	~~of the tax is~~	

 85015

~~\$.01~~	~~\$.15~~	~~No tax~~	

 85016

~~.16~~	~~.23~~	~~2¢~~	85017

~~.24~~	~~.35~~	~~3¢~~	85018

~~.36~~	~~.47~~	~~4¢~~	85019

~~.48~~	~~.58~~	~~5¢~~	85020

~~.59~~	~~.70~~	~~6¢~~	85021

~~.71~~	~~.82~~	~~7¢~~	85022

~~.83~~	~~.94~~	~~8¢~~	85023

~~.95~~	~~1.05~~	~~9¢~~	85024

~~1.06~~	~~1.17~~	~~10¢~~	85025

~~1.18~~	~~1.29~~	~~11¢~~	85026

~~1.30~~	~~1.41~~	~~12¢~~	85027

~~1.42~~	~~1.52~~	~~13¢~~	85028

~~1.53~~	~~1.64~~	~~14¢~~	85029

~~1.65~~	~~1.76~~	~~15¢~~	85030

~~1.77~~	~~1.88~~	~~16¢~~	85031

~~1.89~~	~~2.00~~	~~17¢~~	85032

~~If the price exceeds two dollars, the tax is seventeen cents~~ 85033

~~on each two dollars. If the price exceeds two dollars or a~~ 85034

~~multiple thereof by not more than eleven cents, the amount of tax~~ 85035

~~is seventeen cents for each two dollars plus one cent. If the~~ 85036

~~price exceeds two dollars or a multiple thereof by more than~~ 85037

~~eleven cents but not more than twenty-three cents, the amount of~~ 85038

~~tax is seventeen cents for each two dollars plus two cents. If the~~ 85039

~~price exceeds two dollars or a multiple thereof by more than~~ 85040

~~twenty-three cents, the amount of tax is seventeen cents for each~~ 85041
~~two dollars plus the amount of tax for prices twenty-four cents~~ 85042
~~through one dollar and ninety-nine cents in accordance with the~~ 85043
~~schedule above.~~ 85044

~~(D) In lieu of collecting the tax pursuant to the schedules~~ 85045
~~set forth in divisions (A), (B), and (C) of this section, a vendor~~ 85046
~~may compute the tax on each sale as follows:~~ 85047

~~(1) On sales of fifteen cents or less, no tax shall apply.~~ 85048

~~(2) On sales in excess of fifteen cents, multiply the price~~ 85049
~~by the aggregate rate of taxes in effect under sections 5739.02~~ 85050
~~and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021,~~ 85051
~~5741.022, and 5741.023 of the Revised Code. The computation shall~~ 85052
~~be carried out to six decimal places. If the result is a~~ 85053
~~fractional amount of a cent, the calculated tax shall be increased~~ 85054
~~to the next highest cent and that amount shall be collected by the~~ 85055
~~vendor.~~ 85056

~~(E) On and after January 1, 2006, a (A) A vendor shall~~ 85057
~~compute the tax on each sale by multiplying the price by the~~ 85058
~~aggregate rate of taxes in effect under sections 5739.02 and~~ 85059
~~5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021,~~ 85060
~~5741.022, and 5741.023 of the Revised Code. The computation shall~~ 85061
~~be carried out to three decimal places. If the result is a~~ 85062
~~fractional amount of a cent, the calculated tax shall be rounded~~ 85063
~~to a whole cent using a method that rounds up to the next cent~~ 85064
~~whenever the third decimal place is greater than four. A vendor~~ 85065
~~may elect to compute the tax due on a transaction on an item or an~~ 85066
~~invoice basis.~~ 85067

~~(F)(B)~~ In auditing a vendor, the tax commissioner shall 85068
consider the method prescribed by this section that was used by 85069
the vendor in determining and collecting the tax due under this 85070
chapter on taxable transactions. If the vendor correctly collects 85071

and remits the tax due under this chapter in accordance with the 85072
~~schedules in divisions (A), (B), and (C) of this section or in~~ 85073
~~accordance with the~~ computation prescribed in division ~~(D) or (E)~~ 85074
(A) of this section, the commissioner shall not assess any 85075
additional tax on those transactions. 85076

~~(G)(C)~~(1) With respect to a sale of a fractional ownership 85077
program aircraft used primarily in a fractional aircraft ownership 85078
program, including all accessories attached to such aircraft, the 85079
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 85080
of this section, provided that the tax commissioner shall modify 85081
those calculations so that the maximum tax on each program 85082
aircraft is eight hundred dollars. In the case of a sale of a 85083
fractional interest that is less than one hundred per cent of the 85084
program aircraft, the tax charged on the transaction shall be 85085
eight hundred dollars multiplied by a fraction, the numerator of 85086
which is the percentage of ownership or possession in the aircraft 85087
being purchased in the transaction, and the denominator of which 85088
is one hundred per cent. 85089

(2) Notwithstanding any other provision of law to the 85090
contrary, the tax calculated under division ~~(G)(C)~~(1) of this 85091
section and paid with respect to the sale of a fractional 85092
ownership program aircraft used primarily in a fractional aircraft 85093
ownership program shall be credited to the general revenue fund. 85094

Sec. 5739.033. (A) The amount of tax due pursuant to sections 85095
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 85096
the sum of the taxes imposed pursuant to those sections at the 85097
sourcing location of the sale as determined under this section or, 85098
if applicable, under division (C) of section 5739.031 or section 85099
5739.034 of the Revised Code. This section applies only to a 85100
vendor's or seller's obligation to collect and remit sales taxes 85101
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 85102

Revised Code or use taxes under section 5741.02, 5741.021, 85103
5741.022, or 5741.023 of the Revised Code. Division (A) of this 85104
section does not apply in determining the jurisdiction for which 85105
sellers are required to collect the use tax under section 5741.05 85106
of the Revised Code. This section does not affect the obligation 85107
of a consumer to remit use taxes on the storage, use, or other 85108
consumption of tangible personal property or on the benefit 85109
realized of any service provided, to the jurisdiction of that 85110
storage, use, or consumption, or benefit realized. 85111

(B)(1) Beginning January 1, 2010, retail sales, excluding the 85112
lease or rental, of tangible personal property or digital goods 85113
shall be sourced to the location where the vendor receives an 85114
order for the sale of such property or goods if: 85115

(a) The vendor receives the order in this state and the 85116
consumer receives the property or goods in this state; 85117

(b) The location where the consumer receives the property or 85118
goods is determined under division (C)(2), (3), or (4) of this 85119
section; and 85120

(c) The record-keeping system used by the vendor to calculate 85121
the tax imposed captures the location where the order is received 85122
at the time the order is received. 85123

(2) A consumer has no additional liability to this state 85124
under this chapter or Chapter 5741. of the Revised Code for tax, 85125
penalty, or interest on a sale for which the consumer remits tax 85126
to the vendor in the amount invoiced by the vendor if the invoice 85127
amount is calculated at either the rate applicable to the location 85128
where the consumer receives the property or digital good or at the 85129
rate applicable to the location where the order is received by the 85130
vendor. A consumer may rely on a written representation by the 85131
vendor as to the location where the order for the sale was 85132
received by the vendor. If the consumer does not have a written 85133

representation by the vendor as to the location where the order 85134
was received by the vendor, the consumer may use a location 85135
indicated by a business address for the vendor that is available 85136
from records that are maintained in the ordinary course of the 85137
consumer's business to determine the rate applicable to the 85138
location where the order was received. 85139

(3) For the purposes of division (B) of this section, the 85140
location where an order is received by or on behalf of a vendor 85141
means the physical location of the vendor or a third party such as 85142
an established outlet, office location, or automated order receipt 85143
system operated by or on behalf of the vendor, where an order is 85144
initially received by or on behalf of the vendor, and not where 85145
the order may be subsequently accepted, completed, or fulfilled. 85146
An order is received when all necessary information to determine 85147
whether the order can be accepted has been received by or on 85148
behalf of the vendor. The location from which the property or 85149
digital good is shipped shall not be used to determine the 85150
location where the order is received by the vendor. 85151

(4) For the purposes of division (B) of this section, if 85152
services subject to taxation under this chapter or Chapter 5741. 85153
of the Revised Code are sold with tangible personal property or 85154
digital goods pursuant to a single contract or in the same 85155
transaction, the services are billed on the same billing statement 85156
or invoice, and, because of the application of division (B) of 85157
this section, the transaction would be sourced to more than one 85158
jurisdiction, the situs of the transaction shall be the location 85159
where the order is received by or on behalf of the vendor. 85160

(C) Except for sales, other than leases, of titled motor 85161
vehicles, titled watercraft, or titled outboard motors as provided 85162
in section 5741.05 of the Revised Code, or as otherwise provided 85163
in this section and section 5739.034 of the Revised Code, all 85164
sales shall be sourced as follows: 85165

(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a

shipping company on behalf of a consumer. 85197

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 85198
section, a business consumer that is not a holder of a direct 85199
payment permit granted under section 5739.031 of the Revised Code, 85200
that purchases a digital good, computer software, except computer 85201
software received in person by a business consumer at a vendor's 85202
place of business, or a service, and that knows at the time of 85203
purchase that such digital good, software, or service will be 85204
concurrently available for use in more than one taxing 85205
jurisdiction shall deliver to the vendor in conjunction with its 85206
purchase an exemption certificate claiming multiple points of use, 85207
or shall meet the requirements of division (D)(2) of this section. 85208
On receipt of the exemption certificate claiming multiple points 85209
of use, the vendor is relieved of its obligation to collect, pay, 85210
or remit the tax due, and the business consumer must pay the tax 85211
directly to the state. 85212

(b) A business consumer that delivers the exemption 85213
certificate claiming multiple points of use to a vendor may use 85214
any reasonable, consistent, and uniform method of apportioning the 85215
tax due on the digital good, computer software, or service that is 85216
supported by the consumer's business records as they existed at 85217
the time of the sale. The business consumer shall report and pay 85218
the appropriate tax to each jurisdiction where concurrent use 85219
occurs. The tax due shall be calculated as if the apportioned 85220
amount of the digital good, computer software, or service had been 85221
delivered to each jurisdiction to which the sale is apportioned 85222
under this division. 85223

(c) The exemption certificate claiming multiple points of use 85224
shall remain in effect for all future sales by the vendor to the 85225
business consumer until it is revoked in writing by the business 85226
consumer, except as to the business consumer's specific 85227
apportionment of a subsequent sale under division (D)(1)(b) of 85228

this section and the facts existing at the time of the sale. 85229

(2) When the vendor knows that a digital good, computer 85230
software, or service sold will be concurrently available for use 85231
by the business consumer in more than one jurisdiction, but the 85232
business consumer does not provide an exemption certificate 85233
claiming multiple points of use as required by division (D)(1) of 85234
this section, the vendor may work with the business consumer to 85235
produce the correct apportionment. Governed by the principles of 85236
division (D)(1)(b) of this section, the vendor and business 85237
consumer may use any reasonable, but consistent and uniform, 85238
method of apportionment that is supported by the vendor's and 85239
business consumer's books and records as they exist at the time 85240
the sale is reported for purposes of the taxes levied under this 85241
chapter. If the business consumer certifies to the accuracy of the 85242
apportionment and the vendor accepts the certification, the vendor 85243
shall collect and remit the tax accordingly. In the absence of bad 85244
faith, the vendor is relieved of any further obligation to collect 85245
tax on any transaction where the vendor has collected tax pursuant 85246
to the information certified by the business consumer. 85247

(3) When the vendor knows that the digital good, computer 85248
software, or service will be concurrently available for use in 85249
more than one jurisdiction, and the business consumer does not 85250
have a direct pay permit and does not provide to the vendor an 85251
exemption certificate claiming multiple points of use as required 85252
in division (D)(1) of this section, or certification pursuant to 85253
division (D)(2) of this section, the vendor shall collect and 85254
remit the tax based on division (C) of this section. 85255

(4) Nothing in this section shall limit a person's obligation 85256
for sales or use tax to any state in which a digital good, 85257
computer software, or service is concurrently available for use, 85258
nor limit a person's ability under local, state, or federal law, 85259
to claim a credit for sales or use taxes legally due and paid to 85260

other jurisdictions. 85261

(E) A person who holds a direct payment permit issued under 85262
section 5739.031 of the Revised Code is not required to deliver an 85263
exemption certificate claiming multiple points of use to a vendor. 85264
But such permit holder shall comply with division (D)(2) of this 85265
section in apportioning the tax due on a digital good, computer 85266
software, or a service for use in business that will be 85267
concurrently available for use in more than one taxing 85268
jurisdiction. 85269

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 85270
section, the consumer of advertising and promotional direct mail 85271
or other direct mail that is not a holder of a direct payment 85272
permit ~~shall~~ may provide to the vendor in conjunction with the 85273
sale ~~either an~~ a fully completed exemption certificate claiming 85274
direct mail prescribed by the tax commissioner, or, if the direct 85275
mail is advertising and promotional direct mail, information to 85276
show the jurisdictions to which ~~the~~ that direct mail is delivered 85277
to recipients. 85278

~~(2) Upon~~ (b) In the absence of bad faith, upon receipt of 85279
such an exemption certificate, the vendor is relieved of all 85280
obligations to collect, pay, or remit the applicable tax and the 85281
consumer is obligated to pay that tax on a direct pay basis. An 85282
exemption certificate claiming direct mail shall remain in effect 85283
for all future sales of direct mail by the vendor to the consumer 85284
until it is revoked in writing. 85285

~~(3)(c)~~ Upon receipt of information from the consumer showing 85286
the jurisdictions to which ~~the~~ advertising and promotional direct 85287
mail is delivered to recipients, the vendor shall collect the tax 85288
according to the delivery information provided by the consumer. In 85289
the absence of bad faith, the vendor is relieved of any further 85290
obligation to collect tax on any transaction where the vendor has 85291
collected tax pursuant to the delivery information provided by the 85292

consumer. 85293

~~(4)(d)~~ If the consumer of advertising and promotional direct 85294
mail or other direct mail does not have a direct payment permit 85295
and does not provide the vendor with either an exemption 85296
certificate claiming direct mail or, if applicable, delivery 85297
information as required by division (F)(1)(a) of this section, the 85298
vendor shall collect the tax according to division (C)(5) of this 85299
section in the case of advertising and promotional direct mail or 85300
division (C)(3) of this section in the case of other direct mail. 85301
Nothing in division (F)~~(4)(1)(d)~~ of this section shall limit a 85302
consumer's obligation to pay sales or use tax to any state to 85303
which the direct mail is delivered. 85304

~~(5)(e)~~ If a consumer of advertising and promotional direct 85305
mail or other direct mail provides the vendor with documentation 85306
of direct payment authority, the consumer shall not be required to 85307
provide an exemption certificate claiming direct mail or, if 85308
applicable, delivery information to the vendor. 85309

(2) As used in division (F) of this section: 85310

(a) "Direct mail" means printed material delivered or 85311
distributed by United States mail or other delivery service to a 85312
mass audience or to addressees on a mailing list provided by the 85313
consumer or at the direction of the consumer when the cost of the 85314
items are not billed directly to the recipients. "Direct mail" 85315
includes tangible personal property supplied directly or 85316
indirectly by the consumer to the direct mail vendor for inclusion 85317
in the package containing the printed material. "Direct mail" does 85318
not include multiple items of printed material delivered to a 85319
single address. 85320

(b) "Advertising and promotional direct mail" means direct 85321
mail, the primary purpose of which is to attract public attention 85322
to a product, person, business, or organization, or to attempt to 85323

sell, popularize, or secure financial support for a product, 85324
person, business, or organization. As used in division (F)(2)(b) 85325
of this section, "product" means tangible personal property, 85326
whether transferred electronically or otherwise, or a service. 85327

(c) "Other direct mail" means direct mail that is not 85328
advertising and promotional direct mail, regardless of whether 85329
advertising and promotional direct mail is included in the same 85330
mailing. "Other direct mail" includes all of the following: 85331

(i) Transactional direct mail that contains personal 85332
information specific to the addressee, including invoices, bills, 85333
statements of account, and payroll advices; 85334

(ii) Any legally required mailings, including privacy 85335
notices, tax reports, and stockholder reports; 85336

(iii) Other nonpromotional direct mail delivered to existing 85337
or former shareholders, customers, employees, or agents, including 85338
newsletter and informational pieces. 85339

"Other direct mail" does not include the development of 85340
billing information or the provision of any data processing 85341
service that is more than incidental. 85342

(G) If the vendor provides lodging to transient guests as 85343
specified in division (B)(2) of section 5739.01 of the Revised 85344
Code, the sale shall be sourced to the location where the lodging 85345
is located. 85346

(H)(1) As used in this division and division (I) of this 85347
section, "transportation equipment" means any of the following: 85348

(a) Locomotives and railcars that are utilized for the 85349
carriage of persons or property in interstate commerce. 85350

(b) Trucks and truck-tractors with a gross vehicle weight 85351
rating of greater than ten thousand pounds, trailers, 85352
semi-trailers, or passenger buses that are registered through the 85353

international registration plan and are operated under authority 85354
of a carrier authorized and certificated by the United States 85355
department of transportation or another federal authority to 85356
engage in the carriage of persons or property in interstate 85357
commerce. 85358

(c) Aircraft that are operated by air carriers authorized and 85359
certificated by the United States department of transportation or 85360
another federal authority to engage in the carriage of persons or 85361
property in interstate or foreign commerce. 85362

(d) Containers designed for use on and component parts 85363
attached to or secured on the items set forth in division 85364
(H)(1)(a), (b), or (c) of this section. 85365

(2) A sale, lease, or rental of transportation equipment 85366
shall be sourced pursuant to division (C) of this section. 85367

(I)(1) A lease or rental of tangible personal property that 85368
does not require recurring periodic payments shall be sourced 85369
pursuant to division (C) of this section. 85370

(2) A lease or rental of tangible personal property that 85371
requires recurring periodic payments shall be sourced as follows: 85372

(a) In the case of a motor vehicle, other than a motor 85373
vehicle that is transportation equipment, or an aircraft, other 85374
than an aircraft that is transportation equipment, such lease or 85375
rental shall be sourced as follows: 85376

(i) An accelerated tax payment on a lease or rental taxed 85377
pursuant to division (A)(2) of section 5739.02 of the Revised Code 85378
shall be sourced to the primary property location at the time the 85379
lease or rental is consummated. Any subsequent taxable charges on 85380
the lease or rental shall be sourced to the primary property 85381
location for the period in which the charges are incurred. 85382

(ii) For a lease or rental taxed pursuant to division (A)(3) 85383

of section 5739.02 of the Revised Code, each lease or rental 85384
installment shall be sourced to the primary property location for 85385
the period covered by the installment. 85386

(b) In the case of a lease or rental of all other tangible 85387
personal property, other than transportation equipment, such lease 85388
or rental shall be sourced as follows: 85389

(i) An accelerated tax payment on a lease or rental that is 85390
taxed pursuant to division (A)(2) of section 5739.02 of the 85391
Revised Code shall be sourced pursuant to division (C) of this 85392
section at the time the lease or rental is consummated. Any 85393
subsequent taxable charges on the lease or rental shall be sourced 85394
to the primary property location for the period in which the 85395
charges are incurred. 85396

(ii) For a lease or rental that is taxed pursuant to division 85397
(A)(3) of section 5739.02 of the Revised Code, the initial lease 85398
or rental installment shall be sourced pursuant to division (C) of 85399
this section. Each subsequent installment shall be sourced to the 85400
primary property location for the period covered by the 85401
installment. 85402

(3) As used in division (I) of this section, "primary 85403
property location" means an address for tangible personal property 85404
provided by the lessee or renter that is available to the lessor 85405
or owner from its records maintained in the ordinary course of 85406
business, when use of that address does not constitute bad faith. 85407

(J) If the vendor provides a service specified in division 85408
(B)(11) of section 5739.01 of the Revised Code, the situs of the 85409
sale is the location of the enrollee for whom a medicaid health 85410
insurance corporation receives managed care premiums. Such sales 85411
shall be sourced to the locations of the enrollees in the same 85412
proportion as the managed care premiums received by the medicaid 85413
health insuring corporation on behalf of enrollees located in a 85414

particular taxing jurisdiction in Ohio as compared to all managed 85415
care premiums received by the medicaid health insuring 85416
corporation. 85417

Sec. 5739.10. (A) In addition to the tax levied by section 85418
5739.02 of the Revised Code and any tax levied pursuant to section 85419
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 85420
the same objectives specified in those sections, there is hereby 85421
levied upon the privilege of engaging in the business of making 85422
retail sales, an excise tax equal to the tax levied by section 85423
5739.02 of the Revised Code, or, in the case of retail sales 85424
subject to a tax levied pursuant to section 5739.021, 5739.023, or 85425
5739.026 of the Revised Code, a percentage equal to the aggregate 85426
rate of such taxes and the tax levied by section 5739.02 of the 85427
Revised Code of the receipts derived from all retail sales, except 85428
those to which the excise tax imposed by section 5739.02 of the 85429
Revised Code is made inapplicable by division (B) of that section. 85430

(B) For the purpose of this section, no vendor shall be 85431
required to maintain records of sales of food for human 85432
consumption off the premises where sold, and no assessment shall 85433
be made against any vendor for sales of food for human consumption 85434
off the premises where sold, solely because the vendor has no 85435
records of, or has inadequate records of, such sales; provided 85436
that where a vendor does not have adequate records of receipts 85437
from the vendor's sales of food for human consumption on the 85438
premises where sold, the tax commissioner may refuse to accept the 85439
vendor's return and, upon the basis of test checks of the vendor's 85440
business for a representative period, and other information 85441
relating to the sales made by such vendor, determine the 85442
proportion that taxable retail sales bear to all of the vendor's 85443
retail sales. The tax imposed by this section shall be determined 85444
by deducting from the sum representing five six and ~~three-fourths~~ 85445
one-fourth per cent, as applicable under division (A) of this 85446

section, or, in the case of retail sales subject to a tax levied 85447
pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised 85448
Code, a percentage equal to the aggregate rate of such taxes and 85449
the tax levied by section 5739.02 of the Revised Code of the 85450
receipts from such retail sales, the amount of tax paid to the 85451
state or to a clerk of a court of common pleas. The section does 85452
not affect any duty of the vendor under sections 5739.01 to 85453
5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the 85454
liability of any consumer to pay any tax imposed by or pursuant to 85455
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 85456
Code. 85457

Sec. 5739.132. (A) If a tax ~~payment originally, fee, or~~ 85458
~~charge~~ due under this chapter or Chapter 128. or 5741. of the 85459
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 85460
the day the ~~tax payment~~ is required to be paid, interest shall 85461
accrue on the unpaid tax, fee, or charge at the rate per annum 85462
prescribed by section 5703.47 of the Revised Code from the day the 85463
tax, fee, or charge was required to be paid until the tax, fee, or 85464
charge is paid or until the day an assessment is issued under 85465
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 85466
first. Interest shall be paid in the same manner as the tax, fee, 85467
or charge, and may be collected by assessment. 85468

(B) ~~For tax payments due prior to January 1, 1998, interest~~ 85469
~~shall be allowed and paid upon any refund granted in respect to~~ 85470
~~the payment of an illegal or erroneous assessment issued by the~~ 85471
~~department for the tax imposed under this chapter or Chapter 5741.~~ 85472
~~of the Revised Code from the date of the overpayment. For tax~~ 85473
~~payments due on or after January 1, 1998, interest~~ Interest shall 85474
be allowed and paid on any refund granted pursuant to section 85475
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 85476
the overpayment. The interest shall be computed at the rate per 85477
annum prescribed by section 5703.47 of the Revised Code. 85478

Sec. 5739.18. The tax commissioner shall provide and maintain a system that will allow county auditors to issue vendor's licenses. County auditors shall use that system to issue vendor's licenses.

The commissioner shall publish lists of the following information on the department of taxation's web site:

(A) The name, account number, and business address of each holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license;

(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit;

(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration.

Sec. 5739.30. (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report, or statement.

(B) If any vendor required to file monthly returns under section 5739.12 of the Revised Code fails, on two consecutive months or on three or more months within a twelve-month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the tax commissioner to file semiannual

returns fails on two or more occasions within a twenty-four month 85509
period, to file such returns when due or to pay the tax due 85510
thereon, the commissioner may do any of the following: 85511

(1) Require the vendor to furnish security in an amount equal 85512
to the average tax liability of the vendor for a period of one 85513
year, as determined by the commissioner from a review of returns 85514
or other information pertaining to the vendor, which amount shall 85515
in no event be less than one thousand dollars. The security may be 85516
in the form of a corporate surety bond, satisfactory to the 85517
commissioner, conditioned upon payment of the tax due with the 85518
returns from the vendor. The security shall be filed within ten 85519
days following the vendor's receipt of the notice from the 85520
commissioner of its requirements. 85521

(2) Suspend the license issued to the vendor pursuant to 85522
section 5739.17 of the Revised Code. The suspension shall be 85523
effective ten days after service of written notice to the vendor 85524
of the commissioner's intention to do so. The notice shall be 85525
served upon the vendor personally, by certified mail, or by an 85526
alternative delivery service as authorized under section 5703.37 85527
of the Revised Code. On the first day of the suspension, the 85528
commissioner shall cause to be posted, at every public entrance of 85529
the vendor's premises, a notice identifying the vendor and the 85530
location and informing the public that the vendor's license is 85531
under suspension and that no retail sales may be transacted at 85532
that location. No person, other than the commissioner or the 85533
commissioner's agent or employee, shall remove, cover, or deface 85534
the posted notice. No license which has been suspended under this 85535
section shall be reinstated, and no posted notice shall be 85536
removed, until the vendor has filed complete and correct returns 85537
under this chapter and section 5747.07 of the Revised Code for all 85538
periods in which no return had been filed and has paid the full 85539
amount of the tax, penalties, ~~and or~~ other charges due ~~on those~~ 85540

returns. 85541

A corporate surety bond filed under this section shall be 85542
returned to the vendor if, for a period of twelve consecutive 85543
months following the date the bond was filed, the vendor has filed 85544
all returns and remitted payment with them within the time 85545
prescribed in section 5739.12 of the Revised Code. 85546

(C) The tax commissioner may suspend a license issued to a 85547
vendor pursuant to section 5739.17 of the Revised Code if the 85548
vendor is required, as an employer, to file returns or make 85549
payments under section 5747.07 of the Revised Code and the vendor 85550
fails to do either of the following: 85551

(1) File such returns when due on two consecutive occasions 85552
or on three or more occasions within a twelve-month period; 85553

(2) Pay the undeposited taxes when due on two consecutive 85554
occasions or on three or more occasions within a twelve-month 85555
period. 85556

Any such suspension shall comply with the provisions of 85557
division (B)(2) of this section. 85558

(D) If a vendor whose license has been suspended under 85559
division (B)(2) of this section fails to file returns or make 85560
payments under section 5747.07 of the Revised Code during such 85561
suspension, the license may not be reinstated, and the notice 85562
required by that division shall not be removed, until the vendor 85563
files complete and correct returns and pays the amounts due, plus 85564
any penalties and other related charges, under section 5747.07 of 85565
the Revised Code for all periods for which the vendor failed to 85566
file such returns and make such payments. 85567

Sec. 5741.02. (A)(1) For the use of the general revenue fund 85568
of the state, an excise tax is hereby levied on the storage, use, 85569
or other consumption in this state of tangible personal property 85570

or the benefit realized in this state of any service provided. The 85571
tax shall be collected as provided in section 5739.025 of the 85572
Revised Code. The rate of the tax shall be ~~five~~ six and 85573
~~three-fourths~~ one-fourth per cent. 85574

(2) In the case of the lease or rental, with a fixed term of 85575
more than thirty days or an indefinite term with a minimum period 85576
of more than thirty days, of any motor vehicles designed by the 85577
manufacturer to carry a load of not more than one ton, watercraft, 85578
outboard motor, or aircraft, or of any tangible personal property, 85579
other than motor vehicles designed by the manufacturer to carry a 85580
load of more than one ton, to be used by the lessee or renter 85581
primarily for business purposes, the tax shall be collected by the 85582
seller at the time the lease or rental is consummated and shall be 85583
calculated by the seller on the basis of the total amount to be 85584
paid by the lessee or renter under the lease or rental agreement. 85585
If the total amount of the consideration for the lease or rental 85586
includes amounts that are not calculated at the time the lease or 85587
rental is executed, the tax shall be calculated and collected by 85588
the seller at the time such amounts are billed to the lessee or 85589
renter. In the case of an open-end lease or rental, the tax shall 85590
be calculated by the seller on the basis of the total amount to be 85591
paid during the initial fixed term of the lease or rental, and for 85592
each subsequent renewal period as it comes due. As used in this 85593
division, "motor vehicle" has the same meaning as in section 85594
4501.01 of the Revised Code, and "watercraft" includes an outdrive 85595
unit attached to the watercraft. 85596

(3) Except as provided in division (A)(2) of this section, in 85597
the case of a transaction, the price of which consists in whole or 85598
part of the lease or rental of tangible personal property, the tax 85599
shall be measured by the installments of those leases or rentals. 85600

(B) Each consumer, storing, using, or otherwise consuming in 85601
this state tangible personal property or realizing in this state 85602

the benefit of any service provided, shall be liable for the tax, 85603
and such liability shall not be extinguished until the tax has 85604
been paid to this state; provided, that the consumer shall be 85605
relieved from further liability for the tax if the tax has been 85606
paid to a seller in accordance with section 5741.04 of the Revised 85607
Code or prepaid by the seller in accordance with section 5741.06 85608
of the Revised Code. 85609

(C) The tax does not apply to the storage, use, or 85610
consumption in this state of the following described tangible 85611
personal property or services, nor to the storage, use, or 85612
consumption or benefit in this state of tangible personal property 85613
or services purchased under the following described circumstances: 85614

(1) When the sale of property or service in this state is 85615
subject to the excise tax imposed by sections 5739.01 to 5739.31 85616
of the Revised Code, provided said tax has been paid; 85617

(2) Except as provided in division (D) of this section, 85618
tangible personal property or services, the acquisition of which, 85619
if made in Ohio, would be a sale not subject to the tax imposed by 85620
sections 5739.01 to 5739.31 of the Revised Code; 85621

(3) Property or services, the storage, use, or other 85622
consumption of or benefit from which this state is prohibited from 85623
taxing by the Constitution of the United States, laws of the 85624
United States, or the Constitution of this state. This exemption 85625
shall not exempt from the application of the tax imposed by this 85626
section the storage, use, or consumption of tangible personal 85627
property that was purchased in interstate commerce, but that has 85628
come to rest in this state, provided that fuel to be used or 85629
transported in carrying on interstate commerce that is stopped 85630
within this state pending transfer from one conveyance to another 85631
is exempt from the excise tax imposed by this section and section 85632
5739.02 of the Revised Code; 85633

(4) Transient use of tangible personal property in this state 85634
by a nonresident tourist or vacationer, or a nonbusiness use 85635
within this state by a nonresident of this state, if the property 85636
so used was purchased outside this state for use outside this 85637
state and is not required to be registered or licensed under the 85638
laws of this state; 85639

(5) Tangible personal property or services rendered, upon 85640
which taxes have been paid to another jurisdiction to the extent 85641
of the amount of the tax paid to such other jurisdiction. Where 85642
the amount of the tax imposed by this section and imposed pursuant 85643
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 85644
exceeds the amount paid to another jurisdiction, the difference 85645
shall be allocated between the tax imposed by this section and any 85646
tax imposed by a county or a transit authority pursuant to section 85647
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 85648
to the respective rates of such taxes. 85649

As used in this subdivision, "taxes paid to another 85650
jurisdiction" means the total amount of retail sales or use tax or 85651
similar tax based upon the sale, purchase, or use of tangible 85652
personal property or services rendered legally, levied by and paid 85653
to another state or political subdivision thereof, or to the 85654
District of Columbia, where the payment of such tax does not 85655
entitle the taxpayer to any refund or credit for such payment. 85656

(6) The transfer of a used manufactured home or used mobile 85657
home, as defined by section 5739.0210 of the Revised Code, made on 85658
or after January 1, 2000; 85659

(7) Drugs that are or are intended to be distributed free of 85660
charge to a practitioner licensed to prescribe, dispense, and 85661
administer drugs to a human being in the course of a professional 85662
practice and that by law may be dispensed only by or upon the 85663
order of such a practitioner; 85664

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; or

(b) This state or any political subdivision of this state, but only if donated for exclusively public purposes.

For the purposes of division (C)~~(10)~~(9) of this section, "charitable purposes" has the same meaning as in division (B)(12) of section 5739.02 of the Revised Code.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E)(1)(a) If any transaction is claimed to be exempt under 85696
division (E) of section 5739.01 of the Revised Code or under 85697
section 5739.02 of the Revised Code, with the exception of 85698
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 85699
Code, the consumer shall provide to the seller, and the seller 85700
shall obtain from the consumer, a certificate specifying the 85701
reason that the transaction is not subject to the tax. The 85702
certificate shall be in such form, and shall be provided either in 85703
a hard copy form or electronic form, as the tax commissioner 85704
prescribes. 85705

(b) A seller that obtains a fully completed exemption 85706
certificate from a consumer is relieved of liability for 85707
collecting and remitting tax on any sale covered by that 85708
certificate. If it is determined the exemption was improperly 85709
claimed, the consumer shall be liable for any tax due on that sale 85710
under this chapter. Relief under this division from liability does 85711
not apply to any of the following: 85712

(i) A seller that fraudulently fails to collect tax; 85713

(ii) A seller that solicits consumers to participate in the 85714
unlawful claim of an exemption; 85715

(iii) A seller that accepts an exemption certificate from a 85716
consumer that claims an exemption based on who purchases or who 85717
sells property or a service, when the subject of the transaction 85718
sought to be covered by the exemption certificate is actually 85719
received by the consumer at a location operated by the seller in 85720
this state, and this state has posted to its web site an exemption 85721
certificate form that clearly and affirmatively indicates that the 85722
claimed exemption is not available in this state; 85723

(iv) A seller that accepts an exemption certificate from a 85724
consumer who claims a multiple points of use exemption under 85725
division (D) of section 5739.033 of the Revised Code, if the item 85726

purchased is tangible personal property, other than prewritten 85727
computer software. 85728

(2) The seller shall maintain records, including exemption 85729
certificates, of all sales on which a consumer has claimed an 85730
exemption, and provide them to the tax commissioner on request. 85731

(3) If no certificate is provided or obtained within ninety 85732
days after the date on which the transaction is consummated, it 85733
shall be presumed that the tax applies. Failure to have so 85734
provided or obtained a certificate shall not preclude a seller, 85735
within one hundred twenty days after the tax commissioner gives 85736
written notice of intent to levy an assessment, from either 85737
establishing that the transaction is not subject to the tax, or 85738
obtaining, in good faith, a fully completed exemption certificate. 85739

(4) If a transaction is claimed to be exempt under division 85740
(B)(13) of section 5739.02 of the Revised Code, the contractor 85741
shall obtain certification of the claimed exemption from the 85742
contractee. This certification shall be in addition to an 85743
exemption certificate provided by the contractor to the seller. A 85744
contractee that provides a certification under this division shall 85745
be deemed to be the consumer of all items purchased by the 85746
contractor under the claim of exemption, if it is subsequently 85747
determined that the exemption is not properly claimed. The 85748
certification shall be in such form as the tax commissioner 85749
prescribes. 85750

(F) A seller who files a petition for reassessment contesting 85751
the assessment of tax on transactions for which the seller 85752
obtained no valid exemption certificates, and for which the seller 85753
failed to establish that the transactions were not subject to the 85754
tax during the one-hundred-twenty-day period allowed under 85755
division (E) of this section, may present to the tax commissioner 85756
additional evidence to prove that the transactions were exempt. 85757
The seller shall file such evidence within ninety days of the 85758

receipt by the seller of the notice of assessment, except that, 85759
upon application and for reasonable cause, the tax commissioner 85760
may extend the period for submitting such evidence thirty days. 85761

(G) For the purpose of the proper administration of sections 85762
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 85763
of the tax hereby levied, it shall be presumed that any use, 85764
storage, or other consumption of tangible personal property in 85765
this state is subject to the tax until the contrary is 85766
established. 85767

(H) The tax collected by the seller from the consumer under 85768
this chapter is not part of the price, but is a tax collection for 85769
the benefit of the state, and of counties levying an additional 85770
use tax pursuant to section 5741.021 or 5741.023 of the Revised 85771
Code and of transit authorities levying an additional use tax 85772
pursuant to section 5741.022 of the Revised Code. Except for the 85773
discount authorized under section 5741.12 of the Revised Code and 85774
the effects of any rounding pursuant to section 5703.055 of the 85775
Revised Code, no person other than the state or such a county or 85776
transit authority shall derive any benefit from the collection of 85777
such tax. 85778

Sec. 5743.01. As used in this chapter: 85779

(A) "Person" includes individuals, firms, partnerships, 85780
associations, joint-stock companies, corporations, combinations of 85781
individuals of any form, and the state and any of its political 85782
subdivisions. 85783

(B) "Wholesale dealer" includes only those persons: 85784

(1) Who bring in or cause to be brought into this state 85785
unstamped cigarettes purchased directly from the manufacturer, 85786
producer, or importer of cigarettes for sale in this state but 85787
does not include persons who bring in or cause to be brought into 85788

this state cigarettes with respect to which no evidence of tax 85789
payment is required thereon as provided in section 5743.04 of the 85790
Revised Code; or 85791

(2) Who are engaged in the business of selling cigarettes or 85792
tobacco products to others for the purpose of resale. 85793

"Wholesale dealer" does not include any cigarette 85794
manufacturer, export warehouse proprietor, or importer with a 85795
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 85796
in this state only to wholesale dealers holding valid and current 85797
licenses under section 5743.15 of the Revised Code or to an export 85798
warehouse proprietor or another manufacturer. 85799

(C) "Retail dealer" includes: 85800

(1) In reference to dealers in cigarettes, every person other 85801
than a wholesale dealer engaged in the business of selling 85802
cigarettes in this state, regardless of whether the person is 85803
located in this state or elsewhere, and regardless of quantity, 85804
amount, or number of sales; 85805

(2) In reference to dealers in tobacco products, any person 85806
in this state engaged in the business of selling tobacco products 85807
to ultimate consumers in this state, regardless of quantity, 85808
amount, or number of sales; 85809

(3) In reference to dealers in vapor products, any person in 85810
this state engaged in the business of selling vapor products to 85811
ultimate consumers in this state, regardless of quantity, amount, 85812
or number of sales. 85813

(D) "Sale" includes exchange, barter, gift, offer for sale, 85814
and distribution, and includes transactions in interstate or 85815
foreign commerce. 85816

(E) "Cigarettes" includes any roll for smoking made wholly or 85817
in part of tobacco, irrespective of size or shape, and whether or 85818

not such tobacco is flavored, adulterated, or mixed with any other 85819
ingredient, the wrapper or cover of which is made of paper, 85820
reconstituted cigarette tobacco, homogenized cigarette tobacco, 85821
cigarette tobacco sheet, or any similar materials other than cigar 85822
tobacco. 85823

(F) "Package" means the individual package, box, or other 85824
container in or from which retail sales of cigarettes are normally 85825
made or intended to be made. 85826

(G) "Storage" includes any keeping or retention of cigarettes 85827
~~or,~~ tobacco products, or vapor products for use or consumption in 85828
this state. 85829

(H) "Use" includes the exercise of any right or power 85830
incidental to the ownership of cigarettes ~~or,~~ tobacco products, or 85831
vapor products. 85832

(I) "Tobacco product" or "other tobacco product" means any 85833
product made from tobacco, other than cigarettes, that is made for 85834
smoking or chewing, or both, and snuff. 85835

(J) "Wholesale price" means ~~the:~~ 85836

(1) If the taxpayer buys from a manufacturer, the invoice 85837
price, including all federal excise taxes, at which the 85838
manufacturer of the tobacco product sells the tobacco product to 85839
unaffiliated distributors, excluding any discounts based on the 85840
method of payment of the invoice or on time of payment of the 85841
invoice. If 85842

(2) If the taxpayer buys from other than a manufacturer, 85843
~~"wholesale price"~~ means the invoice price, including all federal 85844
excise taxes and excluding any discounts based on the method of 85845
payment of the invoice or on time of payment of the invoice. 85846

(3) If the tobacco product received by the taxpayer is gratis 85847
or free, the greater of the following: 85848

(a) The wholesale price computed under division (J)(1) or (2) 85849
of this section for a transaction occurring in the preceding 85850
thirty days, involving the same or similar parties, and in which 85851
the same tobacco product was purchased at regular price; 85852

(b) The manufacturer's list price for the tobacco product 85853
applicable to transactions involving unaffiliated distributors, 85854
including all federal excise taxes, and excluding any discounts 85855
based on the method of payment of the invoice or on the time of 85856
payment of the invoice. 85857

(K) "Distributor" means: 85858

(1) Any manufacturer who sells, barter, exchanges, or 85859
distributes tobacco products to a retail dealer in the state, 85860
except when selling to a retail dealer that has filed with the 85861
manufacturer a signed statement agreeing to pay and be liable for 85862
the tax imposed by section 5743.51 of the Revised Code; 85863

(2) Any wholesale dealer located in the state who receives 85864
tobacco products from a manufacturer, or who receives tobacco 85865
products on which the tax imposed by this chapter has not been 85866
paid; 85867

(3) Any wholesale dealer located outside the state who sells, 85868
barter, exchanges, or distributes tobacco products to a wholesale 85869
or retail dealer in the state; or 85870

(4) Any retail dealer who receives tobacco products on which 85871
the tax has not or will not be paid by another distributor, 85872
including a retail dealer that has filed a signed statement with a 85873
manufacturer in which the retail dealer agrees to pay and be 85874
liable for the tax that would otherwise be imposed on the 85875
manufacturer by section 5743.51 of the Revised Code. 85876

(L) "Taxpayer" means any person liable for the tax imposed by 85877
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 85878

(M) "Seller" means any person located outside this state 85879
engaged in the business of selling tobacco products or vapor 85880
products to consumers for storage, use, or other consumption in 85881
this state. 85882

(N) "Manufacturer" means any person who manufactures and 85883
sells cigarettes or tobacco products. 85884

(O) "Importer" means any person that is authorized, under a 85885
valid permit issued under Section 5713 of the Internal Revenue 85886
Code, to import finished cigarettes into the United States, either 85887
directly or indirectly. 85888

(P) "~~Little Specialty~~ cigar" means any roll for smoking, 85889
other than cigarettes, that is made wholly or in part of tobacco 85890
and that uses an integrated cellulose acetate filter or other 85891
filter and is wrapped in any substance containing tobacco, other 85892
than natural leaf tobacco has all of the following 85893
characteristics: 85894

(1) The binder and wrapper of the roll consist entirely of 85895
leaf tobacco. 85896

(2) The roll does not contain a filter or tip, or any 85897
mouthpiece consisting of a material other than tobacco. 85898

(3) The weight of one thousand such rolls is at least six 85899
pounds. 85900

(Q) "Secondary manufacturer" means any person in this state 85901
engaged in the business of repackaging, reconstituting, diluting, 85902
or reprocessing a vapor product for resale to consumers. 85903

(R) "Vapor product" means a noncombustible product that 85904
contains or is made or derived from nicotine, that is intended and 85905
marketed for human consumption, including by smoking, inhaling, 85906
snorting, or sniffing, and that includes any component, part, or 85907
additive that is intended for use in a mechanical heating element, 85908

battery, or electronic circuit and is used to deliver the product. 85909
"Vapor product" does not include any product that is a drug, 85910
device, or combination product, as those terms are defined or 85911
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 85912
any product containing nicotine, regardless of concentration. 85913

(S) "Vapor distributor" means any person that: 85914

(1) Sells vapor products to a retail dealer; 85915

(2) Is a retail dealer that receives vapor products with 85916
respect to which the tax imposed by this chapter has not or will 85917
not be paid by another person that is a vapor distributor; or 85918

(3) Is a secondary manufacturer. 85919

(T) "First invoice price" means: 85920

(1) Except as provided in division (T)(2) of this section, 85921
the invoice price of the vapor product, excluding any discounts 85922
based on the method of payment of the invoice or on the time of 85923
payment of the invoice; 85924

(2) If the vapor product received by the taxpayer is gratis 85925
or free, the greater of the following: 85926

(a) The vapor product price computed under division (T)(1) of 85927
this section for a transaction occurring in the preceding thirty 85928
days, involving the same or similar parties, and in which the same 85929
vapor product was purchased at regular price; 85930

(b) The manufacturer's list price for the vapor product 85931
applicable to transactions involving unaffiliated vapor 85932
distributors, excluding any discounts based on the method of 85933
payment of the invoice or on the time of payment of the invoice. 85934

Sec. 5743.02. To provide revenues for the general revenue 85935
fund, an excise tax on sales of cigarettes is hereby levied at the 85936
rate of ~~eighty~~ eighty one hundred twelve and one-half mills on each 85937

cigarette. 85938

Only one sale of the same article shall be used in computing 85939
the amount of tax due. 85940

The treasurer of state shall place to the credit of the tax 85941
refund fund created by section 5703.052 of the Revised Code, out 85942
of receipts from the tax levied by this section, amounts equal to 85943
the refunds certified by the tax commissioner pursuant to section 85944
5743.05 of the Revised Code. The balance of taxes collected under 85945
such section, after the credits to the tax refund fund, shall be 85946
paid into the general revenue fund. 85947

Sec. 5743.025. In addition to the return required by section 85948
5743.03 of the Revised Code, each retail dealer of cigarettes in a 85949
county in which a tax is levied under section 5743.021, 5743.024, 85950
or 5743.026 of the Revised Code shall, within thirty days after 85951
the date on which the tax takes effect, make and file a return, on 85952
forms prescribed by the tax commissioner, showing the total number 85953
of cigarettes which such retail dealer had on hand as of the 85954
beginning of business on the date on which the tax takes effect, 85955
and such other information as the commissioner deems necessary for 85956
the administration of section 5743.021, 5743.024, or 5743.026 of 85957
the Revised Code. Each such retail dealer shall deliver the return 85958
together with a remittance of the additional amount of tax due on 85959
the cigarettes shown on such return to the commissioner. Any 85960
retail dealer of cigarettes who fails to file a return under this 85961
section shall, for each day the retail dealer so fails, forfeit 85962
and pay into the state treasury the sum of one dollar as revenue 85963
arising from the tax imposed by section 5743.021, 5743.024, or 85964
5743.026 of the Revised Code, and such sum may be collected by 85965
assessment in the manner provided in section 5743.081 of the 85966
Revised Code. For thirty days after the effective date of a tax 85967
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 85968

Code, a retail dealer may possess for sale or sell in the county 85969
in which the tax is levied cigarettes not bearing the stamp 85970
required by section 5743.03 of the Revised Code to evidence 85971
payment of the county tax but on which the tax has or will be 85972
paid. 85973

Sec. 5743.03. (A) Except as provided in section 5743.04 of 85974
the Revised Code, the taxes imposed under sections 5743.02, 85975
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 85976
by the purchase of tax stamps. A tax stamp shall be affixed to 85977
each package of an aggregate denomination not less than the amount 85978
of the tax upon the contents thereof. The tax stamp, so affixed, 85979
shall be prima-facie evidence of payment of the tax. 85980

Except as is provided in the rules prescribed by the tax 85981
commissioner under authority of sections 5743.01 to 5743.20 of the 85982
Revised Code, and unless tax stamps have been previously affixed, 85983
they shall be so affixed by each wholesale dealer, and canceled by 85984
writing or stamping across the face thereof the number assigned to 85985
such wholesale dealer by the tax commissioner for that purpose, 85986
prior to the delivery of any cigarettes to any person in this 85987
state, or in the case of a tax levied pursuant to section 85988
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 85989
delivery of cigarettes to any person in the county in which the 85990
tax is levied. 85991

(B) Except as provided in the rules prescribed by the 85992
commissioner under authority of sections 5743.01 to 5743.20 of the 85993
Revised Code, each retail dealer, within twenty-four hours after 85994
the receipt of any cigarettes at the retail dealer's place of 85995
business, shall inspect the cigarettes to ensure that tax stamps 85996
are affixed. The inspection shall be completed before the 85997
cigarettes are delivered to any person in this state, or, in the 85998
case of a tax levied pursuant to section 5743.021, 5743.024, or 85999

5743.026 of the Revised Code, before the cigarettes are delivered 86000
to any person in the county in which the tax is levied. 86001

(C) Whenever any cigarettes are found in the place of 86002
business of any retail dealer without proper tax stamps affixed 86003
thereto and canceled, it is presumed that such cigarettes are kept 86004
therein in violation of sections 5743.01 to 5743.20 of the Revised 86005
Code. 86006

(D) Each wholesale dealer who purchases cigarettes without 86007
proper tax stamps affixed thereto shall, on or before the 86008
~~thirty-first last~~ day of the ~~each~~ month ~~following the close of~~ 86009
~~each semiannual period, which period shall end on the thirtieth~~ 86010
~~day of June and the thirty-first day of December of each year,~~ 86011
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 86012
calendar month, on such form as is prescribed by the tax 86013
commissioner, showing the dealer's entire purchases and sales of 86014
cigarettes and stamps for such ~~semiannual period~~ month and 86015
accurate inventories as of the beginning and end of each 86016
~~semiannual period~~ month of cigarettes, stamped or unstamped; 86017
cigarette tax stamps affixed or unaffixed; and such other 86018
information as the commissioner finds necessary to the proper 86019
administration of sections 5743.01 to 5743.20 of the Revised Code. 86020
The commissioner may extend the time for making and filing returns 86021
and may remit all or any part of amounts of penalties that may 86022
become due under sections 5743.01 to 5743.20 of the Revised Code. 86023
The wholesale dealer shall deliver the return together with a 86024
remittance of the tax deficiency reported thereon to the 86025
commissioner. 86026

(E) Any wholesale dealer who fails to file a return under 86027
this section and the rules of the commissioner, other than a 86028
report required pursuant to division (F) of this section, may be 86029
required, for each day the dealer so fails, to forfeit and pay 86030
into the state treasury the sum of one dollar as revenue arising 86031

from the tax imposed by sections 5743.01 to 5743.20 of the Revised 86032
Code and such sum may be collected by assessment in the manner 86033
provided in section 5743.081 of the Revised Code. If the 86034
commissioner finds it necessary in order to insure the payment of 86035
the tax imposed by sections 5743.01 to 5743.20 of the Revised 86036
Code, the commissioner may require returns and payments to be made 86037
other than ~~semiannually~~ monthly. The returns shall be signed by 86038
the wholesale dealer or an authorized agent thereof. 86039

(F) Each person required to file a tax return under section 86040
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 86041
the commissioner the quantity of all cigarettes and roll-your-own 86042
cigarette tobacco sold in Ohio for each brand not covered by the 86043
tobacco master settlement agreement for which the person is liable 86044
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 86045
the Revised Code. 86046

As used in this division, "tobacco master settlement 86047
agreement" has the same meaning as in section 183.01 of the 86048
Revised Code. 86049

(G) The report required by division (F) of this section shall 86050
be made on a form prescribed by the commissioner and shall be 86051
filed not later than the last day of each month for the previous 86052
month, except that if the commissioner determines that the 86053
quantity reported by a person does not warrant monthly reporting, 86054
the commissioner may authorize reporting at less frequent 86055
intervals. The commissioner may assess a penalty of not more than 86056
two hundred fifty dollars for each month or portion thereof that a 86057
person fails to timely file a required report, and such sum may be 86058
collected by assessment in the manner provided in section 5743.081 86059
of the Revised Code. All money collected under this division shall 86060
be considered as revenue arising from the taxes imposed by 86061
sections 5743.01 to 5743.20 of the Revised Code. 86062

(H) The commissioner may sell tax stamps only to a licensed 86063

wholesale dealer, except as otherwise authorized by the 86064
commissioner. The commissioner may charge the costs associated 86065
with the shipment of tax stamps to the licensed wholesale dealer. 86066
Amounts collected from such charges shall be credited to the 86067
cigarette tax enforcement fund created under section 5743.15 of 86068
the Revised Code. 86069

Sec. 5743.05. The tax commissioner shall sell all stamps 86070
provided for by section 5743.03 of the Revised Code. The stamps 86071
shall be sold at their face value, ~~except the commissioner shall,~~ 86072
~~by rule, authorize the sale of stamps to wholesale dealers in this~~ 86073
~~state, or to wholesale dealers outside this state, at less a~~ 86074
~~discount of not less than one and eight-tenths per cent or more~~ 86075
~~than ten per cent of their face value~~ one thousand one hundred 86076
twenty-five ten thousandths of one cent per cigarette, as a 86077
commission for affixing and canceling the stamps. 86078

The commissioner, by rule, shall authorize the delivery of 86079
stamps to wholesale dealers in this state and to wholesale dealers 86080
outside this state on credit. If such a dealer has not been in 86081
good credit standing with this state for five consecutive years 86082
preceding the purchase, the commissioner shall require the dealer 86083
to file with the commissioner a bond to the state in the amount 86084
and in the form prescribed by the commissioner, with surety to the 86085
satisfaction of the commissioner, conditioned on payment to the 86086
treasurer of state or the commissioner within thirty days or the 86087
following twenty-third day of June, whichever comes first for 86088
stamps delivered within that time. If such a dealer has been in 86089
good credit standing with this state for five consecutive years 86090
preceding the purchase, the commissioner shall not require that 86091
the dealer file such a bond but shall require payment for the 86092
stamps within thirty days after purchase of the stamps or the 86093
following twenty-third day of June, whichever comes first. Stamps 86094
sold to a dealer not required to file a bond shall be sold at face 86095

value. The maximum amount that may be sold on credit to a dealer 86096
not required to file a bond shall equal one hundred ten per cent 86097
of the dealer's average monthly purchases over the preceding 86098
calendar year. The maximum amount shall be adjusted to reflect any 86099
changes in the tax rate and may be adjusted, upon application to 86100
the commissioner by the dealer, to reflect changes in the business 86101
operations of the dealer. The maximum amount shall be applicable 86102
to the period between the first day of July to the following 86103
twenty-third day of June. Payment by a dealer not required to file 86104
a bond shall be remitted by electronic funds transfer as 86105
prescribed by section 5743.051 of the Revised Code. If a dealer 86106
not required to file a bond fails to make the payment in full 86107
within the required payment period, the commissioner shall not 86108
thereafter sell stamps to that dealer until the dealer pays the 86109
outstanding amount, including penalty and interest on that amount 86110
as prescribed in this chapter, and the commissioner thereafter may 86111
require the dealer to file a bond until the dealer is restored to 86112
good standing. The commissioner shall limit delivery of stamps on 86113
credit to the period running from the first day of July of the 86114
fiscal year until the twenty-third day of the following June. Any 86115
discount allowed as a commission for affixing and canceling stamps 86116
shall be allowed with respect to sales of stamps on credit. 86117

The commissioner shall redeem and pay for any destroyed, 86118
unused, or spoiled tax stamps at their net value, and shall refund 86119
to wholesale dealers the net amount of state and county taxes paid 86120
erroneously or paid on cigarettes that have been sold in 86121
interstate or foreign commerce or that have become unsalable, and 86122
the net amount of county taxes that were paid on cigarettes that 86123
have been sold at retail or for retail sale outside a taxing 86124
county. 86125

An application for a refund of tax shall be filed with the 86126
commissioner, on the form prescribed by the commissioner for that 86127

purpose, within three years from the date the tax stamps are 86128
destroyed or spoiled, from the date of the erroneous payment, or 86129
from the date that cigarettes on which taxes have been paid have 86130
been sold in interstate or foreign commerce or have become 86131
unsalable. 86132

On the filing of the application, the commissioner shall 86133
determine the amount of refund to which the applicant is entitled, 86134
payable from receipts of the state tax, and, if applicable, 86135
payable from receipts of a county tax. If the amount is less than 86136
that claimed, the commissioner shall certify the amount to the 86137
director of budget and management and treasurer of state for 86138
payment from the tax refund fund created by section 5703.052 of 86139
the Revised Code. If the amount is less than that claimed, the 86140
commissioner shall proceed in accordance with section 5703.70 of 86141
the Revised Code. 86142

If a refund is granted for payment of an illegal or erroneous 86143
assessment issued by the department, the refund shall include 86144
interest on the amount of the refund from the date of the 86145
overpayment. The interest shall be computed at the rate per annum 86146
prescribed by section 5703.47 of the Revised Code. 86147

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 86148
fails to pay the tax levied under section 5743.02, 5743.021, 86149
5743.024, or 5743.026 of the Revised Code as required by sections 86150
5743.01 to 5743.20 of the Revised Code, and by the rules of the 86151
tax commissioner, or fails to collect the tax from the purchaser 86152
or consumer, the commissioner may make an assessment against the 86153
wholesale or retail dealer based upon any information in the 86154
commissioner's possession. 86155

The commissioner may make an assessment against any wholesale 86156
or retail dealer who fails to file a return required by section 86157
5743.03 or 5743.025 of the Revised Code. 86158

No assessment shall be made against any wholesale or retail dealer for any taxes imposed under section 5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code more than three years after the last day of the calendar month that immediately follows the ~~semiannual~~ monthly period prescribed in section 5743.03 of the Revised Code in which the sale was made, or more than three years after the ~~semiannual~~ return for ~~such period~~ the month in which the sale was made is filed, whichever is later. This section does not bar an assessment against any wholesale or retail dealer who fails to file a return as required by section 5743.025 or 5743.03 of the Revised Code, or who files a fraudulent return.

A penalty of up to thirty per cent may be added to the amount of every assessment made under this section. The commissioner may adopt rules providing for the imposition and remission of penalties added to assessments made under this section.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. The notice shall specify separately any portion of the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall

proceed under section 5703.60 of the Revised Code. 86191

(C) After an assessment becomes final, if any portion of the 86192
assessment remains unpaid, including accrued interest, a certified 86193
copy of the tax commissioner's entry making the assessment final 86194
may be filed in the office of the clerk of the court of common 86195
pleas in the county in which the wholesale or retail dealer's 86196
place of business is located or the county in which the party 86197
assessed resides. If the party assessed maintains no place of 86198
business in this state and is not a resident of this state, the 86199
certified copy of the entry may be filed in the office of the 86200
clerk of the court of common pleas of Franklin county. 86201

Immediately upon the filing of the commissioner's entry, the 86202
clerk shall enter a judgment for the state against the party 86203
assessed in the amount shown on the entry. The judgment may be 86204
filed by the clerk in a loose-leaf book entitled "special 86205
judgments for state cigarette sales tax," and shall have the same 86206
effect as other judgments. Execution shall issue upon the judgment 86207
upon the request of the tax commissioner, and all laws applicable 86208
to sales on execution shall apply to sales made under the 86209
judgment, except as otherwise provided in sections 5743.01 to 86210
5743.20 of the Revised Code. 86211

If the assessment is not paid in its entirety within sixty 86212
days after the assessment was issued, the portion of the 86213
assessment consisting of tax due shall bear interest at the rate 86214
per annum prescribed by section 5703.47 of the Revised Code from 86215
the day the commissioner issues the assessment until it is paid or 86216
until it is certified to the attorney general for collection under 86217
section 131.02 of the Revised Code, whichever comes first. If the 86218
unpaid portion of the assessment is certified to the attorney 86219
general for collection, the entire unpaid portion of the 86220
assessment shall bear interest at the rate per annum prescribed by 86221
section 5703.47 of the Revised Code from the date of certification 86222

until the date it is paid in its entirety. Interest shall be paid 86223
in the same manner as the tax and may be collected by the issuance 86224
of an assessment under this section. 86225

(D) All money collected by the tax commissioner under this 86226
section shall be paid to the treasurer of state, and when paid 86227
shall be considered as revenue arising from the taxes imposed by 86228
sections 5743.01 to 5743.20 of the Revised Code. 86229

Sec. 5743.14. (A) The tax commissioner or an agent of the ~~tax~~ 86230
commissioner may enter and inspect the facilities and records of a 86231
person selling cigarettes ~~or~~, other tobacco products, or vapor 86232
products. Such entrance and inspection requires a properly issued 86233
search warrant if conducted outside the normal business hours of 86234
the person, but does not require a search warrant if conducted 86235
during the normal business hours of the person. No person shall 86236
prevent or hinder the ~~tax~~ commissioner or an agent of the ~~tax~~ 86237
commissioner from carrying out the authority granted under this 86238
division. 86239

(B) If a peace officer as defined in section 2935.01 of the 86240
Revised Code knows or has reasonable cause to believe that a motor 86241
vehicle is transporting cigarettes or other tobacco products in 86242
violation of this chapter or section 2927.023 of the Revised Code, 86243
the peace officer may stop the vehicle and inspect the vehicle to 86244
determine the presence of such cigarettes or other tobacco 86245
products. 86246

Sec. 5743.15. (A) Except as otherwise provided in this 86247
division, no person shall engage in this state in the wholesale or 86248
retail business of trafficking in cigarettes or in the business of 86249
a manufacturer or importer of cigarettes without having a license 86250
to conduct each such activity issued by a county auditor under 86251
division (B) of this section or the tax commissioner under 86252

divisions (C) and (F) of this section. On dissolution of a 86253
partnership by death, the surviving partner may operate under the 86254
license of the partnership until expiration of the license, and 86255
the heirs or legal representatives of deceased persons, and 86256
receivers and trustees in bankruptcy appointed by any competent 86257
authority, may operate under the license of the person succeeded 86258
in possession by such heir, representative, receiver, or trustee 86259
in bankruptcy if the partner or successor notifies the issuer of 86260
the license of the dissolution or succession within thirty days 86261
after the dissolution or succession. 86262

(B)(1) Each applicant for a license to engage in the retail 86263
business of trafficking in cigarettes under this section, 86264
annually, on or before the fourth Monday of May, shall make and 86265
deliver to the county auditor of the county in which the applicant 86266
desires to engage in the retail business of trafficking in 86267
cigarettes, upon a blank form furnished by such auditor for that 86268
purpose, a statement showing the name of the applicant, each 86269
physical place in the county where the applicant's business is 86270
conducted, the nature of the business, and any other information 86271
the tax commissioner requires in the form of statement prescribed 86272
by the commissioner. If the applicant is a firm, partnership, or 86273
association other than a corporation, the application shall state 86274
the name and address of each of its members. If the applicant is a 86275
corporation, the application shall state the name and address of 86276
each of its officers. At the time of making the application 86277
required by this section, every person desiring to engage in the 86278
retail business of trafficking in cigarettes shall pay an 86279
application fee in the sum of one hundred twenty-five dollars for 86280
each physical place where the person proposes to carry on such 86281
business. Each place of business shall be deemed such space, under 86282
lease or license to, or under the control of, or under the 86283
supervision of the applicant, as is contained in one or more 86284
contiguous, adjacent, or adjoining buildings constituting an 86285

industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the fourth Monday of May, the application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than twenty-five dollars in any one year.

(3) The holder of a retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license on condition that the licensee's ownership interest and business structure remain unchanged, and that the licensee applies to the county auditor therefor, upon forms approved by the commissioner and the payment of a fee of five dollars into the county treasury.

(C)(1) Each applicant for a license to engage in the wholesale business of trafficking in cigarettes under this section, annually, on or before the fourth Monday in May, shall make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, physical street address where

the applicant's business is conducted, the nature of the business, 86318
and any other information required by the commissioner. If the 86319
applicant is a firm, partnership, or association other than a 86320
corporation, the applicant shall state the name and address of 86321
each of its members. If the applicant is a corporation, the 86322
applicant shall state the name and address of each of its 86323
officers. At the time of making the application required by this 86324
section, every person desiring to engage in the wholesale business 86325
of trafficking in cigarettes shall pay an application fee of one 86326
thousand dollars for each physical place where the person proposes 86327
to carry on such business. Each place of business shall be deemed 86328
such space, under lease or license to, or under the control of, or 86329
under the supervision of the applicant, as is contained in one or 86330
more contiguous, adjacent, or adjoining buildings constituting an 86331
industrial plant or a place of business operated by, or under the 86332
control of, one person, or under one roof and connected by doors, 86333
halls, stairways, or elevators. A duplicate license may be 86334
obtained from the commissioner upon payment of a 86335
twenty-five-dollar fee if the original license is lost, destroyed, 86336
or defaced. 86337

(2) Upon receipt of the application and payment of any 86338
application fee required by this section, the commissioner shall 86339
verify that the applicant is not in violation of any provision of 86340
Chapter 1346. or Title LVII of the Revised Code. The commissioner 86341
shall also verify that the applicant has filed any returns, 86342
submitted any information, and paid any outstanding taxes, 86343
charges, or fees as required for any tax, charge, or fee 86344
administered by the commissioner, to the extent that the 86345
commissioner is aware of the returns, information, ~~taxes, or fees~~ 86346
payments at the time of the application. Upon approval, the 86347
commissioner shall issue to the applicant a license for each 86348
physical place of business designated in the application 86349
authorizing the applicant to engage in business at that location 86350

for one year commencing on the fourth Monday in May. For licenses 86351
issued after the fourth Monday in May, the application fee shall 86352
be reduced proportionately by the remainder of the twelve-month 86353
period for which the license is issued, except that the 86354
application fee required to be paid under this section shall be 86355
not less than two hundred dollars in any one year. 86356

(3) The holder of a wholesale dealer cigarette license may 86357
transfer the license to a place of business other than that 86358
designated on the license on condition that the licensee's 86359
ownership or business structure remains unchanged, and that the 86360
licensee applies to the commissioner for such a transfer upon a 86361
form promulgated by the commissioner and pays a fee of twenty-five 86362
dollars, which shall be deposited into the cigarette tax 86363
enforcement fund created in division (E) of this section. 86364

(D)(1) The wholesale cigarette license application fees 86365
collected under this section shall be paid into the cigarette tax 86366
enforcement fund. 86367

(2) The retail cigarette license application fees collected 86368
under this section shall be distributed as follows: 86369

(a) Thirty per cent shall be paid upon the warrant of the 86370
county auditor into the treasury of the municipal corporation or 86371
township in which the places of business for which the tax revenue 86372
was received are located; 86373

(b) Ten per cent shall be credited to the general fund of the 86374
county; 86375

(c) Sixty per cent shall be paid into the cigarette tax 86376
enforcement fund. 86377

(3) The remainder of the revenues and fines collected under 86378
this section and the penal laws relating to cigarettes shall be 86379
distributed as follows: 86380

(a) Three-fourths shall be paid upon the warrant of the 86381
county auditor into the treasury of the municipal corporation or 86382
township in which the place of business, on account of which the 86383
revenues and fines were received, is located; 86384

(b) One-fourth shall be credited to the general fund of the 86385
county. 86386

(E) There is hereby created within the state treasury the 86387
cigarette tax enforcement fund for the purpose of providing funds 86388
to assist in paying the costs of enforcing sections 1333.11 to 86389
1333.21 and Chapter 5743. of the Revised Code. 86390

The portion of cigarette license application fees received by 86391
a county auditor during the annual application period that ends on 86392
the fourth Monday in May and that is required to be deposited in 86393
the cigarette tax enforcement fund shall be sent to the treasurer 86394
of state by the thirtieth day of June each year accompanied by the 86395
form prescribed by the tax commissioner. The portion of cigarette 86396
license application fees received by each county auditor after the 86397
fourth Monday in May and that is required to be deposited in the 86398
cigarette tax enforcement fund shall be sent to the treasurer of 86399
state by the last day of the month following the month in which 86400
such fees were collected. 86401

(F)(1) Every person who desires to engage in the business of 86402
a manufacturer or importer of cigarettes shall, annually, on or 86403
before the fourth Monday of May, make and deliver to the tax 86404
commissioner, upon a blank form furnished by the commissioner for 86405
that purpose, a statement showing the name of the applicant, the 86406
nature of the applicant's business, and any other information 86407
required by the commissioner. If the applicant is a firm, 86408
partnership, or association other than a corporation, the 86409
applicant shall state the name and address of each of its members. 86410
If the applicant is a corporation, the applicant shall state the 86411
name and address of each of its officers. 86412

(2) Upon receipt of the application required under this 86413
section, the commissioner shall verify that the applicant is not 86414
in violation of any provision of Chapter 1346. ~~or Title LVII~~ of 86415
the Revised Code. The commissioner shall also verify that the 86416
applicant has filed any returns, submitted any information, and 86417
paid any outstanding taxes, charges, or fees as required for any 86418
tax, charge, or fee administered by the commissioner, to the 86419
extent that the commissioner is aware of the returns, information, 86420
taxes, charges, or fees at the time of the application. Upon 86421
approval, the commissioner shall issue to the applicant a license 86422
authorizing the applicant to engage in the business of 86423
manufacturer or importer, whichever the case may be, for one year 86424
commencing on the fourth Monday of May. 86425

(3) The issuing of a license under division (F)(1) of this 86426
section to a manufacturer does not excuse a manufacturer from the 86427
certification process required under section 1346.05 of the 86428
Revised Code. A manufacturer who is issued a license under 86429
division (F)(1) of this section and who is not listed on the 86430
directory required under section 1346.05 of the Revised Code shall 86431
not be permitted to sell cigarettes in this state other than to a 86432
licensed cigarette wholesaler for sale outside this state. Such a 86433
manufacturer shall provide documentation to the commissioner 86434
evidencing that the cigarettes are legal for sale in another 86435
state. 86436

(G) The tax commissioner may adopt rules necessary to 86437
administer this section. 86438

Sec. 5743.20. No person shall sell any cigarettes both as a 86439
retail dealer and as a wholesale dealer at the same place of 86440
business. No person other than a licensed wholesale dealer shall 86441
sell cigarettes to a licensed retail dealer. No retail dealer 86442
shall purchase cigarettes from any person other than a licensed 86443

wholesale dealer. 86444

Subject to section 5743.031 of the Revised Code, a licensed 86445
wholesale dealer may not sell cigarettes to any person in this 86446
state other than a licensed retail dealer, except a licensed 86447
wholesale dealer may sell cigarettes to another licensed wholesale 86448
dealer if the tax commissioner has authorized the sale of the 86449
cigarettes between those wholesale dealers and the wholesale 86450
dealer that sells the cigarettes received them directly from a 86451
licensed manufacturer or licensed importer. 86452

The tax commissioner shall adopt rules governing sales of 86453
cigarettes between licensed wholesale dealers, including rules 86454
establishing criteria for authorizing such sales. 86455

No manufacturer or importer shall sell cigarettes to any 86456
person in this state other than to a licensed wholesale dealer or 86457
licensed importer. No importer shall purchase cigarettes from any 86458
person other than a licensed manufacturer or licensed importer. 86459

A retail dealer may purchase other tobacco products only from 86460
a licensed distributor. A licensed distributor may sell tobacco 86461
products only to a retail dealer, except a licensed distributor 86462
may sell tobacco products to another licensed distributor if the 86463
tax commissioner has authorized the sale of the tobacco products 86464
between those distributors and the distributor that sells the 86465
tobacco products received them directly from a manufacturer or 86466
importer of tobacco products. 86467

The tax commissioner may adopt rules governing sales of 86468
tobacco products between licensed distributors, including rules 86469
establishing criteria for authorizing such sales. 86470

No person other than a secondary manufacturer that is a 86471
licensed vapor distributor shall reconstitute, dilute, or 86472
reprocess vapor products for resale to consumers. All secondary 86473
manufacturers shall package reconstituted, diluted, or reprocessed 86474

vapor products in compliance with Chapter 39A of Title 15 of the 86475
United States Code. A licensed vapor distributor may sell vapor 86476
products only to a retail dealer or to another licensed vapor 86477
distributor, except that, if the licensed vapor distributor is a 86478
retail dealer, the licensed vapor distributor may also sell vapor 86479
products to consumers. 86480

The identities of cigarette manufacturers and importers, 86481
licensed cigarette wholesalers, licensed distributors of other 86482
tobacco products, ~~and~~ registered manufacturers and importers of 86483
other tobacco products, and licensed vapor distributors are 86484
subject to public disclosure. The tax commissioner shall maintain 86485
an alphabetical list of all such manufacturers, importers, 86486
wholesalers, and distributors, shall post the list on a web site 86487
accessible to the public through the internet, and shall 86488
periodically update the web site posting. 86489

As used in this section, "licensed" means the manufacturer, 86490
importer, wholesale dealer, or distributor or vapor distributor 86491
holds a current and valid license issued under section 5743.15 or 86492
5743.61 of the Revised Code, and "registered" means registered 86493
with the commissioner under section 5743.66 of the Revised Code. 86494

Sec. 5743.32. To provide revenue for the general revenue fund 86495
of the state, an excise tax is hereby levied on the use, 86496
consumption, or storage for consumption of cigarettes by consumers 86497
in this state at the rate of ~~eighty~~ one hundred twelve and 86498
one-half mills on each cigarette. The tax shall not apply if the 86499
tax levied by section 5743.02 of the Revised Code has been paid. 86500

The money received into the state treasury from the excise 86501
tax levied by this section shall be credited to the general 86502
revenue fund. 86503

Sec. 5743.41. No person engaged in the business of 86504

trafficking in cigarettes or in the business of distributing 86505
tobacco products or vapor products shall fail to post and keep 86506
constantly displayed in a conspicuous place in the building where 86507
such business is carried on the license required by section 86508
5743.15 or 5743.61 of the Revised Code, or sell or offer to sell 86509
cigarettes, cigarette wrappers, or a substitute for either, or 86510
sell or offer to sell tobacco products or vapor products, without 86511
complying with the law relating to cigarettes ~~and,~~ tobacco 86512
products, and vapor products. 86513

Sec. 5743.44. (A) Any person, other than an employee of the 86514
state, who furnishes to the department of taxation, attorney 86515
general, or any law enforcement agency original information 86516
concerning any violation of Chapter 5743. of the Revised Code, 86517
which information results in the collection and recovery of any 86518
tax or penalty or leads to the forfeiture of any cigarettes, may 86519
be awarded and paid by the treasurer of state, upon the 86520
certification of the tax commissioner, a compensation of not more 86521
than twenty per cent of the net amount received from the sale of 86522
any forfeited cigarettes, but not exceeding ten thousand dollars 86523
in any case, which shall be paid out of the receipts of such sale. 86524
If in the opinion of the attorney general and the tax commissioner 86525
it is necessary to preserve the identity of the person furnishing 86526
such information, they shall file with the treasurer of state an 86527
affidavit stating such necessity and a warrant may be issued 86528
jointly to the attorney general and the tax commissioner. Upon 86529
payment of such money to the person furnishing the information, 86530
the attorney general and the tax commissioner shall file with the 86531
treasurer of state an affidavit that the money has been paid by 86532
them to the person entitled thereto. 86533

(B) Except for the minimum quantity of cigarettes ~~or,~~ tobacco 86534
products, or vapor products needed as evidence to establish a 86535
violation under this chapter, all cigarettes ~~or,~~ tobacco products, 86536

or vapor products seized under this chapter shall be within the 86537
sole control and jurisdiction of the tax commissioner for sale 86538
pursuant to section 5743.08 or 5743.55 of the Revised Code. 86539

Sec. 5743.51. (A) To provide revenue for the general revenue 86540
fund of the state, an excise tax on tobacco products and vapor 86541
products is hereby levied at one of the following rates: 86542

(1) For tobacco products other than ~~little~~ specialty cigars, 86543
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86544
tobacco product received by a distributor or sold by a 86545
manufacturer to a retail dealer located in this state; 86546

(2) For ~~invoices dated October 1, 2013, or later,~~ 86547
~~thirty-seven per cent of the wholesale price of little~~ specialty 86548
cigars received by a distributor or sold by a manufacturer to a 86549
retail dealer located in this state, the lesser of sixty-nine per 86550
cent of the wholesale price or two dollars per specialty cigar; 86551

(3) For invoices dated January 1, 2018, or later, sixty-nine 86552
per cent of the first invoice price of vapor products the first 86553
time the products are received by a vapor distributor in this 86554
state. 86555

Each distributor or vapor distributor who brings tobacco 86556
products or vapor products, or causes tobacco products or vapor 86557
products to be brought, into this state for distribution within 86558
this state, or any out-of-state distributor or vapor distributor 86559
who sells tobacco products or vapor products to wholesale or 86560
retail dealers located in this state for resale by those wholesale 86561
or retail dealers is liable for the tax imposed by this section. 86562
Only one sale of the same article shall be used in computing the 86563
amount of the tax due. If a vapor product is repackaged, 86564
reconstituted, diluted, or reprocessed, the subsequent sale of 86565
that vapor product is not considered another sale of the same 86566
article for purposes of computing the amount of tax due. 86567

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

Sec. 5743.52. (A) Each distributor of tobacco products subject to the tax levied by section 5743.51 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the commissioner on or before the twenty-third day of the month following the reporting period. ~~If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the distributor is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.~~

(B) Each vapor distributor subject to the tax levied by 86599
section 5743.51 of the Revised Code, on or before the twenty-third 86600
day of each month, shall file with the commissioner a return for 86601
the preceding month showing any information the commissioner finds 86602
necessary for the proper administration of this chapter, together 86603
with remittance of the tax due. The return and payment of the tax 86604
required by this section shall be filed and made electronically on 86605
or before the twenty-third day of the month following the 86606
reporting period. If the return is filed and the amount of tax 86607
shown on the return to be due is paid on or before the date the 86608
return is required to be filed, the vapor distributor is entitled 86609
to a discount equal to two and five-tenths per cent of the amount 86610
shown on the return to be due. 86611

(C) Any person who fails to timely file the return and make 86612
payment of taxes as required under this section, section 5743.62, 86613
or section 5743.63 of the Revised Code may be required to pay an 86614
additional charge not exceeding the greater of fifty dollars or 86615
ten per cent of the tax due. Any additional charge imposed under 86616
this section may be collected by assessment as provided in section 86617
5743.56 of the Revised Code. 86618

~~(C)~~(D) If any tax due is not paid timely in accordance with 86619
sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the 86620
person liable for the tax shall pay interest, calculated at the 86621
rate per annum as prescribed by section 5703.47 of the Revised 86622
Code, from the date the tax payment was due to the date of payment 86623
or to the date an assessment is issued under section 5743.56 of 86624
the Revised Code, whichever occurs first. The commissioner may 86625
collect such interest by assessment pursuant to section 5743.56 of 86626
the Revised Code. 86627

~~(D)~~(E) The commissioner may authorize the filing of returns 86628
and the payment of the tax required by this section, section 86629
5743.62, or section 5743.63 of the Revised Code for periods longer 86630

than a calendar month. 86631

~~(E)~~(F) The commissioner may order any taxpayer to file with 86632
the commissioner security to the satisfaction of the commissioner 86633
conditioned upon filing the return and paying the taxes required 86634
under this section, section 5743.62, or section 5743.63 of the 86635
Revised Code if the commissioner believes that the collection of 86636
the tax may be in jeopardy. 86637

Sec. 5743.53. (A) The treasurer of state shall refund to a 86638
taxpayer any of the following: 86639

(1) Any tobacco products or vapor products tax paid 86640
erroneously; 86641

(2) Any tobacco products or vapor products tax paid on an 86642
illegal or erroneous assessment; 86643

(3) Any tax paid on tobacco products or vapor products that 86644
have been sold or shipped to retail ~~or dealers,~~ wholesale dealers, 86645
vapor distributors, or secondary manufacturers outside this state, 86646
returned to the manufacturer, or destroyed by the taxpayer with 86647
the prior approval of the tax commissioner. 86648

Any application for refund shall be filed with the ~~tax~~ 86649
commissioner on a form prescribed by the commissioner for that 86650
purpose. The commissioner may not pay any refund on an application 86651
for refund filed with the commissioner more than three years from 86652
the date of payment of the tax. 86653

(B) On the filing of the application for refund, the 86654
commissioner shall determine the amount of the refund to which the 86655
applicant is entitled. If the amount is not less than that 86656
claimed, the commissioner shall certify the amount to the director 86657
of budget and management and to the treasurer of state for payment 86658
from the tax refund fund created by section 5703.052 of the 86659
Revised Code. If the amount is less than that claimed, the 86660

commissioner shall proceed in accordance with section 5703.70 of 86661
the Revised Code. 86662

If a refund is granted for payment of an illegal or erroneous 86663
assessment issued by the department of taxation, the refund shall 86664
include interest on the amount of the refund from the date of the 86665
overpayment. The interest shall be computed at the rate per annum 86666
in the manner prescribed by section 5703.47 of the Revised Code. 86667

(C) If any person entitled to a refund of tax under this 86668
section or section 5703.70 of the Revised Code is indebted to the 86669
state for any tax administered by the tax commissioner, or any 86670
charge, penalties, or interest arising from such tax, the amount 86671
allowable on the application for refund first shall be applied in 86672
satisfaction of the debt. 86673

(D) In lieu of granting a refund payable under division 86674
(A)(3) of this section, the tax commissioner may allow a taxpayer 86675
to claim a credit of the amount of refundable tax on the return 86676
for the period during which the tax became refundable. The 86677
commissioner may require taxpayers to submit any information 86678
necessary to support a claim for a credit under this section, and 86679
the commissioner shall allow no credit if that information is not 86680
provided. 86681

Sec. 5743.54. (A) Each distributor of tobacco products and 86682
each vapor distributor of vapor products shall maintain complete 86683
and accurate records of all purchases and sales of tobacco 86684
products or vapor products, and shall procure and retain all 86685
invoices, bills of lading, and other documents relating to the 86686
purchases and sales of ~~tobacco~~ those products. The distributor or 86687
vapor distributor shall keep open records and documents during 86688
business hours for the inspection of the tax commissioner, and 86689
shall preserve them for a period of three years from the date the 86690
return was due or was filed, whichever is later, unless the 86691

commissioner, in writing, consents to their destruction within 86692
that period, or orders that they be kept for a longer period of 86693
time. 86694

(B) Each distributor of tobacco products and each vapor 86695
distributor of vapor products subject to the tax levied by section 86696
5743.51 of the Revised Code shall mark on the invoices of tobacco 86697
products or vapor products sold that the tax levied by that 86698
section has been paid and shall indicate the distributor's or 86699
vapor distributor's account number as assigned by the ~~tax~~ 86700
commissioner. 86701

(C) No person shall make a false entry upon any invoice or 86702
record upon which an entry is required by this section and no 86703
person shall present any false entry for the inspection of the 86704
commissioner with the intent to evade the tax levied under section 86705
5743.51, 5743.62, or 5743.63 of the Revised Code. 86706

Sec. 5743.55. Whenever the tax commissioner discovers any 86707
tobacco products or vapor products, subject to the tax levied 86708
under section 5743.51, 5743.62, or 5743.63 of the Revised Code, ~~and~~ 86709
~~and~~ upon which the tax has not been paid or the commissioner has 86710
reason to believe the tax is being avoided, the commissioner may 86711
seize and take possession of the tobacco products or vapor 86712
products, which, upon seizure, shall be forfeited to the state. 86713
Within a reasonable time after seizure, the commissioner may sell 86714
the forfeited ~~tobacco~~ products. From the proceeds of this sale, 86715
the ~~tax~~ commissioner shall pay the costs incurred in the seizure 86716
and sale, and any proceeds remaining after the sale shall be 86717
considered as revenue arising from the tax. The seizure and sale 86718
shall not relieve any person from the fine or imprisonment 86719
provided for violation of sections 5743.51 to 5743.66 of the 86720
Revised Code. The commissioner shall make the sale where it is 86721
most convenient and economical, but may order the destruction of 86722

the forfeited ~~tobacco~~ products if the quantity or quality of 86723
~~tobacco products~~ is not sufficient to warrant their sale. 86724

Sec. 5743.59. (A) No retail dealer of tobacco products or 86725
vapor products shall have in the retail dealer's possession 86726
tobacco products or vapor products on which the tax imposed by 86727
section 5743.51 of the Revised Code has not been paid, unless the 86728
retail dealer is licensed under section 5743.61 of the Revised 86729
Code. Payment may be evidenced by invoices from distributors or 86730
vapor distributors stating the tax has been paid. 86731

(B) The tax commissioner may inspect any place where tobacco 86732
products or vapor products subject to the tax levied under section 86733
5743.51 of the Revised Code are sold or stored. 86734

(C) No person shall prevent or hinder the ~~tax~~ commissioner 86735
from making a full inspection of any place where tobacco products 86736
or vapor products subject to the tax imposed by section 5743.51 of 86737
the Revised Code are sold or stored, or prevent or hinder the full 86738
inspection of invoices, books, or records required to be kept by 86739
section 5743.54 of the Revised Code. 86740

Sec. 5743.60. No person shall prepare for shipment, ship, 86741
transport, deliver, prepare for distribution, or distribute 86742
tobacco products or vapor products, or otherwise engage or 86743
participate in the business of distributing tobacco products or 86744
vapor products, with the intent to avoid payment of the tax levied 86745
by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when 86746
the wholesale price of the tobacco products or the first invoice 86747
price of the vapor products exceeds three hundred dollars during 86748
any twelve-month period. 86749

Sec. 5743.61. (A) ~~Except as otherwise provided in this~~ 86750
~~division, no~~ (1)(a) No distributor shall engage in the business of 86751
distributing tobacco products within this state without having a 86752

license issued by the department of taxation to engage in that 86753
business. ~~On~~ 86754

(b) No vapor distributor shall engage in the business of 86755
distributing vapor products within this state without first having 86756
a license issued by the department of taxation to engage in that 86757
business. 86758

(2) On the dissolution of a partnership by death, the 86759
surviving partner may operate under the license of the partnership 86760
until the expiration of the license, and the heirs or legal 86761
representatives of deceased persons, and receivers and trustees in 86762
bankruptcy appointed by any competent authority, may operate under 86763
the license of the person succeeded in possession by the heir, 86764
representative, receiver, or trustee in bankruptcy if the partner 86765
or successor notifies the department of taxation of the 86766
dissolution or succession within thirty days after the dissolution 86767
or succession. 86768

(B)(1) Each applicant for a license ~~to engage in the business~~ 86769
~~of distributing tobacco products~~ described by division (A)(1) of 86770
this section, annually, on or before the first day of February, 86771
shall make and deliver to the tax commissioner, upon a form 86772
furnished by the commissioner for that purpose, a statement 86773
showing the name of the applicant, each physical place from which 86774
the applicant distributes to distributors, vapor distributors, 86775
retail dealers, ~~or~~ wholesale dealers, or secondary manufacturers, 86776
and any other information the commissioner considers necessary for 86777
the administration of sections 5743.51 to 5743.66 of the Revised 86778
Code. 86779

(2) At the time of making the license application, the 86780
applicant shall pay an application fee of one thousand dollars for 86781
each place listed on the application where the applicant proposes 86782
to carry on that business. The fee charged for the application 86783
shall accompany the application and shall be made payable to the 86784

treasurer of state for ~~deposit into the cigarette tax enforcement~~ 86785
~~fund.~~ 86786

(3) Upon receipt of the application and payment of any 86787
licensing fee required by this section, the commissioner shall 86788
verify that the applicant has filed all returns, submitted all 86789
information, and paid all outstanding taxes, charges, or fees as 86790
required for any taxes, charges, or fees administered by the 86791
commissioner, to the extent the commissioner is aware of the 86792
returns, information, taxes, charges, or fees at the time of the 86793
application. Upon approval, the commissioner shall issue to the 86794
applicant a license for each place of distribution designated in 86795
the application authorizing the applicant to engage in business at 86796
that location for one year commencing on the first day of 86797
February. For licenses issued after the first day of February, the 86798
license application fee shall be reduced proportionately by the 86799
remainder of the twelve-month period for which the license is 86800
issued, except that the application fee required to be paid under 86801
this section shall be not less than two hundred dollars. If the 86802
original license is lost, destroyed, or defaced, a duplicate 86803
license may be obtained from the commissioner upon payment of a 86804
license replacement fee of twenty-five dollars. 86805

(4)(a) License application fees for the tobacco products 86806
license described in division (A)(1)(a) of this section shall be 86807
deposited into the cigarette tax enforcement fund. 86808

(b) License application fees for the vapor products license 86809
described in division (A)(1)(b) of this section shall be deposited 86810
into the general revenue fund. 86811

(C) The holder of a tobacco products license or vapor 86812
products license may transfer the license to a place of business 86813
on condition that the licensee's ownership and business structure 86814
remains unchanged and the licensee applies to the commissioner for 86815
the transfer on a form issued by the commissioner, and pays a 86816

transfer fee of twenty-five dollars. 86817

(D) If a distributor or vapor distributor fails to file forms 86818
as required under Chapter 1346. or section 5743.52 of the Revised 86819
Code or pay the tax due for two consecutive periods or three 86820
periods during any twelve-month period, the commissioner may 86821
suspend the license issued to the distributor or vapor distributor 86822
under this section. The suspension is effective ten days after the 86823
commissioner notifies the distributor or vapor distributor of the 86824
suspension in writing personally or by certified mail. The 86825
commissioner shall lift the suspension when the distributor or 86826
vapor distributor files the delinquent forms and pays the tax due, 86827
including any penalties, interest, and additional charges. The 86828
commissioner may refuse to issue the annual renewal of the license 86829
required by this section and may refuse to issue a new license for 86830
~~the same~~ a location of the distributor or vapor distributor until 86831
all delinquent forms are filed and outstanding taxes are paid. 86832
This division does not apply to any unpaid or underpaid tax 86833
liability that is the subject of a petition or appeal filed 86834
pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised 86835
Code. 86836

(E)~~(1)~~ The ~~tax~~ commissioner may impose a penalty of up to one 86837
thousand dollars on any person found to be engaging in the 86838
business of distributing tobacco products or vapor products 86839
without a license as required by this section. 86840

~~(2) Any person engaging in the business of distributing~~ 86841
~~tobacco products without a license as required by this section~~ 86842
~~shall comply with divisions (B)(1) and (2) of this section within~~ 86843
~~ten days after being notified of the requirement to do so. Failure~~ 86844
~~to comply with division (E)(2) of this section subjects a person~~ 86845
~~to penalties imposed under section 5743.99 of the Revised Code.~~ 86846

Sec. 5743.62. (A) To provide revenue for the general revenue 86847

fund of the state, an excise tax is hereby levied on the seller of 86848
tobacco products or vapor products in this state at one of the 86849
following rates: 86850

(1) For tobacco products other than ~~little~~ specialty cigars, 86851
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86852
tobacco product whenever the tobacco product is delivered to a 86853
consumer in this state for the storage, use, or other consumption 86854
of such tobacco products; 86855

(2) For ~~little~~ specialty cigars, ~~thirty-seven~~ the lesser of 86856
sixty-nine per cent of the wholesale price ~~of the little cigars or~~ 86857
two dollars per specialty cigar whenever the ~~little~~ specialty 86858
cigars are delivered to a consumer in this state for the storage, 86859
use, or other consumption of the ~~little~~ specialty cigars; 86860

(3) For vapor products, sixty-nine per cent of the first 86861
invoice price when, on or after January 1, 2018, the vapor 86862
products are delivered to a consumer in this state for the 86863
storage, use, or other consumption of the vapor products. 86864

The tax imposed by this section applies only to sellers 86865
having nexus in this state, as defined in section 5741.01 of the 86866
Revised Code. 86867

(B) A seller of tobacco products or vapor products who has 86868
nexus in this state as defined in section 5741.01 of the Revised 86869
Code shall register with the tax commissioner and supply any 86870
information concerning the seller's contacts with this state as 86871
may be required by the ~~tax~~ commissioner. A seller who does not 86872
have nexus in this state may voluntarily register with the ~~tax~~ 86873
commissioner. A seller who voluntarily registers with the ~~tax~~ 86874
commissioner is entitled to the same benefits and is subject to 86875
the same duties and requirements as a seller required to be 86876
registered with the ~~tax~~ commissioner under this division. 86877

(C) Each seller of tobacco products or vapor products subject 86878

to the tax levied by this section, on or before the last day of 86879
each month, shall file with the ~~tax~~ commissioner a return for the 86880
preceding month showing any information the ~~tax~~ commissioner finds 86881
necessary for the proper administration of sections 5743.51 to 86882
5743.66 of the Revised Code, together with remittance of the tax 86883
due, payable to the treasurer of state. The return and payment of 86884
the tax required by this section shall be filed in such a manner 86885
that it is received by the ~~tax~~ commissioner on or before the last 86886
day of the month following the reporting period. ~~If the return is~~ 86887
~~filed and the amount of the tax shown on the return to be due is~~ 86888
~~paid on or before the date the return is required to be filed, the~~ 86889
~~seller is entitled to a discount equal to two and five-tenths per~~ 86890
~~cent of the amount shown on the return to be due.~~ 86891

(D) The ~~tax~~ commissioner shall immediately forward to the 86892
treasurer of state all money received from the tax levied by this 86893
section, and the treasurer shall credit the amount to the general 86894
revenue fund. 86895

(E) Each seller of tobacco products or vapor products subject 86896
to the tax levied by this section shall mark on the invoices of 86897
tobacco products or vapor products sold that the tax levied by 86898
that section has been paid and shall indicate the seller's account 86899
number as assigned by the ~~tax~~ commissioner. 86900

Sec. 5743.63. (A) To provide revenue for the general revenue 86901
fund of the state, an excise tax is hereby levied on the storage, 86902
use, or other consumption of tobacco products or vapor products at 86903
one of the following rates: 86904

(1) For tobacco products other than ~~little~~ specialty cigars, 86905
~~seventeen~~ sixty-nine per cent of the wholesale price of the 86906
tobacco product-; 86907

(2) For ~~little~~ specialty cigars, ~~thirty-seven~~ the lesser of 86908
sixty-nine per cent of the wholesale price ~~of the little cigars or~~ 86909

two dollars per specialty cigar; 86910

(3) On and after January 1, 2018, for vapor products, 86911

sixty-nine per cent of the first invoice price. 86912

The tax levied under division (A) of this section is imposed 86913
only if the tax has not been paid by the seller as provided in 86914
section 5743.62 of the Revised Code, or by the distributor or 86915
vapor distributor as provided in section 5743.51 of the Revised 86916
Code. 86917

(B) Each person subject to the tax levied by this section, on 86918
or before the last day of each month, shall file with the tax 86919
commissioner a return for the preceding month showing any 86920
information the ~~tax~~ commissioner finds necessary for the proper 86921
administration of sections 5743.51 to 5743.66 of the Revised Code, 86922
together with remittance of the tax due, payable to the treasurer 86923
of state. The return and payment of the tax required by this 86924
section shall be filed in such a manner that it is received by the 86925
tax commissioner on or before the last day of the month following 86926
the reporting period. 86927

(C) The ~~tax~~ commissioner shall immediately forward to the 86928
treasurer of state all money received from the tax levied by this 86929
section, and the treasurer shall credit the amount to the general 86930
revenue fund. 86931

Sec. 5747.02. (A) For the purpose of providing revenue for 86932
the support of schools and local government functions, to provide 86933
relief to property taxpayers, to provide revenue for the general 86934
revenue fund, and to meet the expenses of administering the tax 86935
levied by this chapter, there is hereby levied on every 86936
individual, trust, and estate residing in or earning or receiving 86937
income in this state, on every individual, trust, and estate 86938
earning or receiving lottery winnings, prizes, or awards pursuant 86939
to Chapter 3770. of the Revised Code, on every individual, trust, 86940

and estate earning or receiving winnings on casino gaming, and on 86941
every individual, trust, and estate otherwise having nexus with or 86942
in this state under the Constitution of the United States, an 86943
annual tax measured as prescribed in divisions (A)(1) to (4) of 86944
this section. 86945

(1) In the case of trusts, the tax imposed by this section 86946
shall be measured by modified Ohio taxable income under division 86947
(D) of this section and levied at the same rates prescribed in 86948
division (A)(3) of this section for individuals. 86949

(2) In the case of estates, the tax imposed by this section 86950
shall be measured by Ohio taxable income and levied at the same 86951
rates prescribed in division (A)(3) of this section for 86952
individuals. 86953

(3) In the case of individuals, ~~for taxable years beginning~~ 86954
~~in 2015 or thereafter,~~ the tax imposed by this section on income 86955
other than taxable business income shall be measured by Ohio 86956
adjusted gross income, less taxable business income and less an 86957
exemption for the taxpayer, the taxpayer's spouse, and each 86958
dependent as provided in section 5747.025 of the Revised Code. ~~The~~ 86959

(a) For taxable years beginning in 2017, the tax imposed on 86960
the balance thus obtained is hereby levied as follows: 86961

OHIO ADJUSTED GROSS INCOME LESS 86962

TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS)

OR 86963

MODIFIED OHIO 86964

TAXABLE INCOME (TRUSTS) 86965

OR 86966

OHIO TAXABLE INCOME (ESTATES) TAX 86967

~~\$5,000~~ \$10,000 or less ~~-.495%~~ .500% 86968

More than ~~\$5,000~~ \$10,000 but not ~~\$24.75~~ \$50.00 plus ~~-.990%~~ 1.500% 86969

more than ~~\$10,000~~ <u>\$25,000</u>	of the amount in excess of ~~\$5,000~~ <u>\$10,000</u>	
~~More than \$10,000 but not more than \$15,000~~	~~\$74.25 plus 1.980% of the amount in excess of \$10,000~~	86970
~~More than \$15,000 but not more than \$20,000~~	~~\$173.25 plus 2.476% of the amount in excess of \$15,000~~	86971
~~More than \$20,000 but not more than \$40,000~~	~~\$297.05 plus 2.969% of the amount in excess of \$20,000~~	86972
~~More than \$40,000 but not more than \$80,000~~	~~\$890.85 plus 3.465% of the amount in excess of \$40,000~~	86973
More than ~~\$80,000~~ <u>\$25,000</u> but not more than \$100,000	~~\$2,276.85~~ <u>\$275.00</u> plus ~~3.960%~~ <u>3.250%</u> of the amount in excess of ~~\$80,000~~ <u>\$25,000</u>	86974
More than \$100,000 but not more than \$200,000	~~\$3,068.85~~ <u>\$2,712.50</u> plus ~~4.597%~~ <u>4.250%</u> of the amount in excess of \$100,000	86975
More than \$200,000	~~\$7,665.85~~ <u>\$6,962.50</u> plus ~~4.997%~~ <u>4.750%</u> of the amount in excess of \$200,000	86976

(b) For taxable years beginning in 2018 and thereafter, the 86977
tax imposed on the balance thus obtained is hereby levied as 86978
follows: 86979

<u>OHIO ADJUSTED GROSS INCOME LESS</u>		86980
<u>TAXABLE BUSINESS INCOME AND</u>		
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		86981
<u>MODIFIED OHIO</u>		86982
<u>TAXABLE INCOME (TRUSTS)</u>		86983
<u>OR</u>		86984
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	86985
<u>\$10,000 or less</u>	<u>.456%</u>	86986
<u>More than \$10,000 but not more than \$25,000</u>	<u>\$45.60 plus 1.367% of the amount in excess of \$10,000</u>	86987

<u>More than \$25,000 but not more</u>	<u>\$250.65 plus 2.963% of the</u>	86988
<u>than \$100,000</u>	<u>amount in excess of \$25,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$2,472.90 plus 3.874% of the</u>	86989
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$6,346.90 plus 4.330% of the</u>	86990
	<u>amount in excess of \$200,000</u>	

~~(4)(a) In the case of individuals, for taxable years~~ 86991
~~beginning in 2015, the tax imposed by this section on taxable~~ 86992
~~business income shall be measured by taxable business income less~~ 86993
~~any amount allowed under division (A)(4)(c) of this section. The~~ 86994
~~tax imposed on the balance thus obtained is hereby levied as~~ 86995
~~follows:~~ 86996

~~TAXABLE BUSINESS INCOME~~		86997
~~LESS ALLOWED EXEMPTION AMOUNT~~	~~TAX~~	86998
~~\$5,000 or less~~	~~.495%~~	86999
~~More than \$5,000 but not more~~	~~\$24.75 plus .990% of the amount~~	87000
~~than \$10,000~~	~~in excess of \$5,000~~	
~~More than \$10,000 but not more~~	~~\$74.25 plus 1.980% of the amount~~	87001
~~than \$15,000~~	~~in excess of \$10,000~~	
~~More than \$15,000 but not more~~	~~\$173.25 plus 2.476% of the~~	87002
~~than \$20,000~~	~~amount in excess of \$15,000~~	
~~More than \$20,000 but not more~~	~~\$297.05 plus 2.969% of the~~	87003
~~than \$40,000~~	~~amount in excess of \$20,000~~	
~~More than \$40,000~~	~~\$890.85 plus 3% of the amount in~~	87004
	~~excess of \$40,000~~	

~~(b) In the case of individuals, for taxable years beginning~~ 87005
~~in 2016 or thereafter, the tax imposed by this section on taxable~~ 87006
~~business income shall equal three per cent of the result obtained~~ 87007
~~by subtracting any amount allowed under division (A)(4)(c)(b) of~~ 87008
~~this section from the individual's taxable business income.~~ 87009

~~(c)(b) If the exemptions allowed to an individual under~~ 87010
~~division (A)(3) of this section exceed the taxpayer's Ohio~~ 87011

adjusted gross income less taxable business income, the excess 87012
shall be deducted from taxable business income before computing 87013
the tax under division (A)(4)(a) ~~or (b)~~ of this section. 87014

Except as otherwise provided in this division, in August of 87015
each year, the tax commissioner shall make a new adjustment to the 87016
income amounts prescribed in division (A)(3) of this section by 87017
multiplying the percentage increase in the gross domestic product 87018
deflator computed that year under section 5747.025 of the Revised 87019
Code by each of the income amounts resulting from the adjustment 87020
under this division in the preceding year, adding the resulting 87021
product to the corresponding income amount resulting from the 87022
adjustment in the preceding year, and rounding the resulting sum 87023
to the nearest multiple of fifty dollars. The tax commissioner 87024
also shall recompute each of the tax dollar amounts to the extent 87025
necessary to reflect the new adjustment of the income amounts. The 87026
rates of taxation shall not be adjusted. 87027

The adjusted amounts apply to taxable years beginning in the 87028
calendar year in which the adjustments are made and to taxable 87029
years beginning in each ensuing calendar year until a calendar 87030
year in which a new adjustment is made pursuant to this division. 87031
The tax commissioner shall not make a new adjustment in any year 87032
in which the amount resulting from the adjustment would be less 87033
than the amount resulting from the adjustment in the preceding 87034
year. The commissioner shall not make a new adjustment for taxable 87035
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 87036

(B) If the director of budget and management makes a 87037
certification to the tax commissioner under division (B) of 87038
section 131.44 of the Revised Code, the amount of tax as 87039
determined under divisions (A)(1) to (3) of this section shall be 87040
reduced by the percentage prescribed in that certification for 87041
taxable years beginning in the calendar year in which that 87042
certification is made. 87043

(C) The levy of this tax on income does not prevent a 87044
municipal corporation, a joint economic development zone created 87045
under section 715.691, or a joint economic development district 87046
created under section 715.70, 715.71, or 715.72 of the Revised 87047
Code from levying a tax on income. 87048

(D) This division applies only to taxable years of a trust 87049
beginning in 2002 or thereafter. 87050

(1) The tax imposed by this section on a trust shall be 87051
computed by multiplying the Ohio modified taxable income of the 87052
trust by the rates prescribed by division (A) of this section. 87053

(2) A resident trust may claim a credit against the tax 87054
computed under division (D) of this section equal to the lesser of 87055
(1) the tax paid to another state or the District of Columbia on 87056
the resident trust's modified nonbusiness income, other than the 87057
portion of the resident trust's nonbusiness income that is 87058
qualifying investment income as defined in section 5747.012 of the 87059
Revised Code, or (2) the effective tax rate, based on modified 87060
Ohio taxable income, multiplied by the resident trust's modified 87061
nonbusiness income other than the portion of the resident trust's 87062
nonbusiness income that is qualifying investment income. The 87063
credit applies before any other applicable credits. 87064

(3) The credits enumerated in divisions (A)(1) to ~~(10)~~(9) and 87065
(A)~~(19)~~(18) to ~~(21)~~(20) of section 5747.98 of the Revised Code do 87066
not apply to a trust subject to division (D) of this section. Any 87067
credits enumerated in other divisions of section 5747.98 of the 87068
Revised Code apply to a trust subject to division (D) of this 87069
section. To the extent that the trust distributes income for the 87070
taxable year for which a credit is available to the trust, the 87071
credit shall be shared by the trust and its beneficiaries. The tax 87072
commissioner and the trust shall be guided by applicable 87073
regulations of the United States treasury regarding the sharing of 87074
credits. 87075

(E) For the purposes of this section, "trust" means any trust 87076
described in Subchapter J of Chapter 1 of the Internal Revenue 87077
Code, excluding trusts that are not irrevocable as defined in 87078
division (I)(3)(b) of section 5747.01 of the Revised Code and that 87079
have no modified Ohio taxable income for the taxable year, 87080
charitable remainder trusts, qualified funeral trusts and preneed 87081
funeral contract trusts established pursuant to sections 4717.31 87082
to 4717.38 of the Revised Code that are not qualified funeral 87083
trusts, endowment and perpetual care trusts, qualified settlement 87084
trusts and funds, designated settlement trusts and funds, and 87085
trusts exempted from taxation under section 501(a) of the Internal 87086
Revenue Code. 87087

Sec. 5747.025. (A) For taxable years beginning in ~~2014~~ 2017 87088
or ~~2015~~ 2018, the personal exemption for the taxpayer, the 87089
taxpayer's spouse, and each dependent shall be one of the 87090
following amounts: 87091

(1) ~~Two~~ Three thousand ~~two hundred~~ dollars if the taxpayer's 87092
Ohio adjusted gross income for the taxable year as shown on an 87093
individual or joint annual return is less than or equal to forty 87094
thousand dollars; 87095

(2) ~~One~~ Two thousand ~~nine~~ five hundred ~~fifty~~ dollars if the 87096
taxpayer's Ohio adjusted gross income for the taxable year as 87097
shown on an individual or joint annual return is greater than 87098
forty thousand dollars but less than or equal to eighty thousand 87099
dollars; 87100

(3) One thousand seven hundred fifty dollars if the 87101
taxpayer's Ohio adjusted gross income for the taxable year as 87102
shown on an individual or joint annual return is greater than 87103
eighty thousand dollars. 87104

(B) For taxable years beginning in ~~2016~~ 2019 and thereafter, 87105
the personal exemption amounts prescribed in division (A) of this 87106

section shall be adjusted each year in the manner prescribed in 87107
division (C) of this section. In the case of an individual with 87108
respect to whom an exemption under section 5747.02 of the Revised 87109
Code is allowable to another taxpayer for a taxable year beginning 87110
in the calendar year in which the individual's taxable year 87111
begins, the exemption amount applicable to such individual for 87112
such individual's taxable year shall be zero. 87113

(C) Except as otherwise provided in this division, in August 87114
of each year, the tax commissioner shall determine the percentage 87115
increase in the gross domestic product deflator determined by the 87116
bureau of economic analysis of the United States department of 87117
commerce from the first day of January of the preceding calendar 87118
year to the last day of December of the preceding year, and make a 87119
new adjustment to the personal exemption amount for taxable years 87120
beginning in the current calendar year by multiplying that amount 87121
by the percentage increase in the gross domestic product deflator 87122
for that period; adding the resulting product to the personal 87123
exemption amount for taxable years beginning in the preceding 87124
calendar year; and rounding the resulting sum upward to the 87125
nearest multiple of fifty dollars. The adjusted amount applies to 87126
taxable years beginning in the calendar year in which the 87127
adjustment is made and to taxable years beginning in each ensuing 87128
calendar year until a calendar year in which a new adjustment is 87129
made pursuant to this division. The commissioner shall not make a 87130
new adjustment in any calendar year in which the amount resulting 87131
from the adjustment would be less than the amount resulting from 87132
the adjustment in the preceding calendar year. 87133

Sec. 5747.056. For taxable years beginning in ~~2015~~ 2017 or 87134
thereafter, a nonrefundable credit equal to ~~eighty-eight dollars~~ 87135
the tax otherwise due on the return shall be allowed ~~per return~~ 87136
against the aggregate amount of tax due under section 5747.02 of 87137
the Revised Code on an ~~individual's~~ individual or jointly filed 87138

return that indicates Ohio adjusted gross income less exemptions 87139
of ~~ten~~ fifteen thousand dollars or less. The credit shall be 87140
claimed in the order required under section 5747.98 of the Revised 87141
Code. 87142

Sec. 5747.113. (A) Any taxpayer claiming a refund under 87143
section 5747.11 of the Revised Code who wishes to contribute any 87144
part of the taxpayer's refund to the natural areas and preserves 87145
fund created in section 1517.11 of the Revised Code, the nongame 87146
and endangered wildlife fund created in section 1531.26 of the 87147
Revised Code, the military injury relief fund created in section 87148
5902.05 of the Revised Code, the Ohio history fund created in 87149
section 149.308 of the Revised Code, the breast and cervical 87150
cancer project income tax contribution fund created in section 87151
3701.601 of the Revised Code, the wishes for sick children income 87152
tax contribution fund created in section 3701.602 of the Revised 87153
Code, or all of those funds may designate on the taxpayer's income 87154
tax return the amount that the taxpayer wishes to contribute to 87155
the fund or funds. A designated contribution is irrevocable upon 87156
the filing of the return and shall be made in the full amount 87157
designated if the refund found due the taxpayer upon the initial 87158
processing of the taxpayer's return, after any deductions 87159
including those required by section 5747.12 of the Revised Code, 87160
is greater than or equal to the designated contribution. If the 87161
refund due as initially determined is less than the designated 87162
contribution, the contribution shall be made in the full amount of 87163
the refund. The tax commissioner shall subtract the amount of the 87164
contribution from the amount of the refund initially found due the 87165
taxpayer and shall certify the difference to the director of 87166
budget and management and treasurer of state for payment to the 87167
taxpayer in accordance with section 5747.11 of the Revised Code. 87168
For the purpose of any subsequent determination of the taxpayer's 87169

net tax payment, the contribution shall be considered a part of 87170
the refund paid to the taxpayer. 87171

(B) The tax commissioner shall provide a space on the income 87172
tax return form in which a taxpayer may indicate that the taxpayer 87173
wishes to make a donation in accordance with this section. The tax 87174
commissioner shall also print in the instructions accompanying the 87175
income tax return form a description of the purposes for which the 87176
natural areas and preserves fund, the nongame and endangered 87177
wildlife fund, the military injury relief fund, the Ohio history 87178
fund, the breast and cervical cancer project income tax 87179
contribution fund, and the wishes for sick children income tax 87180
contribution fund were created and the use of moneys from the 87181
income tax refund contribution system established in this section. 87182
No person shall designate on the person's income tax return any 87183
part of a refund claimed under section 5747.11 of the Revised Code 87184
as a contribution to any fund other than the natural areas and 87185
preserves fund, the nongame and endangered wildlife fund, the 87186
military injury relief fund, the Ohio history fund, the breast and 87187
cervical cancer project income tax contribution fund, or the 87188
wishes for sick children income tax contribution fund. 87189

(C) The money collected under the income tax refund 87190
contribution system established in this section shall be deposited 87191
by the tax commissioner into the natural areas and preserves fund, 87192
the nongame and endangered wildlife fund, the military injury 87193
relief fund, the Ohio history fund, the breast and cervical cancer 87194
project income tax contribution fund, and the wishes for sick 87195
children income tax contribution fund in the amounts designated on 87196
the tax returns. 87197

(D) ~~No later than the thirtieth day of September each year,~~ 87198
~~the tax commissioner shall determine the total amount contributed~~ 87199
~~to each fund under this section during the preceding eight months,~~ 87200

~~any adjustments to prior months, and the cost to the department of~~ 87201
~~taxation of administering the income tax refund contribution~~ 87202
~~system during that eight-month period. The commissioner shall make~~ 87203
~~an additional determination no later than the thirty-first day of~~ 87204
~~January of each year of the total amount contributed to each fund~~ 87205
~~under this section during the preceding four calendar months, any~~ 87206
~~adjustments to prior years made during that four-month period, and~~ 87207
~~the cost to the department of taxation of administering the income~~ 87208
~~tax contribution system during that period. The cost of~~ 87209
~~administering the income tax contribution system shall be~~ 87210
~~certified by the tax commissioner to the director of budget and~~ 87211
~~management, who shall transfer an amount equal to one-sixth of~~ 87212
~~such administrative costs from each of the six funds to the income~~ 87213
~~tax contribution fund, which is hereby created, provided that the~~ 87214
~~moneys that the department receives to pay the cost of~~ 87215
~~administering the income tax refund contribution system in any~~ 87216
~~year shall not exceed two and one-half per cent of the total~~ 87217
~~amount contributed under that system during that year.~~ 87218

~~(E)~~ If the total amount contributed to a fund under this 87219
section ~~in each of five consecutive calendar years, as annually~~ 87220
~~determined by the tax commissioner,~~ is less than fifty thousand 87221
dollars ~~in each of five consecutive calendar years,~~ no person may 87222
designate a contribution to that fund for any taxable year ending 87223
after the last day of that five-year period. In such a case, the 87224
~~tax~~ commissioner shall remove the space dedicated to the fund on 87225
the income tax return and the description of the fund in the 87226
instructions accompanying the income tax return. 87227

~~(F)~~~~(E)~~ The general assembly may authorize taxpayer refund 87228
contributions to no more than six funds under the income tax 87229
refund contribution system established in this section. If the 87230
general assembly authorizes income tax refund contributions to a 87231
fund other than the natural areas and preserves fund, the nongame 87232

and endangered wildlife fund, the military injury relief fund, the 87233
Ohio history fund, the breast and cervical cancer project income 87234
tax contribution fund, or the wishes for sick children income tax 87235
contribution fund, such contributions may be authorized only for a 87236
period of two calendar years. 87237

With the exception of the Ohio history fund, the general 87238
assembly may authorize income tax refund contributions to a fund 87239
only if all the money in the fund will be expended or distributed 87240
by a state agency as defined in section 1.60 of the Revised Code. 87241

~~(G)~~(F)(1) The director of natural resources, in January of 87242
every odd-numbered year, shall report to the general assembly on 87243
the effectiveness of the income tax refund contribution system as 87244
it pertains to the natural areas and preserves fund and the 87245
nongame and endangered wildlife fund. The report shall include the 87246
amount of money contributed to each fund in each of the previous 87247
five years, the amount of money contributed directly to each fund 87248
in addition to or independently of the income tax refund 87249
contribution system in each of the previous five years, and the 87250
purposes for which the money was expended. 87251

(2) The director of veterans services, the director of the 87252
Ohio history connection, and the director of health, in January of 87253
every odd-numbered year, each shall report to the general assembly 87254
on the effectiveness of the income tax refund contribution system 87255
as it pertains to the military injury relief fund, the Ohio 87256
history fund, the breast and cervical cancer project income tax 87257
contribution fund, and the wishes for sick children income tax 87258
contribution fund respectively. The report shall include the 87259
amount of money contributed to the fund in each of the previous 87260
five years, the amount of money contributed directly to the fund 87261
in addition to or independently of the income tax refund 87262
contribution system in each of the previous five years, and the 87263
purposes for which the money was expended. 87264

Sec. 5747.122. (A) The tax commissioner, in accordance with 87265
section 5101.184 of the Revised Code, shall cooperate with the 87266
director of job and family services to collect overpayments of 87267
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 87268
Chapter 5113., or section 5101.54 of the Revised Code from refunds 87269
of state income taxes for taxable year 1992 and thereafter that 87270
are payable to the recipients of such overpayments. 87271

(B) At the request of the department of job and family 87272
services in connection with the collection of an overpayment of 87273
assistance from a refund of state income taxes pursuant to this 87274
section and section 5101.184 of the Revised Code, the tax 87275
commissioner shall release to the department the home address and 87276
social security number of any recipient of assistance whose 87277
overpayment may be collected from a refund of state income taxes 87278
under those sections. 87279

(C) In the case of a joint income tax return for two people 87280
who were not married to each other at the time one of them 87281
received an overpayment of assistance, only the portion of a 87282
refund that is due to the recipient of the overpayment shall be 87283
available for collection of the overpayment under this section and 87284
section 5101.184 of the Revised Code. The tax commissioner shall 87285
determine such portion. A recipient's spouse who objects to the 87286
portion as determined by the commissioner may file a complaint 87287
with the commissioner within twenty-one days after receiving 87288
notice of the collection, and the commissioner shall afford the 87289
spouse an opportunity to be heard on the complaint. The 87290
commissioner shall waive or extend the twenty-one-day period if 87291
the recipient's spouse establishes that such action is necessary 87292
to avoid unjust, unfair, or unreasonable results. After the 87293
hearing, the commissioner shall make a final determination of the 87294
portion of the refund available for collection of the overpayment. 87295

(D) The welfare overpayment intercept fund is hereby created 87296
in the state treasury. The tax commissioner shall deposit amounts 87297
collected from income tax refunds under this section to the credit 87298
of the welfare overpayment intercept fund. The director of job and 87299
family services shall distribute money in the fund in accordance 87300
with appropriate federal or state laws and procedures regarding 87301
collection of welfare overpayments. 87302

Sec. 5747.50. (A) As used in this section: 87303

(1) "County's proportionate share of the calendar year ~~2007~~ 87304
2017 LGF and ~~LGRAF~~ distributions" means ~~the percentage computed~~ 87305
~~for the county~~ a county's calendar year 2017 undivided local 87306
government fund distributions as a percentage of the total 87307
calendar year 2017 undivided local government fund distributions 87308
made to all counties ~~under division (B)(1)(a) of this~~ section 87309
~~5747.501 of the Revised Code.~~ 87310

(2) ~~"County's proportionate share of the total amount of the~~ 87311
~~local government fund additional revenue formula" means each~~ 87312
~~county's proportionate share of the state's population as~~ 87313
~~determined for and certified to the county for distributions to be~~ 87314
~~made during the current calendar year under division (B)(2)(a) of~~ 87315
~~section 5747.501 of the Revised Code. If prior to the first day of~~ 87316
~~January of the current calendar year the federal government has~~ 87317
~~issued a revision to the population figures reflected in the~~ 87318
~~estimate produced pursuant to division (B)(2)(a) of section~~ 87319
~~5747.501 of the Revised Code, such revised population figures~~ 87320
~~shall be used for making the distributions during the current~~ 87321
~~calendar year.~~ 87322

~~(3) "2007 County LGF and LGRAF county distribution base~~ 87323
~~available in that month" means the lesser product of the amounts~~ 87324
~~described in division (A)(3)(2)(a) and (b) of this section,~~ 87325
~~provided that the amount shall not be less than zero:~~ 87326

(a) The total amount available for distribution ~~to counties~~ 87327
from the local government fund during the current month after 87328
distributions are made from the fund under section 5747.503 of the 87329
Revised Code. 87330

(b) ~~The total amount distributed to counties from the local~~ 87331
~~government fund and the local government revenue assistance fund~~ 87332
~~to counties in calendar year 2007 less the total amount~~ 87333
~~distributed to counties under division (B)(1) of this section~~ 87334
~~during previous months of the current calendar year.~~ 87335

~~(4) "Local government fund additional revenue distribution~~ 87336
~~base available during that month" means the total amount available~~ 87337
~~for distribution to counties during the month from the local~~ 87338
~~government fund, less any amounts to be distributed in that month~~ 87339
~~from the local government fund under division (B)(1) of this~~ 87340
~~section, provided that the local government fund additional~~ 87341
~~revenue distribution base available during that month shall not be~~ 87342
~~less than zero.~~ 87343

~~(5) "Total amount available for distribution to counties"~~ 87344
~~means the total amount available for distribution from the local~~ 87345
~~government fund during the current month less the total amount~~ 87346
~~available for distribution to municipal corporations during the~~ 87347
~~current month under division (C) of this section (i) For~~ 87348
~~distributions made under this section in calendar year 2018,~~ 87349
~~ninety-five per cent;~~ 87350

~~(ii) For distributions made under this section in calendar~~ 87351
~~year 2019, eighty-seven per cent;~~ 87352

~~(iii) For distributions made under this section in calendar~~ 87353
~~year 2020 and thereafter, eighty per cent.~~ 87354

(B)(1) On or before the tenth day of each month other than 87355
December, the tax commissioner shall provide for payment to each 87356
county an amount equal to the ~~sum~~ product of: 87357

~~(1)(a) The county's proportionate share of the calendar year 2007 2017 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available in that month is zero, no payment shall be made under division (B)(1) of this section for the month or the remainder of the calendar year; and, or, if the most recent distribution estimate under section 5747.501 of the Revised Code for the county for the current year was calculated using division (B)(2)(a)(ii) of that section, the county's proportionate share calculated under that division;~~

(b) The county LGF distribution base available in that month.

~~(2) The county's proportionate share of the total amount of the local government fund additional revenue formula multiplied by the local government fund additional revenue distribution base available during that month.~~

~~Money received into the treasury of a county under this division shall be credited to the undivided local government fund in the treasury of the county on or before the fifteenth day of each month. On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local government fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein On or before the tenth day of December of each year, the commissioner shall provide for payment to each county of the amount in division (B)(2)(a) of this section less the amount in division (B)(2)(b) of this section, subject to division (B)(2)(c) of this section.~~

(a) The total amount to be distributed to the county during the calendar year, calculated under the formula set forth in section 5747.501 of the Revised Code. For purposes of this

division, division (B) of section 5747.501 of the Revised Code 87390
shall exclude any reference to the phrase "projected to be." 87391

(b) The total amount distributed to the county under this 87392
section during the preceding eleven months of the calendar year. 87393

(c)(i) If the difference calculated by subtracting the amount 87394
in division (B)(2)(b) of this section from the amount in division 87395
(B)(2)(a) of this section is less than zero, the distribution made 87396
to the county in December shall be adjusted to equal zero. The 87397
amount of the county's adjustment shall be divided by six and the 87398
resulting quotient shall be deducted from the distributions made 87399
to the county under this section during the first six months of 87400
the next calendar year. 87401

(ii) If the difference calculated by subtracting the total 87402
amount for all counties under division (B)(2)(b) of this section 87403
from the total amount for all counties under division (B)(2)(a) of 87404
this section exceeds the total amount available for distribution 87405
from the local government fund in December as a result of 87406
adjustments made under division (A)(1)(a) of section 5747.504 of 87407
the Revised Code, the amounts distributed to each county under 87408
this section shall be reduced proportionately. The amount of a 87409
county's reduction shall be divided by six and the resulting 87410
quotient shall be added to the distributions made to the county 87411
under this section during the first six months of the next 87412
calendar year. 87413

~~(C)(1) As used in division (C) of this section:~~ 87414

~~(a) "Total amount available for distribution to~~ 87415
~~municipalities during the current month" means the product~~ 87416
~~obtained by multiplying the total amount available for~~ 87417
~~distribution from the local government fund during the current~~ 87418
~~month by the aggregate municipal share.~~ 87419

~~(b) "Aggregate municipal share" means the quotient obtained~~ 87420

~~by dividing the total amount distributed directly from the local
government fund to municipal corporations during calendar year
2007 by the total distributions from the local government fund and
local government revenue assistance fund during calendar year
2007.~~

~~(2) On or before the tenth day of each month, the tax
commissioner shall provide for payment from the local government
fund to each municipal corporation an amount equal to the product
derived by multiplying the municipal corporation's percentage of
the total amount distributed to all such municipal corporations
under this division during calendar year 2007 by the total amount
available for distribution to municipal corporations during the
current month.~~

~~(3) Payments received by a municipal corporation under this
division shall be paid into its general fund and may be used for
any lawful purpose.~~

~~(4) The amount distributed to municipal corporations under
this division during any calendar year shall not exceed the amount
distributed directly from the local government fund to municipal
corporations during calendar year 2007. If that maximum amount is
reached during any month, distributions to municipal corporations
in that month shall be as provided in divisions (C)(1) and (2) of
this section, but no further distributions shall be made to
municipal corporations under division (C) of this section during
the remainder of the calendar year.~~

~~(5) Upon being informed of a municipal corporation's
dissolution, the tax commissioner shall cease providing for
payments to that municipal corporation under division (C) of this
section. The proportionate shares of the total amount available
for distribution to each of the remaining municipal corporations
under this division shall be increased on a pro rata basis.~~

~~The tax commissioner shall reduce payments under division (C) of this section to municipal corporations for which reduced payments are required under section 5747.502 of the Revised Code.~~

~~(D)~~ Each municipal corporation which has in effect a tax imposed under Chapter 718. of the Revised Code shall, no later than the thirty-first day of August of each year, certify to the tax commissioner, on a form prescribed by the commissioner, the amount of income tax revenue collected and refunded by such municipal corporation pursuant to such chapter during the preceding calendar year, arranged, when possible, by the type of income from which the revenue was collected or the refund was issued. The municipal corporation shall also report the amount of income tax revenue collected and refunded on behalf of a joint economic development district or a joint economic development zone that levies an income tax administered by the municipal corporation and the amount of such revenue distributed to contracting parties during the preceding calendar year. The tax commissioner may withhold payment of local government fund moneys pursuant to ~~division (C) of this section~~ from any municipal corporation for failure to comply with this reporting requirement.

Sec. 5747.501. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. ~~The estimate shall equal the sum of the separate amounts computed under divisions (B)(1) and (2) of this section~~ On or after the first day of December, but not later than the thirty-first day of December, the commissioner may also estimate the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under sections 5747.50 and 5747.504 of the Revised Code. If estimates are

produced in December, the commissioner is not required to certify 87484
the estimates to county auditors, but shall make the estimates 87485
available on the web site established by the commissioner under 87486
section 5703.49 of the Revised Code. 87487

The estimated amount to be distributed to each county under 87488
section 5747.50 of the Revised Code shall equal one of the 87489
following amounts: 87490

(1) The amount computed for the county under division (B)(1) 87491
of this section, if the amount determined under division (B)(1)(b) 87492
of this section is greater than the amount determined under 87493
division (B)(2)(b) of this section. 87494

(2) The amount computed for the county under division (B)(2) 87495
of this section, if the amount determined under division (B)(2)(b) 87496
of this section is greater than the amount determined under 87497
division (B)(1)(b) of this section. 87498

(B)(1) The product obtained by multiplying the percentage 87499
described in division (B)(1)(a) of this section by the amount 87500
described in division (B)(1)(b) of this section. 87501

(a) Each county's proportionate share of the total amount 87502
distributed to the counties from the local government fund and the 87503
local government revenue assistance fund under section 5747.50 of 87504
the Revised Code during calendar year 2007 2017. In fiscal year 87505
2014 and thereafter, the amount distributed to any county 87506
undivided local government fund shall be an amount not less than 87507
seven hundred fifty thousand dollars or the amount distributed to 87508
such fund in fiscal year 2013, whichever amount is smaller. To the 87509
extent necessary to implement this minimum distribution 87510
requirement, the proportionate shares computed under this division 87511
shall be adjusted accordingly. 87512

(b) The lesser of the amounts in division (B)(1)(b)(i) or 87513
(ii) of this section. 87514

(i) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year ~~2007~~ adjusted downward if, and to the extent that, ~~total local government fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007~~ 2017 multiplied by (I) ninety-five per cent, for distributions to be made in calendar year 2018 or (II) ninety per cent, for distributions made in calendar year 2019 or thereafter.

(ii) The total amount projected to be available for distribution from the local government fund after the distributions required by section 5747.503 of the Revised Code.

(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section.

(a) ~~Each~~ (i) Except as provided in division (B)(2)(a)(ii) of this section, each county's proportionate share of the ~~state's~~ population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, ~~whichever represents the most recent year~~ total amount distributed to counties from the local government fund under section 5747.50 of the Revised Code during calendar year 2017.

(ii) If the amount in division (B)(2)(b) of this section exceeds the total amount distributed to counties during calendar year 2017 under section 5747.50 of the Revised Code, each county's proportionate share of the total amount distributed to counties from the local government fund under section 5747.50 of the Revised Code during calendar year 2011, provided that, if necessary, all such proportionate shares shall be proportionately adjusted to ensure that each county receives at least the lesser of (I) seven hundred fifty thousand dollars or (II) the amount

distributed to the county in calendar year 2011. 87547

(b) ~~The amount by which total estimated distributions from~~ 87548
~~the local government fund during the immediately succeeding~~ 87549
~~calendar year, less the total estimated amount to be distributed~~ 87550
~~from the fund to municipal corporations under division (C) of~~ 87551
~~section 5747.50 of the Revised Code during the immediately~~ 87552
~~succeeding calendar year, exceed the total amount distributed to~~ 87553
~~counties from the local government fund and local government~~ 87554
~~revenue assistance fund during calendar year 2007~~ Eighty per cent 87555
of the total amount projected to be available for distribution 87556
from the local government fund during the calendar year after the 87557
distributions required by section 5747.503 of the Revised Code. 87558

Sec. 5747.502. (A) As used in this section: 87559

(1) "Delinquent subdivision" means a municipal corporation, 87560
township, or county that has not filed a report or signed 87561
statement under section 4511.0915 of the Revised Code, as required 87562
under that section. 87563

(2) "Noncompliant subdivision" means a municipal corporation, 87564
township, or county that files a report under division (A)(1) of 87565
section 4511.0915 of the Revised Code for the most recent calendar 87566
quarter. 87567

(B)(1)(a) Upon receiving notification of a delinquent 87568
subdivision under division (C)(2) of section 4511.0915 of the 87569
Revised Code, the tax commissioner shall ~~do both of the following:~~ 87570

~~(i) If the delinquent subdivision is a municipal corporation,~~ 87571
~~cease providing for payments to the municipal corporation under~~ 87572
~~division (C) of section 5747.50 of the Revised Code, beginning~~ 87573
~~with the next required payment;~~ 87574

~~(ii) Immediately~~ immediately notify the county auditor and 87575
county treasurer required to provide for payments to the 87576

delinquent subdivision from a county undivided local government 87577
fund that such payments are to cease until the tax commissioner 87578
notifies the auditor and treasurer under division (B)(3)(a)(ii) of 87579
this section. 87580

(b) A county treasurer receiving the notice under division 87581
(B)(1)(a)(~~ii~~) of this section shall cease providing for payments 87582
to the delinquent subdivision from a county undivided local 87583
government fund, beginning with the next required payment. 87584

(2)(a) Upon receiving notification that a county, township, 87585
or municipal corporation is no longer a delinquent subdivision 87586
under division (C)(3) of section 4511.0915 of the Revised Code, 87587
the tax commissioner shall ~~do both of the following:~~ 87588

~~(i) If the formerly delinquent subdivision is a municipal 87589
corporation, begin providing for payments to the municipal 87590
corporation as required under division (C) of section 5747.50 of 87591
the Revised Code, beginning with the next required payment. 87592~~

~~(ii) Immediately immediately notify the county auditor and 87593
county treasurer who ceased payments to the formerly delinquent 87594
subdivision under division (B)(1)(b) of this section that the 87595
treasurer shall begin providing for payment from a county 87596
undivided local government fund to the formerly delinquent 87597
subdivision under section 5747.51 or 5747.53 of the Revised Code. 87598~~

(b) A county treasurer receiving notice under division 87599
(B)(2)(a)(~~ii~~) of this section shall provide for payments to the 87600
formerly delinquent subdivision from a county undivided local 87601
government fund, beginning with the next required payment. 87602

~~(C)(1) Upon receiving notification of a noncompliant 87603
subdivision under division (C)(1) of section 4511.0915 of the 87604
Revised Code, the tax commissioner shall do both of the following: 87605~~

~~(a) If the delinquent subdivision is a municipal corporation, 87606
reduce the amount of each of the next three local government fund 87607~~

~~payments the noncompliant subdivision would otherwise receive 87608~~
~~under division (C) of section 5747.50 of the Revised Code in an 87609~~
~~amount equal to one third of the gross amount of fines reported by 87610~~
~~the noncompliant subdivision on the report filed for the calendar 87611~~
~~quarter. 87612~~

~~(b) If the reduction described in division (C)(1)(a) of this 87613~~
~~section exceeds the amount of money the noncompliant subdivision 87614~~
~~would otherwise receive under division (C) of section 5747.50 of 87615~~
~~the Revised Code, immediately notify the county auditor and county 87616~~
~~treasurer required to provide for payments to the noncompliant 87617~~
~~subdivision from a county undivided local government fund that 87618~~
~~each of the next three such payments are to be reduced to that 87619~~
~~subdivision in an amount equal to one third of that excess. 87620~~

~~(2) A county treasurer receiving notice under division 87621~~
~~(C)(1)(b) of this section shall reduce the payments to the 87622~~
~~noncompliant subdivision from a county undivided local government 87623~~
~~fund as required by the notice. 87624~~

~~(D)(1) The tax commissioner shall provide for payment of an 87625~~
~~amount equal to amounts withheld from municipal corporations under 87626~~
~~divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 87627~~
~~undivided local government fund of the county from which the 87628~~
~~municipal corporation receives payments under section 5747.51 or 87629~~
~~5747.53 of the Revised Code. The county treasurer shall distribute 87630~~
~~that money among subdivisions that are not delinquent or 87631~~
~~noncompliant subdivisions and that are entitled to receive 87632~~
~~distributions under those sections by increasing each such 87633~~
~~subdivision's distribution on a pro rata basis. 87634~~

~~(2) A county treasurer shall distribute any amount withheld 87635~~
~~from a delinquent or noncompliant subdivision under division 87636~~
~~(B)(1)(b) or (C)(2) of this section among other subdivisions that 87637~~
~~are not delinquent or noncompliant subdivisions by increasing each 87638~~
~~such subdivision's distribution from the county's undivided local 87639~~

government fund on a pro rata basis. 87640

~~(E)~~(D) A county, township, or municipal corporation receiving 87641
an increased distribution under division ~~(B)~~ or (C) of this 87642
section shall use such money for the current operating expenses of 87643
the subdivision. 87644

Sec. 5747.503. (A) On or before the tenth day of each month, 87645
the tax commissioner shall provide for payment to each county 87646
undivided local government fund of a supplement for townships. The 87647
commissioner shall determine the amounts paid to each fund as 87648
follows: 87649

(1) Four hundred sixteen thousand six hundred sixty-six 87650
dollars and sixty-seven cents shall be divided among every county 87651
fund so that each township in the state receives an equal amount. 87652

(2) Four hundred sixteen thousand six hundred sixty-six 87653
dollars and sixty-six cents shall be divided among every county 87654
fund so that each township receives a proportionate share based on 87655
the proportion that the total township road miles in the township 87656
is of the total township road miles in all townships in the state. 87657

(B)(1) As used in this division, "qualifying village" means a 87658
village with a population of less than one thousand according to 87659
the most recent federal decennial census. 87660

(2) On or before the tenth day of each month, the tax 87661
commissioner shall provide for payment to each county undivided 87662
local government fund of a supplement for qualifying villages. The 87663
commissioner shall determine the amounts paid to each fund as 87664
follows: 87665

(a) Eighty-three thousand three hundred thirty-three dollars 87666
and thirty-four cents shall be divided among every county fund so 87667
that each qualifying village in the state receives an equal 87668
amount. 87669

(b) Eighty-three thousand three hundred thirty-three dollars 87670
and thirty-three cents shall be divided among every county fund so 87671
that each qualifying village receives a proportionate share based 87672
on the proportion that the total village road miles in the 87673
qualifying village is of the total village road miles in all 87674
qualifying villages in the state. 87675

(C) The tax commissioner shall separately identify to the 87676
county treasurer the amounts to be allocated to each township 87677
under divisions (A)(1) and (2) of this section and to each 87678
qualifying village under divisions (B)(2)(a) and (b) of this 87679
section. The treasurer shall transfer those amounts to townships 87680
and qualifying villages from the undivided local government fund. 87681

(D) The tax commissioner shall update the road mile 87682
information used to determine payments under divisions (A) and (B) 87683
of this section at least once every five years, and may update 87684
such information more often at the commissioner's discretion. 87685

Sec. 5747.504. (A) As used in this section: 87686

(1) "Available direct distribution base" means the amount 87687
available for distribution in a month from the local government 87688
fund after amounts are distributed pursuant to sections 5747.50 87689
and 5747.503 of the Revised Code, subject to the adjustments 87690
required by divisions (A)(1)(a) and (b) of this section. 87691

(a) If the calculation required by division (B)(2) of section 87692
5747.50 of the Revised Code, before application of division 87693
(B)(2)(c)(ii) of that section, would result in an available direct 87694
distribution base equal to an amount less than zero, the available 87695
direct distribution base in that month shall be adjusted to equal 87696
zero. The total amount of that adjustment shall be divided by six 87697
and the resulting quotient shall be deducted from the available 87698
direct distribution base for each of the first six months of the 87699
next calendar year. 87700

(b) If the calculation required by division (B)(2) of section 5747.50 of the Revised Code results in an adjustment required by division (B)(2)(c)(i) of that section, the total amount of such adjustment shall be divided by six and the resulting quotient shall be added to the available direct distribution base for each of the first six months of the next calendar year.

(2) "Qualifying village" means a village that has levied an income tax and has certified the rate of its tax to the tax commissioner pursuant to section 5745.03 of the Revised Code for at least three of the immediately preceding taxable years.

(3) "Assigned value" means one of the following:

(a) For counties, the product obtained by multiplying the amount in division (A)(3)(a)(i) of this section by the amount in division (A)(3)(a)(ii) of this section.

(i) The fraction obtained by dividing the county's population by the total population of all counties;

(ii) The sum of (I) the fraction obtained by dividing the statewide average annual per capita taxable sales by the county's average annual per capita taxable sales, as determined under section (B)(1) of this section, multiplied by eighty per cent, and (II) the fraction obtained by dividing the statewide average annual per capita taxable property value by the county's average annual per capita taxable property value, as determined under division (B)(3) of this section, multiplied by twenty per cent.

(b) For cities, the product obtained by multiplying the amount in division (A)(3)(b)(i) of this section by the amount in division (A)(3)(b)(ii) of this section.

(i) The fraction obtained by dividing the city's population by the total population of all cities;

(ii) The fraction obtained by dividing the statewide average

annual per capita municipal effective taxable income by the city's 87731
average annual per capita municipal effective taxable income, as 87732
determined under division (B)(2) of this section. In the case of a 87733
city that did not levy an income tax for at least one of the three 87734
preceding calendar years, the value determined under this section 87735
shall be one. 87736

(c) For villages, the product obtained by multiplying the 87737
amount in division (A)(3)(c)(i) of this section by the amount in 87738
division (A)(3)(c)(ii) or (iii) of this section, as appropriate. 87739

(i) The fraction obtained by dividing the village's 87740
population by the total population of all villages; 87741

(ii) In the case of qualifying villages, the fraction 87742
obtained by dividing the statewide average annual per capita 87743
municipal effective taxable income by the village's average annual 87744
per capita municipal effective taxable income, as determined under 87745
division (B)(2) of this section. 87746

(iii) In the case of all other villages, the fraction 87747
obtained by dividing the statewide average annual per capita 87748
taxable property value by the village's average annual per capita 87749
taxable property value, as determined under division (B)(3) of 87750
this section. 87751

(d) For townships, the product obtained by multiplying the 87752
amount in division (A)(3)(d)(i) of this section by the amount in 87753
division (A)(3)(d)(ii) of this section. 87754

(i) The fraction obtained by dividing the township's 87755
population by the total population of all townships; 87756

(ii) The fraction obtained by dividing the statewide average 87757
annual per capita taxable property value by the township's average 87758
annual per capita taxable property value, as determined under 87759
division (B)(3) of this section. 87760

<u>(4) "Capacity share" means one of the following:</u>	87761
<u>(a) For counties, the fraction obtained by dividing the</u>	87762
<u>county's assigned value for that year by the total assigned values</u>	87763
<u>of all counties for that year.</u>	87764
<u>(b) For cities, the fraction obtained by dividing the city's</u>	87765
<u>assigned value for that year by the total assigned values of all</u>	87766
<u>cities for that year.</u>	87767
<u>(c)(i) For qualifying villages, the fraction obtained by</u>	87768
<u>dividing the qualifying village's assigned value for that year by</u>	87769
<u>the total assigned values of all qualifying villages for that</u>	87770
<u>year.</u>	87771
<u>(ii) For all other villages, the fraction obtained by</u>	87772
<u>dividing the village's assigned value for that year by the total</u>	87773
<u>assigned values of all villages that were not qualifying villages</u>	87774
<u>for that year.</u>	87775
<u>(d) For townships, the fraction obtained by dividing the</u>	87776
<u>township's assigned value for that year by the total assigned</u>	87777
<u>values of all townships for that year.</u>	87778
<u>(5) "Calculation period" means the five-year period beginning</u>	87779
<u>on the first day of the fifth year before the year in which the</u>	87780
<u>tax commissioner makes the determinations required under division</u>	87781
<u>(B) of this section.</u>	87782
<u>(6) "Population" means population according to the most</u>	87783
<u>recent federal decennial census.</u>	87784
<u>(B) On or before the thirty-first day of December of each</u>	87785
<u>year, the tax commissioner shall determine all of the following</u>	87786
<u>amounts:</u>	87787
<u>(1)(a) The "average annual taxable sales" made in each county</u>	87788
<u>during the calculation period, which shall be computed by adding</u>	87789
<u>together the county's estimated taxable sales for all of the years</u>	87790

of the calculation period, and dividing that sum by five. The 87791
commissioner shall develop and use a standard methodology for 87792
calculating estimated taxable sales made in each county based on 87793
sales tax distributions to counties, but may make adjustments as 87794
deemed necessary to produce reasonable estimates. 87795

(b) The "average annual per capita taxable sales" made in 87796
each county, which shall equal the county's average annual taxable 87797
sales determined for that year, divided by the county's 87798
population. 87799

(c) The "statewide average annual per capita taxable sales" 87800
for that year, which is calculated by adding together the amounts 87801
determined in division (B)(1)(a) of this section for all counties, 87802
and dividing that sum by the total population of the state. 87803

(2)(a) The "municipal tax liability" due in each municipal 87804
corporation that levies an income tax for a taxable year, which 87805
shall equal the total income taxes due from all taxpayers to a 87806
municipal corporation for that year, after allowing for any 87807
credits to which such taxpayers were entitled during that year, 87808
but prior to applying estimated tax payments, withholding 87809
payments, or credits from another year. 87810

On or before the thirty-first day of August of each year, 87811
each municipal corporation shall certify to the commissioner, in 87812
the manner prescribed by the commissioner, the municipal tax 87813
liability of the municipal corporation for the immediately 87814
preceding taxable year. Certification is required even if the 87815
municipal corporation did not levy an income tax during that 87816
taxable year. A municipal corporation that does not provide a 87817
certification required by this division or division (F) of section 87818
5745.03 of the Revised Code in a year shall not receive any 87819
distribution under this section during the following year. 87820

(b) The "municipal effective taxable income" of each such 87821

municipal corporation for a taxable year, which shall equal the 87822
municipal corporation's municipal tax liability for that year 87823
divided by the income tax rate in effect in that municipal 87824
corporation for that year. 87825

The commissioner shall develop and use a standard methodology 87826
for calculating municipal effective taxable income, but may make 87827
adjustments as deemed necessary to produce reasonable estimates. 87828
The commissioner may use a reasonable alternative to municipal tax 87829
liability at the commissioner's discretion. 87830

(c) A municipal corporation's "average annual municipal 87831
effective taxable income" which shall be computed by adding 87832
together the municipal corporation's municipal effective taxable 87833
income for all of the years of the calculation period, and 87834
dividing that sum by five. If a municipal corporation did not levy 87835
an income tax for all five years of the calculation period, the 87836
computation shall be adjusted to reflect only the years in which a 87837
tax was levied. 87838

(d) The "average annual per capita municipal effective 87839
taxable income" of each municipal corporation, which shall equal 87840
the municipal corporation's average annual municipal effective 87841
taxable income determined for that year, divided by the municipal 87842
corporation's population. 87843

(e) The "statewide average annual per capita municipal 87844
effective taxable income of cities" for that year, which is 87845
calculated by adding together the amounts determined for all 87846
cities under division (B)(2)(c) of this section, and dividing that 87847
sum by the total population of all of the cities included in 87848
determining that sum. 87849

(f) The "statewide average annual per capita municipal 87850
effective taxable income of villages" for that year, which is 87851
calculated by adding together the amounts determined for all 87852

qualifying villages under division (B)(2)(c) of this section, and 87853
dividing that sum by the total population of all of the qualifying 87854
villages included in determining that sum. 87855

(3)(a) The "taxable property value" of each township, each 87856
village that is not a qualifying village, and each county, which 87857
shall equal the total amount of taxable property listed on the 87858
general tax list of real and public utility property of that 87859
political subdivision for the preceding tax year. 87860

(b) The "average annual taxable property value" of each 87861
township, each village that is not a qualifying village, and each 87862
county, which shall be computed by adding together the political 87863
subdivision's taxable property value for all of the years of the 87864
calculation period, and dividing that sum by five. 87865

(c) The "average annual per capita taxable property value" of 87866
each township, each village that is not a qualifying village, and 87867
each county, which shall equal the political subdivision's average 87868
annual taxable property value determined for that year, divided by 87869
the political subdivision's population. 87870

(d) The "average annual per capita taxable property value of 87871
counties" for that year, which is calculated by adding together 87872
the amounts determined for all counties under division (B)(3)(b) 87873
of this section, and dividing that sum by the total population of 87874
all counties. 87875

(e) The "average annual per capita taxable property value of 87876
villages" for that year, which is calculated by adding together 87877
the amounts determined for all villages under division (B)(3)(b) 87878
of this section, and dividing that sum by the total population of 87879
all of the villages included in determining that sum. 87880

(f) The "average annual per capita taxable property value of 87881
townships" for that year, which is calculated by adding together 87882
the amounts determined for all townships under division (B)(3)(b) 87883

of this section, and dividing that sum by the total population of 87884
all of the townships. 87885

(C) On or before the tenth day of each month, the tax 87886
commissioner shall provide for payment to each county, municipal 87887
corporation, and township of one of the following amounts: 87888

(1) For counties, the product of (a) thirty-seven and 87889
three-tenths per cent of the available direct distribution base 87890
for that month and (b) the county's capacity share. 87891

(2) For cities, the product of (a) forty-seven and 87892
seven-tenths per cent of the available direct distribution base 87893
for that month and (b) the city's capacity share. 87894

(3) For qualifying villages, the product of (a) three and 87895
seven-tenths per cent of the available direct distribution base 87896
for that month and (b) the qualifying village's capacity share. 87897

(4) For all other villages, the product of (a) one and 87898
one-half per cent of the available direct distribution base for 87899
that month and (b) the village's capacity share. 87900

(5) For townships, the product of (a) nine and four-fifths 87901
per cent of the available direct distribution base for that month 87902
and (b) the township's capacity share. 87903

(D) All money received into the treasury of a political 87904
subdivision from the local government fund under this section 87905
shall be paid into the general fund and used for the current 87906
operating expenses of the subdivision. 87907

Sec. 5747.51. (A) On or before the twenty-fifth day of July 87908
of each year, the tax commissioner shall make and certify to the 87909
county auditor of each county an estimate of the amount of the 87910
local government fund to be allocated to the undivided local 87911
government fund of each county for the ensuing calendar year, 87912
adjusting the total as required to account for subdivisions 87913

receiving local government funds under section 5747.502 of the 87914
Revised Code. 87915

(B) At each annual regular session of the county budget 87916
commission convened pursuant to section 5705.27 of the Revised 87917
Code, each auditor shall present to the commission the certificate 87918
of the commissioner, the annual tax budget and estimates, and the 87919
records showing the action of the commission in its last preceding 87920
regular session. The commission, after extending to the 87921
representatives of each subdivision an opportunity to be heard, 87922
under oath administered by any member of the commission, and 87923
considering all the facts and information presented to it by the 87924
auditor, shall determine the amount of the undivided local 87925
government fund needed by and to be apportioned to each 87926
subdivision for current operating expenses, as shown in the tax 87927
budget of the subdivision. This determination shall be made 87928
pursuant to divisions (C) to (I) of this section, unless the 87929
commission has provided for a formula pursuant to section 5747.53 87930
of the Revised Code. The commissioner shall reduce or increase the 87931
amount of funds from the undivided local government fund to a 87932
subdivision required to receive reduced or increased funds under 87933
section 5747.502 of the Revised Code. 87934

Nothing in this section prevents the budget commission, for 87935
the purpose of apportioning the undivided local government fund, 87936
from inquiring into the claimed needs of any subdivision as stated 87937
in its tax budget, or from adjusting claimed needs to reflect 87938
actual needs. For the purposes of this section, "current operating 87939
expenses" means the lawful expenditures of a subdivision, except 87940
those for permanent improvements and except payments for interest, 87941
sinking fund, and retirement of bonds, notes, and certificates of 87942
indebtedness of the subdivision. 87943

(C) The commission shall determine the combined total of the 87944
estimated expenditures, including transfers, from the general fund 87945

and any special funds other than special funds established for 87946
road and bridge; street construction, maintenance, and repair; 87947
state highway improvement; and gas, water, sewer, and electric 87948
public utilities operated by a subdivision, as shown in the 87949
subdivision's tax budget for the ensuing calendar year. 87950

(D) From the combined total of expenditures calculated 87951
pursuant to division (C) of this section, the commission shall 87952
deduct the following expenditures, if included in these funds in 87953
the tax budget: 87954

(1) Expenditures for permanent improvements as defined in 87955
division (E) of section 5705.01 of the Revised Code; 87956

(2) In the case of counties and townships, transfers to the 87957
road and bridge fund, and in the case of municipalities, transfers 87958
to the street construction, maintenance, and repair fund and the 87959
state highway improvement fund; 87960

(3) Expenditures for the payment of debt charges; 87961

(4) Expenditures for the payment of judgments. 87962

(E) In addition to the deductions made pursuant to division 87963
(D) of this section, revenues accruing to the general fund and any 87964
special fund considered under division (C) of this section from 87965
the following sources shall be deducted from the combined total of 87966
expenditures calculated pursuant to division (C) of this section: 87967

(1) Taxes levied within the ten-mill limitation, as defined 87968
in section 5705.02 of the Revised Code; 87969

(2) The budget commission allocation of estimated county 87970
public library fund revenues to be distributed pursuant to section 87971
5747.48 of the Revised Code; 87972

(3) Estimated unencumbered balances as shown on the tax 87973
budget as of the thirty-first day of December of the current year 87974
in the general fund, but not any estimated balance in any special 87975

fund considered in division (C) of this section; 87976

(4) Revenue, including transfers, shown in the general fund 87977
and any special funds other than special funds established for 87978
road and bridge; street construction, maintenance, and repair; 87979
state highway improvement; and gas, water, sewer, and electric 87980
public utilities, from all other sources except those that a 87981
subdivision receives from an additional tax or service charge 87982
voted by its electorate or receives from special assessment or 87983
revenue bond collection. For the purposes of this division, where 87984
the charter of a municipal corporation prohibits the levy of an 87985
income tax, an income tax levied by the legislative authority of 87986
such municipal corporation pursuant to an amendment of the charter 87987
of that municipal corporation to authorize such a levy represents 87988
an additional tax voted by the electorate of that municipal 87989
corporation. For the purposes of this division, any measure 87990
adopted by a board of county commissioners pursuant to section 87991
322.02, 4504.02, or 5739.021 of the Revised Code, including those 87992
measures upheld by the electorate in a referendum conducted 87993
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 87994
Code, shall not be considered an additional tax voted by the 87995
electorate. 87996

Subject to division (G) of section 5705.29 of the Revised 87997
Code, money in a reserve balance account established by a county, 87998
township, or municipal corporation under section 5705.13 of the 87999
Revised Code shall not be considered an unencumbered balance or 88000
revenue under division (E)(3) or (4) of this section. Money in a 88001
reserve balance account established by a township under section 88002
5705.132 of the Revised Code shall not be considered an 88003
unencumbered balance or revenue under division (E)(3) or (4) of 88004
this section. 88005

If a county, township, or municipal corporation has created 88006
and maintains a nonexpendable trust fund under section 5705.131 of 88007

the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county shall not exceed the following maximum percentages of the total estimate of the undivided local government fund governed by the relationship of the percentage of the population of the county that resides within municipal corporations within the county to the total population of the county as reported in the reports on population in Ohio by the department of development as of the twentieth day of July of the year in which the tax budget is filed with the budget commission:

Percentage of municipal population within the county:	Percentage share of the county shall not exceed:

88038

Less than forty-one per cent	Sixty per cent	88039
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent	88040
Eighty-one per cent or more	Thirty per cent	88041

Where the proportionate share of the county exceeds the 88042
limitations established in this division, the budget commission 88043
shall adjust the proportionate shares determined pursuant to this 88044
division so that the proportionate share of the county does not 88045
exceed these limitations, and it shall increase the proportionate 88046
shares of all other subdivisions on a pro rata basis. In counties 88047
having a population of less than one hundred thousand, not less 88048
than ten per cent shall be distributed to the townships therein. 88049

(I) The proportionate share of each subdivision in the 88050
undivided local government fund determined pursuant to division 88051
(H) of this section for any calendar year shall not be less than 88052
the product of the average of the percentages of the undivided 88053
local government fund of the county as apportioned to that 88054
subdivision for the calendar years 1968, 1969, and 1970, 88055
multiplied by the total amount of the undivided local government 88056
fund of the county apportioned pursuant to former section 5735.23 88057
of the Revised Code for the calendar year 1970. For the purposes 88058
of this division, the total apportioned amount for the calendar 88059
year 1970 shall be the amount actually allocated to the county in 88060
1970 from the state collected intangible tax as levied by section 88061
5707.03 of the Revised Code and distributed pursuant to section 88062
5725.24 of the Revised Code, plus the amount received by the 88063
county in the calendar year 1970 pursuant to division (B)(1) of 88064
former section 5739.21 of the Revised Code, and distributed 88065
pursuant to former section 5739.22 of the Revised Code. If the 88066
total amount of the undivided local government fund for any 88067
calendar year is less than the amount of the undivided local 88068
government fund apportioned pursuant to former section 5739.23 of 88069
the Revised Code for the calendar year 1970, the minimum amount 88070

guaranteed to each subdivision for that calendar year pursuant to 88071
this division shall be reduced on a basis proportionate to the 88072
amount by which the amount of the undivided local government fund 88073
for that calendar year is less than the amount of the undivided 88074
local government fund apportioned for the calendar year 1970. 88075

(J) On the basis of ~~such an~~ apportionment determined under 88076
this section or section 5747.53 of the Revised Code, the county 88077
auditor shall compute the percentage share of each such 88078
subdivision in the undivided local government fund and shall at 88079
the same time certify to the tax commissioner the percentage share 88080
of ~~the county as a~~ each such subdivision. No payment shall be made 88081
from the undivided local government fund, except in accordance 88082
with such percentage shares. 88083

Each calendar year, the commissioner shall collect from the 88084
auditor information pertaining to the distributions made from the 88085
undivided local government fund during the previous calendar year 88086
to each subdivision, including the amounts distributed and other 88087
pertinent details requested by the commissioner. If the auditor 88088
fails to provide such information, money allocated to the county 88089
from the local government fund may be withheld until such time as 88090
the auditor has provided the required information. 88091

Within ten days after the budget commission has made its 88092
apportionment, whether conducted pursuant to section 5747.51 or 88093
5747.53 of the Revised Code, the auditor shall publish a list of 88094
the subdivisions and the amount each is to receive from the 88095
undivided local government fund and the percentage share of each 88096
subdivision, in a newspaper or newspapers of countywide 88097
circulation, and send a copy of such allocation to the tax 88098
commissioner. 88099

The county auditor shall also send a copy of such allocation 88100
by ordinary or electronic mail to the fiscal officer of each 88101
subdivision entitled to participate in the allocation of the 88102

undivided local government fund of the county. This copy shall 88103
constitute the official notice of the commission action referred 88104
to in section 5705.37 of the Revised Code. 88105

All money received into the treasury of a subdivision from 88106
the undivided local government fund in a county treasury shall be 88107
paid into the general fund and used for the current operating 88108
expenses of the subdivision. 88109

If a municipal corporation maintains a municipal university, 88110
such municipal university, when the board of trustees so requests 88111
the legislative authority of the municipal corporation, shall 88112
participate in the money apportioned to such municipal corporation 88113
from the total local government fund, however created and 88114
constituted, in such amount as requested by the board of trustees, 88115
provided such sum does not exceed nine per cent of the total 88116
amount paid to the municipal corporation. 88117

If any public official fails to maintain the records required 88118
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 88119
issued by the tax commissioner, the auditor of state, or the 88120
treasurer of state pursuant to such sections, or fails to comply 88121
with any law relating to the enforcement of such sections, the 88122
local government fund money allocated to the county may be 88123
withheld until such time as the public official has complied with 88124
such sections or such law or the rules issued pursuant thereto. 88125

Sec. 5747.98. (A) To provide a uniform procedure for 88126
calculating a taxpayer's aggregate tax liability under section 88127
5747.02 of the Revised Code, a taxpayer shall claim any credits to 88128
which the taxpayer is entitled in the following order: 88129

(1) Either the retirement income credit under division (B) of 88130
section 5747.055 of the Revised Code or the lump sum retirement 88131
income credits under divisions (C), (D), and (E) of that section; 88132

(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;	88133 88134 88135
(3) The dependent care credit under section 5747.054 of the Revised Code;	88136 88137
(4) The low-income credit under section 5747.056 of the Revised Code;	88138 88139
(5) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	88140 88141
~~(6) The campaign contribution credit under section 5747.29 of the Revised Code;~~	88142 88143
~~(7)~~ The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	88144 88145
~~(8)~~ <u>(7)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	88146 88147
~~(9)~~ <u>(8)</u> The earned income credit under section 5747.71 of the Revised Code;	88148 88149
~~(10)~~ <u>(9)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	88150 88151
~~(11)~~ <u>(10)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	88152 88153
~~(12)~~ <u>(11)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	88154 88155
~~(13)~~ <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	88156 88157
~~(14)~~ <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	88158 88159
~~(15)~~ <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;	88160 88161

~~(16)~~ <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	88162 88163
~~(17)~~ <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;	88164 88165
~~(18)~~ <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	88166 88167
~~(19)~~ <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	88168 88169
~~(20)~~ <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	88170 88171
~~(21)~~ <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	88172 88173
~~(22)~~ <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	88174 88175
~~(23)~~ <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	88176 88177
~~(24)~~ <u>(23)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	88178 88179 88180
~~(25)~~ <u>(24)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	88181 88182 88183
~~(26)~~ <u>(25)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	88184 88185
~~(27)~~ <u>(26)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	88186 88187 88188
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of	88189 88190

section 5747.08 of the Revised Code, the amount of the credit for 88191
a taxable year shall not exceed the taxpayer's aggregate amount of 88192
tax due under section 5747.02 of the Revised Code, after allowing 88193
for any other credit that precedes it in the order required under 88194
this section. Any excess amount of a particular credit may be 88195
carried forward if authorized under the section creating that 88196
credit. Nothing in this chapter shall be construed to allow a 88197
taxpayer to claim, directly or indirectly, a credit more than once 88198
for a taxable year. 88199

Sec. 5748.10. (A) As used in this section: 88200

(1) "School district consolidation" means a consolidation of 88201
some or all of the territories of two or more school districts by 88202
transfer, merger, joinder, or creation pursuant to any of such 88203
procedures under Chapter 3311. of the Revised Code. 88204

(2) "Surviving school district" means a school district into 88205
which territory of another school district will be consolidated 88206
pursuant to a school district consolidation. 88207

(3) "Identification number" means the number designated by 88208
the tax commissioner for the purpose of enabling a taxpayer to 88209
identify the taxpayer's school district of residence pursuant to 88210
rules adopted by the commissioner in accordance with section 88211
5747.04 of the Revised Code. 88212

(B) On or before ninety days before the effective date of a 88213
school district consolidation, the board of education of a 88214
surviving school district that levies a school district income tax 88215
pursuant to a resolution that will be in effect on and after that 88216
effective date shall notify the tax commissioner in writing of all 88217
of the following: 88218

(1) The name and identification number of each of the school 88219
districts involved in the consolidation, designating which is the 88220

<u>surviving school district;</u>	88221
<u>(2) The effective date of the consolidation;</u>	88222
<u>(3) The rate of school district income tax levied by the</u>	88223
<u>surviving school district and, if applicable, any of the other</u>	88224
<u>school districts, pursuant to a resolution levying such a tax that</u>	88225
<u>will be in effect on and after the effective date of the</u>	88226
<u>consolidation.</u>	88227
<u>(C) School district income tax shall be levied on the school</u>	88228
<u>district income of residents of a school district resulting from a</u>	88229
<u>school district consolidation pursuant to a resolution, if any,</u>	88230
<u>levying such a tax on such income of the surviving school</u>	88231
<u>district's residents adopted by the board of education of that</u>	88232
<u>district and in effect on and after that effective date. Nothing</u>	88233
<u>in this division prohibits the board of education of a school</u>	88234
<u>district from amending or adopting a resolution to levy a school</u>	88235
<u>district income tax in accordance with this chapter after a school</u>	88236
<u>district consolidation.</u>	88237
 Sec. 5749.01. As used in this chapter:	88238
(A) "Ton" shall mean two thousand pounds as measured at the	88239
point and time of severance, after the removal of any impurities,	88240
under such rules and regulations as the tax commissioner may	88241
prescribe.	88242
(B) "Taxpayer" means any person required to pay the tax	88243
levied by Chapter 5749. of the Revised Code.	88244
(C) "Natural resource" means all forms of coal, salt,	88245
limestone, dolomite, sand, gravel, ~~natural~~ gas, and oil,	88246
<u>condensate, and natural gas liquids.</u>	88247
(D) "Owner," ~~has~~ <u>"exempt domestic well," "oil," and</u>	88248
<u>"condensate," have the same meaning meanings</u> as in section 1509.01	88249
of the Revised Code.	88250

(E) "Person" means any individual, firm, partnership,	88251
association, joint stock company, corporation, or estate, or	88252
combination thereof.	88253
(F) "Return" means any report or statement required to be	88254
filed pursuant to Chapter 5749. of the Revised Code used to	88255
determine the tax due.	88256
(G) "Severance" means the extraction or other removal of a	88257
natural resource from the soil or water of this state.	88258
(H) "Severed" means the point at which the natural resource	88259
has been separated from the soil or water in this state.	88260
(I) "Severer" means any person who actually removes the	88261
natural resources from the soil or water in this state.	88262
<u>(J) "Gas" means all hydrocarbons that are in a gaseous state</u>	88263
<u>at standard temperature and pressure.</u>	88264
<u>(K) "Natural gas liquids" means hydrocarbons separated from</u>	88265
<u>gas, including ethane, propane, butanes, pentanes, hexanes, and</u>	88266
<u>natural gasolines.</u>	88267
<u>(L) "Average quarterly spot price" means the following:</u>	88268
<u>(1) For oil, the average of each day's closing spot price</u>	88269
<u>reported for one barrel of crude oil for the calendar quarter that</u>	88270
<u>begins six months before the current calendar quarter, as reported</u>	88271
<u>by a publicly available source determined by the commissioner;</u>	88272
<u>(2) For gas, the average of each day's closing spot price</u>	88273
<u>reported for one thousand cubic feet of natural gas for the</u>	88274
<u>calendar quarter that begins six months before the current</u>	88275
<u>calendar quarter, as reported by a publicly available source</u>	88276
<u>determined by the commissioner.</u>	88277
<u>(3) For condensate, the average of each day's closing spot</u>	88278
<u>price reported for one barrel of Appalachian condensate for the</u>	88279
<u>calendar quarter that begins six months before the current</u>	88280

calendar quarter, as reported by a source determined by the 88281
commissioner; 88282

(4) For natural gas liquids, the average of each day's 88283
closing spot price reported for one million British thermal units 88284
of natural gas plant liquids composite for the calendar quarter 88285
that begins six months before the current calendar quarter, as 88286
reported by a publicly available source determined by the 88287
commissioner. 88288

(M) "Former section 1509.50 of the Revised Code" means 88289
section 1509.50 of the Revised Code as it existed before its 88290
repeal by ...B... of the 131st general assembly. 88291

Sec. 5749.02. (A) For the purpose of providing revenue to 88292
administer the state's coal mining and reclamation regulatory 88293
program, to meet the environmental and resource management needs 88294
of this state, to provide revenue to the general revenue fund, and 88295
to reclaim land affected by mining, an excise tax is hereby levied 88296
on the privilege of engaging in the severance of natural resources 88297
from the soil or water of this state. The tax shall be imposed 88298
upon the severer at the rates prescribed by ~~divisions (A)(1) to~~ 88299
~~(9) of~~ this section: 88300

(1) Ten cents per ton of coal; 88301

(2) Four cents per ton of salt; 88302

(3) Two cents per ton of limestone or dolomite; 88303

(4) Two cents per ton of sand and gravel; 88304

(5) ~~Ten cents per barrel of oil;~~ 88305

~~(6) Two and one-half cents per thousand cubic feet of natural~~ 88306
~~gas;~~ 88307

~~(7) Six and one-half per cent of the product of the total~~ 88308
volume of oil severed during the calendar quarter multiplied by 88309

the average quarterly spot price for oil applicable to that 88310
quarter; 88311

(6)(a) For gas that enters the natural gas distribution 88312
system without further processing, six and one-half per cent of 88313
the product of the total volume of such gas severed during the 88314
calendar quarter multiplied by the average quarterly spot price 88315
for gas applicable to that quarter; 88316

(b) For gas other than that described in division (A)(6)(a) 88317
of this section, four and one-half per cent of the product of the 88318
total volume of such gas after the gas is processed during the 88319
calendar quarter, regardless of where the processing facility is 88320
located, multiplied by the average quarterly spot price for gas 88321
applicable to that quarter. 88322

(7) Six and one-half per cent of the product of the volume of 88323
condensate collected during the calendar quarter at a point other 88324
than the wellhead, regardless of where title is transferred, 88325
multiplied by the average quarterly spot price for condensate 88326
applicable to that quarter; 88327

(8) Four and one-half per cent of the product of the volume 88328
of natural gas liquids collected during the calendar year at a 88329
point other than the wellhead, regardless of where title is 88330
transferred, multiplied by the average quarterly spot price for 88331
natural gas liquids applicable to that quarter; 88332

(9) One cent per ton of clay, sandstone or conglomerate, 88333
shale, gypsum, or quartzite; 88334

~~(8)~~(10) Except as otherwise provided in this division or in 88335
rules adopted by the reclamation forfeiture fund advisory board 88336
under section 1513.182 of the Revised Code, an additional fourteen 88337
cents per ton of coal produced from an area under a coal mining 88338
and reclamation permit issued under Chapter 1513. of the Revised 88339
Code for which the performance security is provided under division 88340

(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 88341
2007, if at the end of a fiscal biennium the balance of the 88342
reclamation forfeiture fund created in section 1513.18 of the 88343
Revised Code is equal to or greater than ten million dollars, the 88344
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 88345
if at the end of a fiscal biennium the balance of the fund is at 88346
least five million dollars, but less than ten million dollars, the 88347
rate levied shall be fourteen cents per ton. Beginning July 1, 88348
2007, if at the end of a fiscal biennium the balance of the fund 88349
is less than five million dollars, the rate levied shall be 88350
sixteen cents per ton. Beginning July 1, 2009, not later than 88351
thirty days after the close of a fiscal biennium, the chief of the 88352
division of mineral resources management shall certify to the tax 88353
commissioner the amount of the balance of the reclamation 88354
forfeiture fund as of the close of the fiscal biennium. Any 88355
necessary adjustment of the rate levied shall take effect on the 88356
first day of the following January and shall remain in effect 88357
during the calendar biennium that begins on that date. 88358

~~(9)(11)~~ An additional one and two-tenths cents per ton of 88359
coal mined by surface mining methods. 88360

(B) After the director of budget and management transfers 88361
money from the severance tax receipts fund as required in division 88362
(H) of section 5749.06 of the Revised Code, money remaining in the 88363
severance tax receipts fund, ~~except for money in the fund from the~~ 88364
~~amounts due under section 1509.50 of the Revised Code,~~ shall be 88365
credited as follows: 88366

(1) ~~Of All of~~ the moneys in the fund from the tax levied in 88367
division (A)(1) of this section, ~~four and seventy-six hundredths~~ 88368
~~per cent shall be credited to the geological mapping fund created~~ 88369
~~in section 1505.09 of the Revised Code, eighty and~~ 88370
~~ninety-five hundredths per cent shall be credited to the coal~~ 88371
~~mining administration and reclamation reserve fund created in~~ 88372

~~section 1513.181 of the Revised Code, and fourteen and~~ 88373
~~twenty-nine hundredths per cent shall be credited to the~~ 88374
~~unreclaimed lands mining regulation and safety~~ fund created in 88375
section 1513.30 of the Revised Code. 88376

(2) The money in the fund from the tax levied in division 88377
(A)(2) of this section shall be credited to the ~~geological mapping~~ 88378
mining regulation and safety fund. 88379

(3) Of the moneys in the fund from the tax levied in 88380
divisions (A)(3) and (4) of this section, seven and five-tenths 88381
per cent shall be credited to the geological mapping fund, 88382
~~forty-two and five-tenths per cent shall be credited to the~~ 88383
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 88384
surface mining regulation and safety fund created in section 88385
~~1514.06 1513.30~~ of the Revised Code. 88386

(4) ~~Of~~ All of the moneys in the fund from the tax levied in 88387
divisions (A)(5) ~~and (6) to (8)~~ of this section, ~~ninety per cent~~ 88388
shall be credited to the ~~oil and gas well~~ general revenue fund 88389
~~created in section 1509.02 of the Revised Code and ten per cent~~ 88390
~~shall be credited to the geological mapping fund. All~~ 88391

(5) All of the moneys in the fund from the tax levied in 88392
division (A)~~(7)~~(9) of this section shall be credited to the 88393
surface mining regulation and safety fund. 88394

~~(5)(6)~~ All of the moneys in the fund from the tax levied in 88395
division (A)~~(8)~~(10) of this section shall be credited to the 88396
reclamation forfeiture fund. 88397

~~(6)(7)~~ All of the moneys in the fund from the tax levied in 88398
division (A)~~(9)~~(11) of this section shall be credited to the 88399
~~unreclaimed lands~~ mining regulation and safety fund. 88400

(C) When, at the close of any fiscal year, the chief finds 88401
that the balance of the reclamation forfeiture fund, ~~plus~~ 88402
~~estimated transfers to it from the coal mining administration and~~ 88403

~~reclamation reserve fund under section 1513.181 of the Revised~~ 88404
Code, plus the estimated revenues from the tax levied by division 88405
(A)~~(8)~~(10) of this section for the remainder of the calendar year 88406
that includes the close of the fiscal year, are sufficient to 88407
complete the reclamation of all lands for which the performance 88408
security has been provided under division (C)(2) of section 88409
1513.08 of the Revised Code, the purposes for which the tax under 88410
division (A)~~(8)~~(10) of this section is levied shall be deemed 88411
accomplished at the end of that calendar year. The chief, within 88412
thirty days after the close of the fiscal year, shall certify 88413
those findings to the tax commissioner, and the tax levied under 88414
division (A)~~(8)~~(10) of this section shall cease to be imposed for 88415
the subsequent calendar year after the last day of that calendar 88416
year on coal produced under a coal mining and reclamation permit 88417
issued under Chapter 1513. of the Revised Code if the permittee 88418
has made tax payments under division (A)~~(8)~~(10) of this section 88419
during each of the preceding five full calendar years. Not later 88420
than thirty days after the close of a fiscal year, the chief shall 88421
certify to the tax commissioner the identity of any permittees who 88422
accordingly no longer are required to pay the tax levied under 88423
division (A)~~(8)~~(10) of this section for the subsequent calendar 88424
year. 88425

(D) On or before the last day of the first month of each 88426
calendar quarter, the tax commissioner shall certify and post to 88427
the department of taxation's web site the average quarterly spot 88428
price applicable to oil, gas, condensate, and natural gas liquids 88429
for that quarter. 88430

Sec. 5749.03. ~~The following~~ Natural resources severed from an 88431
exempt domestic well shall be exempt from the tax imposed by 88432
section 5749.02 of the Revised Code ~~and the amount due under~~ 88433
~~section 1509.50 of the Revised Code:~~ 88434

~~The severance of natural resources from land or water in this state owned legally or beneficially by the severer, which natural resources will be used on the land from which they are taken by the severer as part of the improvement of or use in the severer's homestead and which have a yearly cumulative market value of not greater than one thousand dollars. When severed natural resources so used exceed a cumulative market value of one thousand dollars during any year, the further severance of natural resources shall be subject to the tax imposed by section 5749.02 of the Revised Code.~~

Sec. 5749.04. No severer shall sever or sell a natural resource in this state without first having obtained a ~~license or permit therefor~~ from or having registered with the department of natural resources.

~~Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he the commissioner finds that the applicant severer or owner has failed to fully and truthfully complete the application or has failed to pay the tax required by~~ comply with former section 1509.50 or Chapter 5749. of the Revised Code.

~~The fee charged for the license or permit shall be fifty dollars. The remittance for such fee shall accompany the application and shall be made payable to the treasurer of state~~

~~for deposit in the general revenue fund~~ Upon receipt of such a 88466
~~request, that officer may revoke the permit or registration.~~ 88467

Except as provided in section 5749.03 of the Revised Code, 88468
before severing a natural resource each severer shall file an 88469
application with the commissioner on a form prescribed by the 88470
commissioner to establish a severance tax account. The application 88471
may require the severer to disclose any information the 88472
commissioner considers necessary to establish that account. 88473

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed 88474
by section 5749.02 of the Revised Code ~~and each severer or owner~~ 88475
~~liable for the amounts due under section 1509.50 of the Revised~~ 88476
~~Code~~ shall make and file returns with the tax commissioner in the 88477
prescribed form and ~~as of~~ at the prescribed times, computing and 88478
reflecting therein the tax as required by this chapter ~~and amounts~~ 88479
~~due under section 1509.50 of the Revised Code.~~ 88480

(2) The returns shall be filed for every ~~quarterly period,~~ 88481
~~which periods shall end on the thirty-first day of March, the~~ 88482
~~thirtieth day of June, the thirtieth day of September, and the~~ 88483
~~thirty-first day of December of each year~~ calendar quarter, as 88484
required by this section, unless a different return period is 88485
prescribed for a taxpayer by the commissioner. 88486

(B)(1) A separate return shall be filed for each calendar 88487
~~quarterly period~~ quarter, or other period, or any part thereof, 88488
during which the severer holds a ~~license~~ permit or has registered 88489
as provided by section 5749.04 of the Revised Code, or is required 88490
to hold the ~~license, or during which an owner is required to file~~ 88491
~~a return~~ permit or be registered. The return shall be filed ~~within~~ 88492
~~forty-five days after the last~~ on or before the fifteenth day of 88493
~~each such calendar month, or other period, or any part thereof,~~ 88494
~~for which the return is required~~ the second month following the 88495
end of each return period. The tax due is payable along with the 88496

return. All such returns shall contain such information as the 88497
commissioner may require to fairly administer the tax. 88498

(2) All returns shall be signed by the severer ~~or owner, as~~ 88499
~~applicable,~~ shall contain the full and complete information 88500
requested, and shall be made under penalty of perjury. 88501

(C) If the commissioner believes that quarterly payments of 88502
tax would result in a delay that might jeopardize the collection 88503
of such tax payments, the commissioner may order that such 88504
payments be made weekly, or more frequently if necessary, such 88505
payments to be made not later than seven days following the close 88506
of the period for which the jeopardy payment is required. Such an 88507
order shall be delivered to the taxpayer personally or by 88508
certified mail and shall remain in effect until the commissioner 88509
notifies the taxpayer to the contrary. 88510

(D) Upon good cause the commissioner may extend for thirty 88511
days the period for filing any notice or return required to be 88512
filed under this section, and may remit all or a part of penalties 88513
that may become due under this chapter. 88514

(E) Any tax ~~and any amount due under section 1509.50 of the~~ 88515
~~Revised Code~~ not paid by the day the tax ~~or amount~~ is due shall 88516
bear interest computed at the rate per annum prescribed by section 88517
5703.47 of the Revised Code ~~on that amount due~~ from the day that 88518
the ~~amount~~ tax was originally required to be paid to the day of 88519
actual payment or to the day an assessment was issued under 88520
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 88521
first. 88522

(F) A severer ~~or owner, as applicable,~~ that fails to file a 88523
complete return or pay the full amount due under this chapter 88524
within the time prescribed, including any extensions of time 88525
granted by the commissioner, shall be subject to a penalty not to 88526
exceed the greater of fifty dollars or ten per cent of the amount 88527

due for the period. 88528

(G)(1) A severer ~~or owner~~, ~~as applicable~~, shall remit 88529
payments electronically and, if required by the commissioner, file 88530
each return electronically. The commissioner may require that the 88531
severer ~~or owner~~ use the Ohio business gateway, as defined in 88532
section 718.01 of the Revised Code, or another electronic means to 88533
file returns and remit payments electronically. 88534

(2) A severer ~~or owner~~ that is required to remit payments 88535
electronically under this section may apply to the commissioner, 88536
in the manner prescribed by the commissioner, to be excused from 88537
that requirement. The commissioner may excuse a severer ~~or owner~~ 88538
from the requirements of division (G) of this section for good 88539
cause. 88540

(3) If a severer ~~or owner~~ that is required to remit payments 88541
or file returns electronically under this section fails to do so, 88542
the commissioner may impose a penalty on the severer ~~or owner~~ not 88543
to exceed the following: 88544

(a) For the first or second payment or return the severer ~~or~~ 88545
~~owner~~ fails to remit or file electronically, the greater of five 88546
per cent of the amount of the payment that was required to be 88547
remitted or twenty-five dollars; 88548

(b) For every payment or return after the second that the 88549
severer ~~or owner~~ fails to remit or file electronically, the 88550
greater of ten per cent of the amount of the payment that was 88551
required to be remitted or fifty dollars. 88552

(H)(1) All amounts that the commissioner receives under this 88553
section shall be deemed to be revenue from taxes imposed under 88554
this chapter or from the amount due under former section 1509.50 88555
of the Revised Code, as applicable, and shall be deposited in the 88556
severance tax receipts fund, which is hereby created in the state 88557
treasury. 88558

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month ~~following the end of each calendar quarter~~, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter ~~and the amounts due under section 1509.50 of the Revised Code~~ and provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under former section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.

(J) For the purposes of this section:

(1) "Tax imposed by section 5749.02 of the Revised Code" and "tax" includes amounts due under former section 1509.50 of the Revised Code.

(2) "Severer" includes an owner as defined in section 1509.01 88591
of the Revised Code, with regard to amounts due from an owner 88592
under former section 1509.50 of the Revised Code. 88593

Sec. 5749.07. (A) If any severer required by this chapter to 88594
make and file returns and pay the tax ~~levied~~ imposed by section 88595
5749.02 of the Revised Code, ~~or any severer or owner liable for~~ 88596
~~the amounts due under section 1509.50 of the Revised Code,~~ fails 88597
to make such return or pay such tax ~~or amounts,~~ the tax 88598
commissioner may make an assessment against the severer ~~or owner~~ 88599
based upon any information in the commissioner's possession. 88600

No assessment shall be made or issued against any severer for 88601
any tax imposed by section 5749.02 of the Revised Code ~~or against~~ 88602
~~any severer or owner for any amount due under section 1509.50 of~~ 88603
~~the Revised Code~~ more than four years after the return was due or 88604
was filed, whichever is later. This section does not bar an 88605
assessment against a severer ~~or owner~~ who fails to file a return 88606
as required by this chapter, or who files a fraudulent return. 88607

The commissioner shall give the party assessed written notice 88608
of such assessment in the manner provided in section 5703.37 of 88609
the Revised Code. With the notice, the commissioner shall provide 88610
instructions on how to petition for reassessment and request a 88611
hearing on the petition. 88612

(B) Unless the party assessed files with the commissioner 88613
within sixty days after service of the notice of assessment, 88614
either personally or by certified mail, a written petition for 88615
reassessment signed by the party assessed or that party's 88616
authorized agent having knowledge of the facts, the assessment 88617
becomes final and the amount of the assessment is due and payable 88618
from the party assessed to the treasurer of state. The petition 88619
shall indicate the objections of the party assessed, but 88620
additional objections may be raised in writing if received by the 88621

commissioner prior to the date shown on the final determination. 88622
If the petition has been properly filed, the commissioner shall 88623
proceed under section 5703.60 of the Revised Code. 88624

(C) After an assessment becomes final, if any portion of the 88625
assessment remains unpaid, including accrued interest, a certified 88626
copy of the commissioner's entry making the assessment final may 88627
be filed in the office of the clerk of the court of common pleas 88628
in the county in which the party assessed resides or in which the 88629
party's business is conducted. If the party assessed maintains no 88630
place of business in this state and is not a resident of this 88631
state, the certified copy of the entry may be filed in the office 88632
of the clerk of the court of common pleas of Franklin county. 88633

Immediately upon the filing of such entry, the clerk shall 88634
enter a judgment for the state against the party assessed in the 88635
amount shown on the entry. The judgment may be filed by the clerk 88636
in a loose-leaf book entitled "special judgments for state 88637
severance tax," and shall have the same effect as other judgments. 88638
Execution shall issue upon the judgment upon the request of the 88639
commissioner, and all laws applicable to sales on execution shall 88640
apply to sales made under the judgment. 88641

If the assessment is not paid in its entirety within sixty 88642
days after the day the assessment is issued, the portion of the 88643
assessment consisting of tax due ~~or amounts due under section~~ 88644
~~1509.50 of the Revised Code~~ shall bear interest at the rate per 88645
annum prescribed by section 5703.47 of the Revised Code from the 88646
day the commissioner issues the assessment until it is paid or 88647
until it is certified to the attorney general for collection under 88648
section 131.02 of the Revised Code, whichever comes first. If the 88649
unpaid portion of the assessment is certified to the attorney 88650
general for collection, the entire unpaid portion of the 88651
assessment shall bear interest at the rate per annum prescribed by 88652
section 5703.47 of the Revised Code from the date of certification 88653

until the date it is paid in its entirety. Interest shall be paid 88654
in the same manner as the tax and may be collected by the issuance 88655
of an assessment under this section. 88656

(D) All money collected by the commissioner under this 88657
section shall be paid to the treasurer of state, and when paid 88658
shall be considered as revenue arising from the tax imposed by 88659
section 5749.02 of the Revised Code ~~and the amount due under~~ 88660
~~section 1509.50 of the Revised Code, as applicable.~~ 88661

(E) For the purposes of this section: 88662

(1) "Tax imposed by section 5749.02 of the Revised Code" and 88663
"tax" includes amounts due under former section 1509.50 of the 88664
Revised Code. 88665

(2) "Severer" includes an owner as defined in section 1509.01 88666
of the Revised Code, with regard to amounts due from an owner 88667
under former section 1509.50 of the Revised Code. 88668

Sec. 5749.08. The tax commissioner shall refund ~~to taxpayers~~ 88669
the amount of taxes levied by section 5749.02 of the Revised Code 88670
and amounts due under former section 1509.50 of the Revised Code 88671
that were paid illegally or erroneously or paid on an illegal or 88672
erroneous assessment. Applications for refund shall be filed with 88673
the commissioner, on the form prescribed by the commissioner, 88674
within four years from the date of the illegal or erroneous 88675
payment. On the filing of the application, the commissioner shall 88676
determine the amount of refund to which the applicant is entitled, 88677
plus interest computed in accordance with section 5703.47 of the 88678
Revised Code from the date of the payment of an erroneous or 88679
illegal assessment until the date the refund is paid. If the 88680
amount is not less than that claimed, the commissioner shall 88681
certify the amount to the director of budget and management and 88682
treasurer of state for payment from the tax refund fund created by 88683
section 5703.052 of the Revised Code. If the amount is less than 88684

that claimed, the commissioner shall proceed in accordance with 88685
section 5703.70 of the Revised Code. 88686

Sec. 5749.10. If the tax commissioner finds that a ~~taxpayer,~~ 88687
person liable for tax under this chapter or for any amount due 88688
under former section 1509.50 of the Revised Code is about to 88689
depart from the state, or remove the ~~taxpayer's~~ person's property 88690
therefrom, or conceal ~~the taxpayer's person~~ themselves or their 88691
property, or do any other act tending to prejudice or to render 88692
wholly or partly ineffectual proceedings to collect such tax or 88693
other amount due unless such proceedings are brought without 88694
delay, or if the commissioner believes that the collection of the 88695
tax or amount due from any ~~taxpayer~~ person will be jeopardized by 88696
delay, the commissioner shall give notice of such findings to ~~such~~ 88697
~~taxpayer~~ the person together with the demand for an immediate 88698
return and immediate payment of such tax or other amount due, with 88699
penalty as provided in section 5749.15 of the Revised Code, 88700
whereupon such tax or other amount due shall become immediately 88701
due and payable. In such cases the commissioner may immediately 88702
file an entry with the clerk of the court of common pleas in the 88703
same manner and with the same effect as provided in section 88704
5749.07 of the Revised Code, provided that if ~~such taxpayer~~ the 88705
person, within five days from notice of the assessment, furnishes 88706
evidence satisfactory to the commissioner, under ~~the regulations~~ 88707
~~prescribed~~ rules adopted by the commissioner, that the ~~taxpayer~~ 88708
person is not in default in making returns or paying any tax 88709
prescribed by this chapter or amount due under former section 88710
1509.50 of the Revised Code, or that the ~~taxpayer~~ person will duly 88711
return and pay, or post bond satisfactory to the commissioner 88712
conditioned upon payment of the tax or other amount finally 88713
determined to be due, then such tax or other amount due shall not 88714
be payable prior to the time and manner otherwise fixed for 88715
payment under section 5749.07 of the Revised Code, and the person 88716

assessed shall be restored the rights granted under such section. 88717
Upon satisfaction of the assessment the commissioner shall order 88718
the bond cancelled, securities released, and judgment vacated. 88719

Any assessment issued under this section shall bear interest 88720
as prescribed under section 5749.07 of the Revised Code. 88721

Sec. 5749.11. (A) There is hereby allowed a nonrefundable 88722
credit against the taxes imposed under division (A)~~(8)~~(10) of 88723
section 5749.02 of the Revised Code for any severer to which a 88724
reclamation tax credit certificate is issued under section 88725
1513.171 of the Revised Code. The credit shall be claimed in the 88726
amount shown on the certificate. The credit shall be claimed by 88727
deducting the amount of the credit from the amount of the first 88728
tax payment due under section 5749.06 of the Revised Code after 88729
the certificate is issued. 88730

If the amount of the credit shown on a certificate exceeds 88731
the amount of the tax otherwise due with that first payment, the 88732
excess shall be claimed against the amount of tax otherwise due on 88733
succeeding payment dates until the entire credit amount has been 88734
deducted. The total amount of credit claimed against payments 88735
shall not exceed the total amount of credit shown on the 88736
certificate. 88737

(B) A severer claiming a credit under this section shall 88738
retain a reclamation tax credit certificate for not less than four 88739
years following the date of the last tax payment against which the 88740
credit allowed under that certificate was applied. Severers shall 88741
make tax credit certificates available for inspection by the tax 88742
commissioner upon the tax commissioner's request. 88743

Sec. 5749.12. Any nonresident of this state who accepts the 88744
privilege extended by the laws of this state to nonresidents 88745
severing natural resources in this state, and any resident of this 88746

state who subsequently becomes a nonresident or conceals the 88747
resident's whereabouts, makes the secretary of state of Ohio the 88748
person's agent for the service of process or notice in any 88749
assessment, action, or proceedings instituted in this state 88750
against such person under this chapter or for purposes of amounts 88751
due under former section 1509.50 of the Revised Code. 88752

Such process or notice shall be served as provided under 88753
section 5703.37 of the Revised Code. 88754

Sec. 5749.13. The tax commissioner may prescribe requirements 88755
as to the keeping of records and other pertinent documents and the 88756
filing of copies of federal income tax returns and determinations. 88757
The commissioner may require any person, by rule or by notice 88758
served on that person, to keep such records as the commissioner 88759
considers necessary to show whether that person is liable, and the 88760
extent of liability, for the tax imposed under this chapter and 88761
the amount due under former section 1509.50 of the Revised Code. 88762
Such records and other documents shall be open during business 88763
hours to the inspection of the commissioner, and shall be 88764
preserved for a period of four years after the date the return was 88765
required to be filed or actually was filed, whichever is later, 88766
unless the commissioner, in writing, consents to their destruction 88767
within that period, or by order requires that they be kept longer. 88768
88769

Sec. 5749.14. The tax commissioner shall enforce and 88770
administer this chapter ~~and applicable provisions of section~~ 88771
~~1509.50 of the Revised Code.~~ In addition to any other powers 88772
conferred upon the commissioner by law, the commissioner may: 88773

(A) Prescribe all forms required to be filed pursuant to this 88774
chapter; 88775

(B) ~~Promulgate~~ Adopt such rules as the commissioner finds 88776

necessary to carry out this chapter ~~and applicable provisions of~~ 88777
~~section 1509.50 of the Revised Code;~~ 88778

(C) Appoint and employ such personnel as may be necessary to 88779
carry out the duties imposed upon the commissioner by this 88780
chapter. 88781

Sec. 5749.15. Any person who fails to file a return or pay 88782
the tax as required under this chapter or other amount due under 88783
former section 1509.50 of the Revised Code who is assessed such 88784
taxes or other amount due pursuant to section 5749.07 or 5749.10 88785
of the Revised Code may be liable for a penalty of up to 88786
twenty-five per cent of the amount assessed. The tax commissioner 88787
may adopt rules relating to the imposition and remission of 88788
penalties imposed under this section. 88789

Sec. 5749.17. ~~Except for purposes of enforcing Chapter 1509.~~ 88790
~~of the Revised Code, any~~ Any information provided to the 88791
department of natural resources by the department of taxation in 88792
accordance with division (C)(12) of section 5703.21 of the Revised 88793
Code shall not be disclosed publicly by the department of natural 88794
resources. However the department of natural resources may provide 88795
such information to the attorney general for purposes of 88796
enforcement of Chapter 1509. of the Revised Code. 88797

Sec. 5751.01. As used in this chapter: 88798

(A) "Person" means, but is not limited to, individuals, 88799
combinations of individuals of any form, receivers, assignees, 88800
trustees in bankruptcy, firms, companies, joint-stock companies, 88801
business trusts, estates, partnerships, limited liability 88802
partnerships, limited liability companies, associations, joint 88803
ventures, clubs, societies, for-profit corporations, S 88804
corporations, qualified subchapter S subsidiaries, qualified 88805
subchapter S trusts, trusts, entities that are disregarded for 88806

federal income tax purposes, and any other entities. 88807

(B) "Consolidated elected taxpayer" means a group of two or 88808
more persons treated as a single taxpayer for purposes of this 88809
chapter as the result of an election made under section 5751.011 88810
of the Revised Code. 88811

(C) "Combined taxpayer" means a group of two or more persons 88812
treated as a single taxpayer for purposes of this chapter under 88813
section 5751.012 of the Revised Code. 88814

(D) "Taxpayer" means any person, or any group of persons in 88815
the case of a consolidated elected taxpayer or combined taxpayer 88816
treated as one taxpayer, required to register or pay tax under 88817
this chapter. "Taxpayer" does not include excluded persons. 88818

(E) "Excluded person" means any of the following: 88819

(1) Any person with not more than one hundred fifty thousand 88820
dollars of taxable gross receipts during the calendar year. 88821
Division (E)(1) of this section does not apply to a person that is 88822
a member of a consolidated elected taxpayer; 88823

(2) A public utility that paid the excise tax imposed by 88824
section 5727.24 or 5727.30 of the Revised Code based on one or 88825
more measurement periods that include the entire tax period under 88826
this chapter, except that a public utility that is a combined 88827
company is a taxpayer with regard to the following gross receipts: 88828

(a) Taxable gross receipts directly attributed to a public 88829
utility activity, but not directly attributed to an activity that 88830
is subject to the excise tax imposed by section 5727.24 or 5727.30 88831
of the Revised Code; 88832

(b) Taxable gross receipts that cannot be directly attributed 88833
to any activity, multiplied by a fraction whose numerator is the 88834
taxable gross receipts described in division (E)(2)(a) of this 88835
section and whose denominator is the total taxable gross receipts 88836

that can be directly attributed to any activity; 88837

(c) Except for any differences resulting from the use of an 88838
accrual basis method of accounting for purposes of determining 88839
gross receipts under this chapter and the use of the cash basis 88840
method of accounting for purposes of determining gross receipts 88841
under section 5727.24 of the Revised Code, the gross receipts 88842
directly attributed to the activity of a natural gas company shall 88843
be determined in a manner consistent with division (D) of section 88844
5727.03 of the Revised Code. 88845

As used in division (E)(2) of this section, "combined 88846
company" and "public utility" have the same meanings as in section 88847
5727.01 of the Revised Code. 88848

(3) A financial institution, as defined in section 5726.01 of 88849
the Revised Code, that paid the tax imposed by section 5726.02 of 88850
the Revised Code based on one or more taxable years that include 88851
the entire tax period under this chapter; 88852

(4) A person directly or indirectly owned by one or more 88853
financial institutions, as defined in section 5726.01 of the 88854
Revised Code, that paid the tax imposed by section 5726.02 of the 88855
Revised Code based on one or more taxable years that include the 88856
entire tax period under this chapter. 88857

For the purposes of division (E)(4) of this section, a person 88858
owns another person under the following circumstances: 88859

(a) In the case of corporations issuing capital stock, one 88860
corporation owns another corporation if it owns fifty per cent or 88861
more of the other corporation's capital stock with current voting 88862
rights; 88863

(b) In the case of a limited liability company, one person 88864
owns the company if that person's membership interest, as defined 88865
in section 1705.01 of the Revised Code, is fifty per cent or more 88866
of the combined membership interests of all persons owning such 88867

interests in the company; 88868

(c) In the case of a partnership, trust, or other 88869
unincorporated business organization other than a limited 88870
liability company, one person owns the organization if, under the 88871
articles of organization or other instrument governing the affairs 88872
of the organization, that person has a beneficial interest in the 88873
organization's profits, surpluses, losses, or distributions of 88874
fifty per cent or more of the combined beneficial interests of all 88875
persons having such an interest in the organization. 88876

(5) A domestic insurance company or foreign insurance 88877
company, as defined in section 5725.01 of the Revised Code, that 88878
paid the insurance company premiums tax imposed by section 5725.18 88879
or Chapter 5729. of the Revised Code, or an unauthorized insurance 88880
company whose gross premiums are subject to tax under section 88881
3905.36 of the Revised Code based on one or more measurement 88882
periods that include the entire tax period under this chapter; 88883

(6) A person that solely facilitates or services one or more 88884
securitizations of phase-in-recovery property pursuant to a final 88885
financing order as those terms are defined in section 4928.23 of 88886
the Revised Code. For purposes of this division, "securitization" 88887
means transferring one or more assets to one or more persons and 88888
then issuing securities backed by the right to receive payment 88889
from the asset or assets so transferred. 88890

(7) Except as otherwise provided in this division, a 88891
pre-income tax trust as defined in division (FF)(4) of section 88892
5747.01 of the Revised Code and any pass-through entity of which 88893
such pre-income tax trust owns or controls, directly, indirectly, 88894
or constructively through related interests, more than five per 88895
cent of the ownership or equity interests. If the pre-income tax 88896
trust has made a qualifying pre-income tax trust election under 88897
division (FF)(3) of section 5747.01 of the Revised Code, then the 88898
trust and the pass-through entities of which it owns or controls, 88899

directly, indirectly, or constructively through related interests, 88900
more than five per cent of the ownership or equity interests, 88901
shall not be excluded persons for purposes of the tax imposed 88902
under section 5751.02 of the Revised Code. 88903

(8) Nonprofit organizations or the state and its agencies, 88904
instrumentalities, or political subdivisions. 88905

(F) Except as otherwise provided in divisions (F)(2), (3), 88906
and (4) of this section, "gross receipts" means the total amount 88907
realized by a person, without deduction for the cost of goods sold 88908
or other expenses incurred, that contributes to the production of 88909
gross income of the person, including the fair market value of any 88910
property and any services received, and any debt transferred or 88911
forgiven as consideration. 88912

(1) The following are examples of gross receipts: 88913

(a) Amounts realized from the sale, exchange, or other 88914
disposition of the taxpayer's property to or with another; 88915

(b) Amounts realized from the taxpayer's performance of 88916
services for another; 88917

(c) Amounts realized from another's use or possession of the 88918
taxpayer's property or capital; 88919

(d) Any combination of the foregoing amounts. 88920

(2) "Gross receipts" excludes the following amounts: 88921

(a) Interest income, except interest on credit sales and 88922
interest on loans made in the normal course of the taxpayer's 88923
business; 88924

(b) Dividends and distributions from corporations, and 88925
distributive or proportionate shares of receipts and income from a 88926
pass-through entity as defined under section 5733.04 of the 88927
Revised Code; 88928

(c) Receipts from the sale, exchange, or other disposition of 88929

an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance

premiums, or employee expenses, or on account of a dependent care 88962
spending account, legal services plan, any cafeteria plan 88963
described in section 125 of the Internal Revenue Code, or any 88964
similar employee reimbursement; 88965

(h) Proceeds received from the issuance of the taxpayer's own 88966
stock, options, warrants, puts, or calls, or from the sale of the 88967
taxpayer's treasury stock; 88968

(i) Proceeds received on the account of payments from 88969
insurance policies, except those proceeds received for the loss of 88970
business revenue; 88971

(j) Gifts or charitable contributions received; membership 88972
dues received by trade, professional, homeowners', or condominium 88973
associations; and payments received for educational courses, 88974
meetings, meals, or similar payments to a trade, professional, or 88975
other similar association; and fundraising receipts received by 88976
any person when any excess receipts are donated or used 88977
exclusively for charitable purposes; 88978

(k) Damages received as the result of litigation in excess of 88979
amounts that, if received without litigation, would be gross 88980
receipts; 88981

(l) Property, money, and other amounts received or acquired 88982
by an agent on behalf of another in excess of the agent's 88983
commission, fee, or other remuneration; 88984

(m) Tax refunds, other tax benefit recoveries, and 88985
reimbursements for the tax imposed under this chapter made by 88986
entities that are part of the same combined taxpayer or 88987
consolidated elected taxpayer group, and reimbursements made by 88988
entities that are not members of a combined taxpayer or 88989
consolidated elected taxpayer group that are required to be made 88990
for economic parity among multiple owners of an entity whose tax 88991
obligation under this chapter is required to be reported and paid 88992

entirely by one owner, pursuant to the requirements of sections	88993
5751.011 and 5751.012 of the Revised Code;	88994
(n) Pension reversions;	88995
(o) Contributions to capital;	88996
(p) Sales or use taxes collected as a vendor or an	88997
out-of-state seller on behalf of the taxing jurisdiction from a	88998
consumer or other taxes the taxpayer is required by law to collect	88999
directly from a purchaser and remit to a local, state, or federal	89000
tax authority;	89001
(q) In the case of receipts from the sale of cigarettes or	89002
tobacco products by a wholesale dealer, retail dealer,	89003
distributor, manufacturer, or seller, all as defined in section	89004
5743.01 of the Revised Code, an amount equal to the federal and	89005
state excise taxes paid by any person on or for such cigarettes or	89006
tobacco products under subtitle E of the Internal Revenue Code or	89007
Chapter 5743. of the Revised Code;	89008
(r) In the case of receipts from the sale, transfer,	89009
exchange, or other disposition of motor fuel as "motor fuel" is	89010
defined in section 5736.01 of the Revised Code, an amount equal to	89011
the value of the motor fuel, including federal and state motor	89012
fuel excise taxes and receipts from billing or invoicing the tax	89013
imposed under section 5736.02 of the Revised Code to another	89014
person;	89015
(s) In the case of receipts from the sale of beer or	89016
intoxicating liquor, as defined in section 4301.01 of the Revised	89017
Code, by a person holding a permit issued under Chapter 4301. or	89018
4303. of the Revised Code, an amount equal to federal and state	89019
excise taxes paid by any person on or for such beer or	89020
intoxicating liquor under subtitle E of the Internal Revenue Code	89021
or Chapter 4301. or 4305. of the Revised Code;	89022
(t) Receipts realized by a new motor vehicle dealer or used	89023

motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the

professional employer organization to the client employer; 89056

(y) In the case of amounts retained as commissions by a 89057
permit holder under Chapter 3769. of the Revised Code, an amount 89058
equal to the amounts specified under that chapter that must be 89059
paid to or collected by the tax commissioner as a tax and the 89060
amounts specified under that chapter to be used as purse money; 89061

(z) Qualifying distribution center receipts. 89062

(i) For purposes of division (F)(2)(z) of this section: 89063

(I) "Qualifying distribution center receipts" means receipts 89064
of a supplier from qualified property that is delivered to a 89065
qualified distribution center, multiplied by a quantity that 89066
equals one minus the Ohio delivery percentage. If the qualified 89067
distribution center is a refining facility, "supplier" includes 89068
all dealers, brokers, processors, sellers, vendors, cosigners, and 89069
distributors of qualified property. 89070

(II) "Qualified property" means tangible personal property 89071
delivered to a qualified distribution center that is shipped to 89072
that qualified distribution center solely for further shipping by 89073
the qualified distribution center to another location in this 89074
state or elsewhere or, in the case of gold, silver, platinum, or 89075
palladium delivered to a refining facility solely for refining to 89076
a grade and fineness acceptable for delivery to a registered 89077
commodities exchange. "Further shipping" includes storing and 89078
repackaging property into smaller or larger bundles, so long as 89079
the property is not subject to further manufacturing or 89080
processing. "Refining" is limited to extracting impurities from 89081
gold, silver, platinum, or palladium through smelting or some 89082
other process at a refining facility. 89083

(III) "Qualified distribution center" means a warehouse, a 89084
facility similar to a warehouse, or a refining facility in this 89085
state that, for the qualifying year, is operated by a person that 89086

is not part of a combined taxpayer group and that has a qualifying
certificate. All warehouses or facilities similar to warehouses
that are operated by persons in the same taxpayer group and that
are located within one mile of each other shall be treated as one
qualified distribution center. All refining facilities that are
operated by persons in the same taxpayer group and that are
located in the same or adjacent counties may be treated as one
qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the
qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of
July of the second year preceding the qualifying year through the
thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by
the tax commissioner after the operator of a distribution center
files an annual application with the commissioner. The application
and annual fee shall be filed and paid for each qualified
distribution center on or before the first day of September before
the qualifying year or within forty-five days after the
distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's
satisfaction that, for the qualifying period, all persons
operating the distribution center have more than fifty per cent of
the cost of the qualified property shipped to a location such that
it would be situated outside this state under the provisions of
division (E) of section 5751.033 of the Revised Code. The
applicant must also substantiate that the distribution center
cumulatively had costs from its suppliers equal to or exceeding
five hundred million dollars during the qualifying period. (For
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier"
excludes any person that is part of the consolidated elected
taxpayer group, if applicable, of the operator of the qualified

distribution center.) The commissioner may require the applicant 89119
to have an independent certified public accountant certify that 89120
the calculation of the minimum thresholds required for a qualified 89121
distribution center by the operator of a distribution center has 89122
been made in accordance with generally accepted accounting 89123
principles. The commissioner shall issue or deny the issuance of a 89124
certificate within sixty days after the receipt of the 89125
application. A denial is subject to appeal under section 5717.02 89126
of the Revised Code. If the operator files a timely appeal under 89127
section 5717.02 of the Revised Code, the operator shall be granted 89128
a qualifying certificate effective for the remainder of the 89129
qualifying year or until the appeal is finalized, whichever is 89130
earlier. If the operator does not prevail in the appeal, the 89131
operator shall pay the ineligible operator's supplier tax 89132
liability. 89133

(VII) "Ohio delivery percentage" means the proportion of the 89134
total property delivered to a destination inside Ohio from the 89135
qualified distribution center during the qualifying period 89136
compared with total deliveries from such distribution center 89137
everywhere during the qualifying period or ten per cent, whichever 89138
is greater. 89139

(VIII) "Refining facility" means one or more buildings 89140
located in a county in the Appalachian region of this state as 89141
defined by section 107.21 of the Revised Code and utilized for 89142
refining or smelting gold, silver, platinum, or palladium to a 89143
grade and fineness acceptable for delivery to a registered 89144
commodities exchange. 89145

(IX) "Registered commodities exchange" means a board of 89146
trade, such as New York mercantile exchange, inc. or commodity 89147
exchange, inc., designated as a contract market by the commodity 89148
futures trading commission under the "Commodity Exchange Act," 7 89149
U.S.C. 1 et seq., as amended. 89150

(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business

operations of the distribution center have changed or will change 89183
such that the distribution center will qualify as a qualified 89184
distribution center within thirty-six months after the date the 89185
operator first applies for a certificate. If, at the end of that 89186
thirty-six-month period, the business operations of the 89187
distribution center have not changed such that the distribution 89188
center qualifies as a qualified distribution center, the operator 89189
of the distribution center shall pay the ineligible operator's 89190
supplier tax liability for each year that the distribution center 89191
received a certificate but did not qualify as a qualified 89192
distribution center. For each year the distribution center 89193
receives a certificate under division (F)(2)(z)(ii)(II) of this 89194
section, the distribution center shall pay all applicable fees 89195
required under division (F)(2)(z) of this section and shall submit 89196
an updated business plan showing the progress the distribution 89197
center made toward qualifying as a qualified distribution center 89198
during the preceding year. 89199

(III) An operator may appeal a determination under division 89200
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 89201
operator is liable for the operator's supplier tax liability as a 89202
result of not qualifying as a qualified distribution center, as 89203
provided in section 5717.02 of the Revised Code. 89204

(iii) When filing an application for a qualifying certificate 89205
under division (F)(2)(z)(i)(VI) of this section, the operator of a 89206
qualified distribution center also shall provide documentation, as 89207
the commissioner requires, for the commissioner to ascertain the 89208
Ohio delivery percentage. The commissioner, upon issuing the 89209
qualifying certificate, also shall certify the Ohio delivery 89210
percentage. The operator of the qualified distribution center may 89211
appeal the commissioner's certification of the Ohio delivery 89212
percentage in the same manner as an appeal is taken from the 89213
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 89214

of this section. 89215

(iv)(I) In the case where the distribution center is new and 89216
not open for the entire qualifying period, the operator shall make 89217
a good faith estimate of an Ohio delivery percentage for use by 89218
suppliers in their reports of taxable gross receipts for the 89219
remainder of the qualifying period. The operator of the facility 89220
shall disclose to the suppliers that such Ohio delivery percentage 89221
is an estimate and is subject to recalculation. By the due date of 89222
the next application for a qualifying certificate, the operator 89223
shall determine the actual Ohio delivery percentage for the 89224
estimated qualifying period and proceed as provided in division 89225
(F)(2)(z)(iii) of this section with respect to the calculation and 89226
recalculation of the Ohio delivery percentage. The supplier is 89227
required to file, within sixty days after receiving notice from 89228
the operator of the qualified distribution center, amended reports 89229
for the impacted calendar quarter or quarters or calendar year, 89230
whichever the case may be. Any additional tax liability or tax 89231
overpayment shall be subject to interest but shall not be subject 89232
to the imposition of any penalty so long as the amended returns 89233
are timely filed. 89234

(II) The operator of a distribution center that receives a 89235
qualifying certificate under division (F)(2)(z)(ii)(II) of this 89236
section shall make a good faith estimate of the Ohio delivery 89237
percentage that the operator estimates will apply to the 89238
distribution center at the end of the thirty-six-month period 89239
after the operator first applied for a qualifying certificate 89240
under that division. The result of the estimate shall be 89241
multiplied by a factor of one and seventy-five one-hundredths. The 89242
product of that calculation shall be the Ohio delivery percentage 89243
used by suppliers in their reports of taxable gross receipts for 89244
each qualifying year that the distribution center receives a 89245
qualifying certificate under division (F)(2)(z)(ii)(II) of this 89246

section, except that, if the product is less than five per cent, 89247
the Ohio delivery percentage used shall be five per cent and that, 89248
if the product exceeds forty-nine per cent, the Ohio delivery 89249
percentage used shall be forty-nine per cent. 89250

(v) Qualifying certificates and Ohio delivery percentages 89251
issued by the commissioner shall be open to public inspection and 89252
shall be timely published by the commissioner. A supplier relying 89253
in good faith on a certificate issued under this division shall 89254
not be subject to tax on the qualifying distribution center 89255
receipts under division (F)(2)(z) of this section. An operator 89256
receiving a qualifying certificate is liable for the ineligible 89257
operator's supplier tax liability for each year the operator 89258
received a certificate but did not qualify as a qualified 89259
distribution center. 89260

(vi) The annual fee for a qualifying certificate shall be one 89261
hundred thousand dollars for each qualified distribution center. 89262
If a qualifying certificate is not issued, the annual fee is 89263
subject to refund after the exhaustion of all appeals provided for 89264
in division (F)(2)(z)(i)(VI) of this section. The first one 89265
hundred thousand dollars of the annual application fees collected 89266
each calendar year shall be credited to the revenue enhancement 89267
fund. The remainder of the annual application fees collected shall 89268
be distributed in the same manner required under section 5751.20 89269
of the Revised Code. 89270

(vii) The tax commissioner may require that adequate security 89271
be posted by the operator of the distribution center on appeal 89272
when the commissioner disagrees that the applicant has met the 89273
minimum thresholds for a qualified distribution center as set 89274
forth in division (F)(2)(z) of this section. 89275

(aa) Receipts of an employer from payroll deductions relating 89276
to the reimbursement of the employer for advancing moneys to an 89277
unrelated third party on an employee's behalf; 89278

(bb) Cash discounts allowed and taken;	89279
(cc) Returns and allowances;	89280
(dd) Bad debts from receipts on the basis of which the tax	89281
imposed by this chapter was paid in a prior quarterly tax payment	89282
period. For the purpose of this division, "bad debts" means any	89283
debts that have become worthless or uncollectible between the	89284
preceding and current quarterly tax payment periods, have been	89285
uncollected for at least six months, and that may be claimed as a	89286
deduction under section 166 of the Internal Revenue Code and the	89287
regulations adopted under that section, or that could be claimed	89288
as such if the taxpayer kept its accounts on the accrual basis.	89289
"Bad debts" does not include repossessed property, uncollectible	89290
amounts on property that remains in the possession of the taxpayer	89291
until the full purchase price is paid, or expenses in attempting	89292
to collect any account receivable or for any portion of the debt	89293
recovered;	89294
(ee) Any amount realized from the sale of an account	89295
receivable to the extent the receipts from the underlying	89296
transaction giving rise to the account receivable were included in	89297
the gross receipts of the taxpayer;	89298
(ff) Any receipts directly attributed to a transfer agreement	89299
or to the enterprise transferred under that agreement under	89300
section 4313.02 of the Revised Code.	89301
(gg)(i) As used in this division:	89302
(I) "Qualified uranium receipts" means receipts from the	89303
sale, exchange, lease, loan, production, processing, or other	89304
disposition of uranium within a uranium enrichment zone certified	89305
by the tax commissioner under division (F)(2)(gg)(ii) of this	89306
section. "Qualified uranium receipts" does not include any	89307
receipts with a situs in this state outside a uranium enrichment	89308
zone certified by the tax commissioner under division	89309

(F)(2)(gg)(ii) of this section. 89310

(II) "Uranium enrichment zone" means all real property that 89311
is part of a uranium enrichment facility licensed by the United 89312
States nuclear regulatory commission and that was or is owned or 89313
controlled by the United States department of energy or its 89314
successor. 89315

(ii) Any person that owns, leases, or operates real or 89316
tangible personal property constituting or located within a 89317
uranium enrichment zone may apply to the tax commissioner to have 89318
the uranium enrichment zone certified for the purpose of excluding 89319
qualified uranium receipts under division (F)(2)(gg) of this 89320
section. The application shall include such information that the 89321
tax commissioner prescribes. Within sixty days after receiving the 89322
application, the tax commissioner shall certify the zone for that 89323
purpose if the commissioner determines that the property qualifies 89324
as a uranium enrichment zone as defined in division (F)(2)(gg) of 89325
this section, or, if the tax commissioner determines that the 89326
property does not qualify, the commissioner shall deny the 89327
application or request additional information from the applicant. 89328
If the tax commissioner denies an application, the commissioner 89329
shall state the reasons for the denial. The applicant may appeal 89330
the denial of an application to the board of tax appeals pursuant 89331
to section 5717.02 of the Revised Code. If the applicant files a 89332
timely appeal, the tax commissioner shall conditionally certify 89333
the applicant's property. The conditional certification shall 89334
expire when all of the applicant's appeals are exhausted. Until 89335
final resolution of the appeal, the applicant shall retain the 89336
applicant's records in accordance with section 5751.12 of the 89337
Revised Code, notwithstanding any time limit on the preservation 89338
of records under that section. 89339

(hh) In the case of amounts collected by a licensed casino 89340
operator from casino gaming, amounts in excess of the casino 89341

operator's gross casino revenue. In this division, "casino
operator" and "casino gaming" have the meanings defined in section
3772.01 of the Revised Code, and "gross casino revenue" has the
meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural
commodities by an agricultural commodity handler, both as defined
in section 926.01 of the Revised Code, that is licensed by the
director of agriculture to handle agricultural commodities in this
state.

(jj) Qualifying integrated supply chain receipts.

As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means
receipts of a qualified integrated supply chain vendor from the
sale of qualified property delivered to, or integrated supply
chain services provided to, another qualified integrated supply
chain vendor or to a retailer that is a member of the integrated
supply chain. "Qualifying integrated supply chain receipts" does
not include receipts of a person that is not a qualified
integrated supply chain vendor from the sale of raw materials to a
member of an integrated supply chain, or receipts of a member of
an integrated supply chain from the sale of qualified property or
integrated supply chain services to a person that is not a member
of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or
dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or
form a component part of a qualified product capable of being sold
at retail, excluding equipment, machinery, furniture, and
fixtures;

(III) Finished goods inventory that is a qualified product 89372
capable of being sold at retail in the inventory's present form. 89373

(iii) "Qualified integrated supply chain vendor" means a 89374
person that is a member of an integrated supply chain and that 89375
provides integrated supply chain services within a qualified 89376
integrated supply chain district to a retailer that is a member of 89377
the integrated supply chain or to another qualified integrated 89378
supply chain vendor that is located within the same such district 89379
as the person but does not share a common owner with that person. 89380

(iv) "Qualified product" means a personal care, health, or 89381
beauty product or an aromatic product, including a candle. 89382
"Qualified product" does not include a drug that may be dispensed 89383
only pursuant to a prescription, durable medical equipment, 89384
mobility enhancing equipment, or a prosthetic device, as those 89385
terms are defined in section 5739.01 of the Revised Code. 89386

(v) "Integrated supply chain" means two or more qualified 89387
integrated supply chain vendors certified on the most recent list 89388
certified to the tax commissioner under this division that 89389
systematically collaborate and coordinate business operations with 89390
a retailer on the flow of tangible personal property from material 89391
sourcing through manufacturing, assembly, packaging, and delivery 89392
to the retailer to improve long-term financial performance of each 89393
vendor and the supply chain that includes the retailer. 89394

For the purpose of the certification required under this 89395
division, the reporting person for each retailer, on or before the 89396
first day of October of each year, shall certify to the tax 89397
commissioner a list of the qualified integrated supply chain 89398
vendors providing or receiving integrated supply chain services 89399
within a qualified integrated supply chain district for the 89400
ensuing calendar year. On or before the following first day of 89401
November, the commissioner shall issue a certificate to the 89402
retailer and to each vendor certified to the commissioner on that 89403

list. The certificate shall include the names of the retailer and 89404
of the qualified integrated supply chain vendors. 89405

The retailer shall notify the commissioner of any changes to 89406
the list, including additions to or subtractions from the list or 89407
changes in the name or legal entity of vendors certified on the 89408
list, within sixty days after the date the retailer becomes aware 89409
of the change. Within thirty days after receiving that 89410
notification, the commissioner shall issue a revised certificate 89411
to the retailer and to each vendor certified on the list. The 89412
revised certificate shall include the effective date of the 89413
change. 89414

Each recipient of a certificate issued pursuant to this 89415
division shall maintain a copy of the certificate for four years 89416
from the date the certificate was received. 89417

(vi) "Integrated supply chain services" means procuring raw 89418
materials or manufacturing, processing, refining, assembling, 89419
packaging, or repackaging tangible personal property that will 89420
become finished goods inventory capable of being sold at retail by 89421
a retailer that is a member of an integrated supply chain. 89422

(vii) "Retailer" means a person primarily engaged in making 89423
retail sales and any member of that person's consolidated elected 89424
taxpayer group or combined taxpayer group, whether or not that 89425
member is primarily engaged in making retail sales. 89426

(viii) "Qualified integrated supply chain district" means the 89427
parcel or parcels of land from which a retailer's integrated 89428
supply chain that existed on September 29, 2015, provides or 89429
receives integrated supply chain services, and to which all of the 89430
following apply: 89431

(I) The parcel or parcels are located wholly in a county 89432
having a population of greater than one hundred sixty-five 89433
thousand but less than one hundred seventy thousand based on the 89434

2010 federal decennial census. 89435

(II) The parcel or parcels are located wholly in the 89436
corporate limits of a municipal corporation with a population 89437
greater than seven thousand five hundred and less than eight 89438
thousand based on the 2010 federal decennial census that is partly 89439
located in the county described in division (F)(2)(jj)(viii)(I) of 89440
this section, as those corporate limits existed on September 29, 89441
2015. 89442

(III) The aggregate acreage of the parcel or parcels equals 89443
or exceeds one hundred acres. 89444

(kk) In the case of a railroad company described in division 89445
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 89446
diesel fuel directly from a supplier as defined by section 5736.01 89447
of the Revised Code, an amount equal to the product of the number 89448
of gallons of dyed diesel fuel purchased directly from such a 89449
supplier multiplied by the average wholesale price for a gallon of 89450
diesel fuel as determined under section 5736.02 of the Revised 89451
Code for the period during which the fuel was purchased multiplied 89452
by a fraction, the numerator of which equals the rate of tax 89453
levied by section 5736.02 of the Revised Code less the rate of tax 89454
computed in section 5751.03 of the Revised Code, and the 89455
denominator of which equals the rate of tax computed in section 89456
5751.03 of the Revised Code. 89457

(ll) Any receipts for which the tax imposed by this chapter 89458
is prohibited by the constitution or laws of the United States or 89459
the constitution of this state. 89460

(3) In the case of a taxpayer when acting as a real estate 89461
broker, "gross receipts" includes only the portion of any fee for 89462
the service of a real estate broker, or service of a real estate 89463
salesperson associated with that broker, that is retained by the 89464
broker and not paid to an associated real estate salesperson or 89465

another real estate broker. For the purposes of this division, 89466
"real estate broker" and "real estate salesperson" have the same 89467
meanings as in section 4735.01 of the Revised Code. 89468

(4) A taxpayer's method of accounting for gross receipts for 89469
a tax period shall be the same as the taxpayer's method of 89470
accounting for federal income tax purposes for the taxpayer's 89471
federal taxable year that includes the tax period. If a taxpayer's 89472
method of accounting for federal income tax purposes changes, its 89473
method of accounting for gross receipts under this chapter shall 89474
be changed accordingly. 89475

(G) "Taxable gross receipts" means gross receipts situated to 89476
this state under section 5751.033 of the Revised Code. 89477

(H) A person has "substantial nexus with this state" if any 89478
of the following applies. The person: 89479

(1) Owns or uses a part or all of its capital in this state; 89480

(2) Holds a certificate of compliance with the laws of this 89481
state authorizing the person to do business in this state; 89482

(3) Has bright-line presence in this state; 89483

(4) Otherwise has nexus with this state to an extent that the 89484
person can be required to remit the tax imposed under this chapter 89485
under the Constitution of the United States. 89486

(I) A person has "bright-line presence" in this state for a 89487
reporting period and for the remaining portion of the calendar 89488
year if any of the following applies. The person: 89489

(1) Has at any time during the calendar year property in this 89490
state with an aggregate value of at least fifty thousand dollars. 89491
For the purpose of division (I)(1) of this section, owned property 89492
is valued at original cost and rented property is valued at eight 89493
times the net annual rental charge. 89494

(2) Has during the calendar year payroll in this state of at 89495

least fifty thousand dollars. Payroll in this state includes all	89496
of the following:	89497
(a) Any amount subject to withholding by the person under	89498
section 5747.06 of the Revised Code;	89499
(b) Any other amount the person pays as compensation to an	89500
individual under the supervision or control of the person for work	89501
done in this state; and	89502
(c) Any amount the person pays for services performed in this	89503
state on its behalf by another.	89504
(3) Has during the calendar year taxable gross receipts of at	89505
least five hundred thousand dollars.	89506
(4) Has at any time during the calendar year within this	89507
state at least twenty-five per cent of the person's total	89508
property, total payroll, or total gross receipts.	89509
(5) Is domiciled in this state as an individual or for	89510
corporate, commercial, or other business purposes.	89511
(J) "Tangible personal property" has the same meaning as in	89512
section 5739.01 of the Revised Code.	89513
(K) "Internal Revenue Code" means the Internal Revenue Code	89514
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in	89515
this chapter that is not otherwise defined has the same meaning as	89516
when used in a comparable context in the laws of the United States	89517
relating to federal income taxes unless a different meaning is	89518
clearly required. Any reference in this chapter to the Internal	89519
Revenue Code includes other laws of the United States relating to	89520
federal income taxes.	89521
(L) "Calendar quarter" means a three-month period ending on	89522
the thirty-first day of March, the thirtieth day of June, the	89523
thirtieth day of September, or the thirty-first day of December.	89524
(M) "Tax period" means the calendar quarter or calendar year	89525

on the basis of which a taxpayer is required to pay the tax 89526
imposed under this chapter. 89527

(N) "Calendar year taxpayer" means a taxpayer for which the 89528
tax period is a calendar year. 89529

(O) "Calendar quarter taxpayer" means a taxpayer for which 89530
the tax period is a calendar quarter. 89531

(P) "Agent" means a person authorized by another person to 89532
act on its behalf to undertake a transaction for the other, 89533
including any of the following: 89534

(1) A person receiving a fee to sell financial instruments; 89535

(2) A person retaining only a commission from a transaction 89536
with the other proceeds from the transaction being remitted to 89537
another person; 89538

(3) A person issuing licenses and permits under section 89539
1533.13 of the Revised Code; 89540

(4) A lottery sales agent holding a valid license issued 89541
under section 3770.05 of the Revised Code; 89542

(5) A person acting as an agent of the division of liquor 89543
control under section 4301.17 of the Revised Code. 89544

(Q) "Received" includes amounts accrued under the accrual 89545
method of accounting. 89546

(R) "Reporting person" means a person in a consolidated 89547
elected taxpayer or combined taxpayer group that is designated by 89548
that group to legally bind the group for all filings and tax 89549
liabilities and to receive all legal notices with respect to 89550
matters under this chapter, or, for the purposes of section 89551
5751.04 of the Revised Code, a separate taxpayer that is not a 89552
member of such a group. 89553

Sec. 5751.02. (A) For the purpose of funding the needs of 89554

this state and its local governments, there is hereby levied a 89555
commercial activity tax on each person with taxable gross receipts 89556
for the privilege of doing business in this state. For the 89557
purposes of this chapter, "doing business" means engaging in any 89558
activity, whether legal or illegal, that is conducted for, or 89559
results in, gain, profit, or income, at any time during a calendar 89560
year. Persons on which the commercial activity tax is levied 89561
include, but are not limited to, persons with substantial nexus 89562
with this state. The tax imposed under this section is not a 89563
transactional tax and is not subject to Public Law No. 86-272, 73 89564
Stat. 555. The tax imposed under this section is in addition to 89565
any other taxes or fees imposed under the Revised Code. The tax 89566
levied under this section is imposed on the person receiving the 89567
gross receipts and is not a tax imposed directly on a purchaser. 89568
The tax imposed by this section is an annual privilege tax for the 89569
calendar year that, in the case of calendar year taxpayers, is the 89570
annual tax period and, in the case of calendar quarter taxpayers, 89571
contains all quarterly tax periods in the calendar year. A 89572
taxpayer is subject to the annual privilege tax for doing business 89573
during any portion of such calendar year. 89574

(B) The tax imposed by this section is a tax on the taxpayer 89575
and shall not be billed or invoiced to another person. Even if the 89576
tax or any portion thereof is billed or invoiced and separately 89577
stated, such amounts remain part of the price for purposes of the 89578
sales and use taxes levied under Chapters 5739. and 5741. of the 89579
Revised Code. Nothing in division (B) of this section prohibits: 89580

(1) A person from including in the price charged for a good 89581
or service an amount sufficient to recover the tax imposed by this 89582
section; or 89583

(2) A lessor from including an amount sufficient to recover 89584
the tax imposed by this section in a lease payment charged, or 89585

from including such an amount on a billing or invoice pursuant to 89586
the terms of a written lease agreement providing for the recovery 89587
of the lessor's tax costs. The recovery of such costs shall be 89588
based on an estimate of the total tax cost of the lessor during 89589
the tax period, as the tax liability of the lessor cannot be 89590
calculated until the end of that period. 89591

(C)(1) The commercial activities tax receipts fund is hereby 89592
created in the state treasury and shall consist of money arising 89593
from the tax imposed under this chapter. Eighty-five 89594
one-hundredths of one per cent of the money credited to that fund 89595
shall be credited to the revenue enhancement fund and shall be 89596
used to defray the costs incurred by the department of taxation in 89597
administering the tax imposed by this chapter and in implementing 89598
tax reform measures. The remainder of the money in the commercial 89599
activities tax receipts fund shall first be credited to the 89600
commercial activity tax motor fuel receipts fund, pursuant to 89601
division (C)(2) of this section, and the remainder shall be 89602
credited in the following percentages each fiscal year to the 89603
general revenue fund, to the school district tangible property tax 89604
replacement fund, which is hereby created in the state treasury 89605
for the purpose of making the payments described in section 89606
5709.92 of the Revised Code, and to the local government tangible 89607
property tax replacement fund, which is hereby created in the 89608
state treasury for the purpose of making the payments described in 89609
section 5709.93 of the Revised Code, in the following percentages: 89610

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	89611
2016 and <u>2017</u>	75.0%	20.0%	5.0%	89612
<u>2018 and</u>	<u>85.0%</u>	<u>13.0%</u>	<u>2.0%</u>	89613
				89614

thereafter

(2) Not later than the twentieth day of February, May, 89615
August, and November of each year, the commissioner shall provide 89616
for payment from the commercial activities tax receipts fund to 89617
the commercial activity tax motor fuel receipts fund an amount 89618
that bears the same ratio to the balance in the commercial 89619
activities tax receipts fund that (a) the taxable gross receipts 89620
attributed to motor fuel used for propelling vehicles on public 89621
highways as indicated by returns filed by the tenth day of that 89622
month for a liability that is due and payable on or after July 1, 89623
2013, for a tax period ending before July 1, 2014, bears to (b) 89624
all taxable gross receipts as indicated by those returns for such 89625
liabilities. 89626

(D)(1) If the total amount in the school district tangible 89627
property tax replacement fund is insufficient to make all payments 89628
under section 5709.92 of the Revised Code at the times the 89629
payments are to be made, the director of budget and management 89630
shall transfer from the general revenue fund to the school 89631
district tangible property tax replacement fund the difference 89632
between the total amount to be paid and the amount in the school 89633
district tangible property tax replacement fund. 89634

(2) If the total amount in the local government tangible 89635
property tax replacement fund is insufficient to make all payments 89636
under section 5709.93 of the Revised Code at the times the 89637
payments are to be made, the director of budget and management 89638
shall transfer from the general revenue fund to the local 89639
government tangible property tax replacement fund the difference 89640
between the total amount to be paid and the amount in the local 89641
government tangible property tax replacement fund. 89642

(E)(1) On or after the first day of June of each year, the 89643
director of budget and management may transfer any balance in the 89644
school district tangible property tax replacement fund to the 89645

general revenue fund. 89646

(2) On or after the first day of June of each year, the 89647
director of budget and management may transfer any balance in the 89648
local government tangible property tax replacement fund to the 89649
general revenue fund. 89650

(F)(1) There is hereby created in the state treasury the 89651
commercial activity tax motor fuel receipts fund. 89652

(2) On or before the fifteenth day of June of each fiscal 89653
year beginning with fiscal year 2015, the director of the Ohio 89654
public works commission shall certify to the director of budget 89655
and management the amount of debt service paid from the general 89656
revenue fund in the current fiscal year on bonds issued to finance 89657
or assist in the financing of the cost of local subdivision public 89658
infrastructure capital improvement projects, as provided for in 89659
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 89660
that are attributable to costs for construction, reconstruction, 89661
maintenance, or repair of public highways and bridges and other 89662
statutory highway purposes. That certification shall allocate the 89663
total amount of debt service paid from the general revenue fund 89664
and attributable to those costs in the current fiscal year 89665
according to the applicable section of the Ohio Constitution under 89666
which the bonds were originally issued. 89667

(3) On or before the thirtieth day of June of each fiscal 89668
year beginning with fiscal year 2015, the director of budget and 89669
management shall determine an amount up to but not exceeding the 89670
amount certified under division (F)(2) of this section and shall 89671
reserve that amount from the cash balance in the petroleum 89672
activity tax public highways fund or the commercial activity tax 89673
motor fuel receipts fund for transfer to the general revenue fund 89674
at times and in amounts to be determined by the director. The 89675
director shall transfer the cash balance in the petroleum activity 89676
tax public highways fund or the commercial activity tax motor fuel 89677

receipts fund in excess of the amount so reserved to the highway 89678
operating fund on or before the thirtieth day of June of the 89679
current fiscal year. 89680

Sec. 5901.06. (A) The veterans service commission may employ 89681
an executive director, who shall ~~be a veteran and shall be~~ 89682
employed in the unclassified service, and ~~such~~ shall have both of 89683
the following qualifications: 89684

(1) Be a veteran; and 89685

(2) Possess at least three years of experience in one or more 89686
of the following areas: 89687

(a) Administration; 89688

(b) Fiscal matters; 89689

(c) Law; 89690

(d) Operations; or 89691

(e) Communications. 89692

(B) The veterans service commission may hire investigators 89693
and, clerks, or other employees as are necessary to perform the 89694
duties of the commission. Each investigator ~~and, clerk, or other~~ 89695
employee shall be a veteran or, if a qualified veteran is not 89696
available, the spouse, surviving spouse, child, or parent of a 89697
veteran. Each shall be employed in the classified service and is 89698
exempt from civil service examination. The compensation of such 89699
investigators ~~and, clerks, or other employees~~ shall be established 89700
by the commission, and shall be paid from the county allotment of 89701
veterans service funds. 89702

(C) Within sixty days after the date of initial employment, 89703
the executive director, investigator, clerk, or other employee 89704
shall file a copy of the veteran's DD214, DD215, NGB22, or 89705
official summary of service with the department of veterans 89706

services in accordance with guidelines established by the director 89707
of veterans services. If the investigator, clerk, or other 89708
employee filing documentation is a spouse, surviving spouse, 89709
child, or parent of a veteran, the investigator, clerk, or other 89710
employee also shall provide documentation of the relationship to 89711
the veteran, such as a birth certificate, marriage certificate, or 89712
other official record. 89713

(D) For purposes of this section, "veteran" has the same 89714
meaning as in section 5903.01 of the Revised Code. 89715

Sec. 5901.07. The veterans service commission shall employ 89716
one or more county veterans service officers, one of whom may act 89717
as executive director. Each service officer shall be a veteran or, 89718
if a qualified veteran is not available, a spouse, surviving 89719
spouse, child, or parent of a veteran. Within sixty days after the 89720
date of initial employment, each service officer shall file a copy 89721
of the ~~officer's form~~ veteran's DD214, DD215, NGB22, or official 89722
summary of service with the department of veterans services in 89723
accordance with guidelines established by the director of ~~that~~ 89724
~~department~~ veterans services. If the service officer filing 89725
documentation is a spouse, surviving spouse, child, or parent of a 89726
veteran, the officer also shall provide documentation of the 89727
relationship to the veteran, such as a birth certificate, marriage 89728
certificate, or other official record. Each service officer shall 89729
be employed in the classified service and is exempt from civil 89730
service examination. The commission may remove a veterans service 89731
officer who fails to maintain accreditation or whose certification 89732
is revoked by the director of veterans services. The service 89733
officers shall advise and assist present and former members of the 89734
armed forces of the United States, veterans, and their spouses, 89735
surviving spouses, children, parents, and dependents in presenting 89736
claims or obtaining rights or benefits under any law of the United 89737
States or of this state. 89738

The commission shall employ each service officer on a part- 89739
or full-time basis and fix the officer's compensation. No county 89740
commissioner or member of the veterans service commission shall be 89741
employed as a service officer. 89742

~~The commission shall employ the necessary clerks, 89743
stenographers, and other personnel to assist the service officers 89744
in the performance of duties and shall fix their compensation. 89745
Each of these employees shall be a veteran or, if a qualified 89746
veteran is not available, the spouse, surviving spouse, child, or 89747
parent of a veteran. Each of these employees shall be employed in 89748
the classified service and is exempt from civil service 89749
examination. 89750~~

The board of county commissioners, upon the recommendation or 89751
approval of the veterans service commission, may provide suitable 89752
office space, supplies, and office and incidental expenses for 89753
each service officer. The compensation of each service officer and 89754
of any employee and any expenses incurred under this section shall 89755
be paid out of funds appropriated to the commission, as provided 89756
in section 5901.11 of the Revised Code. 89757

For purposes of this section, "veteran" has the same meaning 89758
as in section 5903.01 of the Revised Code. 89759

Sec. 5902.02. The duties of the director of veterans services 89760
shall include the following: 89761

(A) Furnishing the veterans service commissions of all 89762
counties of the state copies of the state laws, rules, and 89763
legislation relating to the operation of the commissions and their 89764
offices; 89765

(B) Upon application, assisting the general public in 89766
obtaining records of vital statistics pertaining to veterans or 89767
their dependents; 89768

(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;	89769 89770 89771 89772 89773
(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner;	89774 89775 89776 89777
(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;	89778 89779 89780
(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;	89781 89782 89783 89784
(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues;	89785 89786 89787 89788 89789 89790
(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions;	89791 89792
(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service	89793 89794 89795 89796 89797 89798 89799

organizations. 89800

(J) Establishing a veterans advisory committee to advise and 89801
assist the department of veterans services in its duties. Members 89802
shall include a member of the national guard association of the 89803
United States who is a resident of this state, a member of the 89804
military officers association of America who is a resident of this 89805
state, a state representative of congressionally chartered 89806
veterans organizations referred to in section 5901.02 of the 89807
Revised Code, a representative of any other congressionally 89808
chartered state veterans organization that has at least one 89809
veterans service commissioner in the state, three representatives 89810
of the Ohio state association of county veterans service 89811
commissioners, who shall have a combined vote of one, three 89812
representatives of the state association of county veterans 89813
service officers, who shall have a combined vote of one, one 89814
representative of the county commissioners association of Ohio, 89815
who shall be a county commissioner not from the same county as any 89816
of the other county representatives, a representative of the 89817
advisory committee on women veterans, a representative of a labor 89818
organization, and a representative of the office of the attorney 89819
general. The department of veterans services shall submit to the 89820
advisory committee proposed rules for the committee's operation. 89821
The committee may review and revise these proposed rules prior to 89822
submitting them to the joint committee on agency rule review. 89823

(K) Adopting, with the advice and assistance of the veterans 89824
advisory committee, policy and procedural guidelines that the 89825
veterans service commissions shall adhere to in the development 89826
and implementation of rules, policies, procedures, and guidelines 89827
for the administration of Chapter 5901. of the Revised Code. The 89828
department of veterans services shall adopt no guidelines or rules 89829
regulating the purposes, scope, duration, or amounts of financial 89830
assistance provided to applicants pursuant to sections 5901.01 to 89831

5901.15 of the Revised Code. The director of veterans services may 89832
obtain opinions from the office of the attorney general regarding 89833
rules, policies, procedures, and guidelines of the veterans 89834
service commissions and may enforce compliance with Chapter 5901. 89835
of the Revised Code. 89836

(L) Receiving copies of form DD214 filed in accordance with 89837
the director's guidelines adopted under division (L) of this 89838
section from members of veterans service commissions appointed 89839
under section 5901.02 and from county veterans service officers 89840
employed under section 5901.07 of the Revised Code; 89841

(M) Developing and maintaining and improving a resource, such 89842
as a telephone answering point or a web site, by means of which 89843
veterans and their dependents, through a single portal, can access 89844
multiple sources of information and interaction with regard to the 89845
rights of, and the benefits available to, veterans and their 89846
dependents. The director of veterans services may enter into 89847
agreements with state and federal agencies, with agencies of 89848
political subdivisions, with state and local instrumentalities, 89849
and with private entities as necessary to make the resource as 89850
complete as is possible. 89851

(N) Planning, organizing, advertising, and conducting 89852
outreach efforts, such as conferences and fairs, at which veterans 89853
and their dependents may meet, learn about the organization and 89854
operation of the department of veterans services and of veterans 89855
service commissions, and obtain information about the rights of, 89856
and the benefits and services available to, veterans and their 89857
dependents; 89858

(O) Advertising, in print, on radio and television, and 89859
otherwise, the rights of, and the benefits and services available 89860
to, veterans and their dependents; 89861

(P) Developing and advocating improved benefits and services 89862

for, and improved delivery of benefits and services to, veterans 89863
and their dependents; 89864

(Q) Searching for, identifying, and reviewing statutory and 89865
administrative policies that relate to veterans and their 89866
dependents and reporting to the general assembly statutory and 89867
administrative policies that should be consolidated in whole or in 89868
part within the organization of the department of veterans 89869
services to unify funding, delivery, and accounting of statutory 89870
and administrative policy expressions that relate particularly to 89871
veterans and their dependents; 89872

(R) Encouraging veterans service commissions to innovate and 89873
otherwise to improve efficiency in delivering benefits and 89874
services to veterans and their dependents and to report successful 89875
innovations and efficiencies to the director of veterans services; 89876

(S) Publishing and encouraging adoption of successful 89877
innovations and efficiencies veterans service commissions have 89878
achieved in delivering benefits and services to veterans and their 89879
dependents; 89880

(T) Establishing advisory committees, in addition to the 89881
veterans advisory committee established under division (K) of this 89882
section, on veterans issues; 89883

(U) Developing and maintaining a relationship with the United 89884
States department of veterans affairs, seeking optimal federal 89885
benefits and services for Ohio veterans and their dependents, and 89886
encouraging veterans service commissions to maximize the federal 89887
benefits and services to which veterans and their dependents are 89888
entitled; 89889

(V) Developing and maintaining relationships with the several 89890
veterans organizations, and encouraging the organizations in their 89891
efforts at assisting veterans and their dependents, ~~and advocating~~ 89892
~~for adequate state subsidization of the organizations;~~ 89893

(W) Developing and maintaining the veterans organizations 89894
grant program. The director shall adopt rules under Chapter 119. 89895
of the Revised Code to identify eligible veterans organizations 89896
and the manner in which funds will be distributed. Any rules 89897
adopted by the director shall give funding priority to 89898
organizations and programs that improve access for veterans and 89899
their families to benefits and resources from the United States 89900
department of veterans affairs and programs that enhance access to 89901
employment services and opportunities, or other resources. 89902

~~(X)~~ Requiring the ~~several~~ veterans organizations that receive 89903
funding from the state ~~annually, not later than the thirtieth day~~ 89904
~~of July,~~ to report to the director ~~of veterans services and~~ 89905
~~prescribing annually, unless a shorter period of time is specified~~ 89906
~~by the director. The director shall prescribe the form and content~~ 89907
~~requirements of the report;~~. No funding from the state shall be 89908
~~released to a veterans organization unless the director has~~ 89909
~~reviewed and determined that the report required by this division~~ 89910
~~meets any requirements established under this section.~~ 89911

~~(X)~~ ~~Reviewing the reports submitted to the director under~~ 89912
~~division (W) of this section within thirty days of receipt and~~ 89913
~~informing the veterans organization of any deficiencies that exist~~ 89914
~~in the organization's report and that funding will not be released~~ 89915
~~until the deficiencies have been corrected and a satisfactory~~ 89916
~~report submitted;~~ 89917

~~(Y)~~ ~~Advising the director of budget and management when a~~ 89918
~~report submitted to the director under division (W) of this~~ 89919
~~section has been reviewed and determined to be satisfactory;~~ 89920

~~(Z)~~(Y) Furnishing copies of all reports that the director of 89921
veterans services has determined have been submitted 89922
~~satisfactorily under in compliance with division (W)(X) of this~~ 89923
section to the chairperson of the finance committees of the 89924
general assembly; 89925

~~(AA)~~(Z) Investigating complaints against county veterans 89926
services commissioners and county veterans service officers if the 89927
director reasonably believes the investigation to be appropriate 89928
and necessary; 89929

~~(BB)~~(AA) Developing and maintaining a web site that is 89930
accessible by veterans and their dependents and provides a link to 89931
the web site of each state agency that issues a license, 89932
certificate, or other authorization permitting an individual to 89933
engage in an occupation or occupational activity; 89934

~~(CC)~~(BB) Encouraging state agencies to conduct outreach 89935
efforts through which veterans and their dependents can learn 89936
about available job and education benefits; 89937

~~(DD)~~(CC) Informing state agencies about changes in statutes 89938
and rules that affect veterans and their dependents; 89939

~~(EE)~~(DD) Assisting licensing agencies in adopting rules under 89940
section 5903.03 of the Revised Code; 89941

~~(FF)~~(EE) Administering the provision of grants from the 89942
military injury relief fund under section 5902.05 of the Revised 89943
Code; 89944

~~(GG)~~(FF) Taking any other actions required by this chapter. 89945

Sec. 5903.11. (A) Any federally funded employment and 89946
training program administered by any state agency including, but 89947
not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat.~~ 89948
~~936, codified in scattered sections of 29 U.S.C., as amended~~ 89949
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 89950
seq., shall include a veteran priority system to provide maximum 89951
employment and training opportunities to veterans and eligible 89952
persons within each targeted group as established by federal law 89953
and state and federal policy in the service area. Disabled 89954
veterans, veterans of the Vietnam era, other veterans, and 89955

eligible persons shall receive preference over nonveterans within 89956
each targeted group in the provision of employment and training 89957
services available through these programs as required by this 89958
section. 89959

(B) Each state agency shall refer qualified applicants to job 89960
openings and training opportunities in programs described in 89961
division (A) of this section in the following order of priority: 89962

(1) Special disabled veterans; 89963

(2) Veterans of the Vietnam era; 89964

(3) Disabled veterans; 89965

(4) All other veterans; 89966

(5) Other eligible persons; 89967

(6) Nonveterans. 89968

(C) Each state agency providing employment and training 89969
services to veterans and eligible persons under programs described 89970
in division (A) of this section shall submit an annual written 89971
report to the speaker of the house of representatives and the 89972
president of the senate on the services that it provides to 89973
veterans and eligible persons. Each such agency shall report 89974
separately on all entitlement programs, employment or training 89975
programs, and any other programs that it provides to each class of 89976
persons described in divisions (B)(1) to (6) of this section. Each 89977
such agency shall also report on action taken to ensure compliance 89978
with statutory requirements. Compliance and reporting procedures 89979
shall be in accordance with the reporting procedures then in 89980
effect for all employment and training programs described in 89981
division (A) of this section, with the addition of veterans as a 89982
separate reporting module. 89983

(D) All state agencies that administer federally funded 89984
employment and training programs described in division (A) of this 89985

section for veterans and eligible persons shall do all of the 89986
following: 89987

(1) Ensure that veterans are treated with courtesy and 89988
respect at all state governmental facilities; 89989

(2) Give priority in referral to jobs to qualified veterans 89990
and other eligible persons; 89991

(3) Give priority in referral to and enrollment in training 89992
programs to qualified veterans and other eligible persons; 89993

(4) Give preferential treatment to special disabled veterans 89994
in the provision of all needed state services; 89995

(5) Provide information and effective referral assistance to 89996
veterans and other eligible persons regarding needed benefits and 89997
services that may be obtained through other agencies. 89998

(E) As used in this section: 89999

(1) "Special disabled veteran" means a veteran who is 90000
entitled to, or who but for the receipt of military pay would be 90001
entitled to, compensation under any law administered by the 90002
department of veterans affairs for a disability rated at thirty 90003
per cent or more or a person who was discharged or released from 90004
active duty because of a service-connected disability. 90005

(2) "Veteran of the Vietnam era" means an eligible veteran 90006
who served on active duty for a period of more than one hundred 90007
eighty days, any part of which occurred from August 5, 1964, 90008
through May 7, 1975, and was discharged or released therefrom with 90009
other than a dishonorable discharge or a person who was discharged 90010
or released from active duty for a service-connected disability if 90011
any part of the active duty was performed from August 5, 1964, 90012
through May 7, 1975. 90013

(3) "Disabled veteran" means a veteran who is entitled to, or 90014
who but for the receipt of military retirement pay would be 90015

entitled to compensation, under any law administered by the 90016
department of veterans affairs and who is not a special disabled 90017
veteran. 90018

(4) "Eligible veteran" means a person who served on active 90019
duty for more than one hundred eighty days and was discharged or 90020
released from active duty with other than a dishonorable discharge 90021
or a person who was discharged or released from active duty 90022
because of a service-connected disability. 90023

(5) "Other eligible person" means one of the following: 90024

(a) The spouse of any person who died of a service-connected 90025
disability; 90026

(b) The spouse of any member of the armed forces serving on 90027
active duty who at the time of the spouse's application for 90028
assistance under any program described in division (A) of this 90029
section is listed pursuant to the "Act of September 6, 1966," 80 90030
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 90031
thereto, as having been in one or more of the following categories 90032
for a total of ninety or more days: 90033

(i) Missing in action; 90034

(ii) Captured in line of duty by a hostile force; 90035

(iii) Forcibly detained or interned in line of duty by a 90036
foreign government or power. 90037

(c) The spouse of any person who has a total disability 90038
permanent in nature resulting from a service-connected disability 90039
or the spouse of a veteran who died while such a disability was in 90040
existence. 90041

(6) "Veteran" means a veteran as defined in section 5903.01 90042
of the Revised Code who was a member of the armed forces of the 90043
United States for a period of one hundred eighty days or more; a 90044
person who was discharged or released from active duty because of 90045

a service-connected disability; or a person who served as a member 90046
of the United States merchant marine and to whom either of the 90047
following applies: 90048

(a) The person has an honorable report of separation from 90049
active duty military service, form DD214 or DD215; or 90050

(b) The person served in the United States merchant marine 90051
between December 7, 1941, and December 31, 1946, and died on 90052
active duty while serving in a war zone during that period of 90053
service. 90054

(7) "Employment program" means a program which provides 90055
referral of individuals to employer job openings in the federal, 90056
state, or private sector. 90057

(8) "Training program" means any program that upgrades the 90058
employability of qualified applicants. 90059

(9) "Entitlement program" means any program that enlists 90060
specific criteria in determining eligibility, including but not 90061
limited to the existence in special segments of the general 90062
population of specific financial needs. 90063

(10) "Targeted group" means a group of persons designated by 90064
federal law or regulations or by state law to receive special 90065
assistance under an employment and training program described in 90066
division (A) of this section. 90067

Sec. 5907.17. (A) As used in this section, "physician" means 90068
an individual authorized under Chapter 4731. of the Revised Code 90069
to practice medicine and surgery or osteopathic medicine and 90070
surgery. 90071

(B) The department of veterans services may establish a 90072
physician recruitment program under which the department agrees to 90073
repay all or part of the principal and interest of a government or 90074
other educational loan incurred by a physician who agrees to 90075

provide services to institutions under the department's 90076
administration. 90077

(C) A physician is eligible to participate in the recruitment 90078
program if the physician attended a medical or osteopathic medical 90079
school that was, at the time of attendance, either located in the 90080
United States and accredited by the liaison committee on medical 90081
education or the American osteopathic association or located 90082
outside the United States and acknowledged by the world health 90083
organization and verified by a member state of that organization 90084
as operating within that state's jurisdiction. 90085

(D) The department and each physician it recruits shall enter 90086
into a contract that includes all of the following terms: 90087

(1) The physician agrees to provide a specified scope of 90088
medical or osteopathic medical services for a specified number of 90089
hours per week and for a specified number of years to patients of 90090
one or more specified institutions administered by the department. 90091

(2) The department agrees to repay all or a specified portion 90092
of the principal and interest of a government or other educational 90093
loan taken by the physician for the following expenses if the 90094
physician meets the service obligation agreed to and the expenses 90095
were incurred while the physician was enrolled in, for up to a 90096
maximum of four years, a school that qualifies the physician to 90097
participate in the program: 90098

(a) Tuition; 90099

(b) Other educational expenses for specific purposes, 90100
including fees, books, and laboratory expenses, in amounts 90101
determined to be reasonable in accordance with rules adopted under 90102
division (E) of this section; 90103

(c) Room and board, in an amount determined to be reasonable 90104
in accordance with rules adopted under division (E) of this 90105
section. 90106

(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department.

(4) Other terms agreed upon by the parties.

(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which physicians will be recruited;

(2) Criteria for selecting physicians for participation in the program;

(3) Criteria for determining the portion of a physician's loan that the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by physicians with the terms of their contracts; and

(6) Any other criteria or procedures necessary to implement the program.

Sec. 5919.34. (A) As used in this section:

(1) "Academic term" means any one of the following:

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;

(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;

(c) Spring term, which consists of spring quarter;	90136
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	90137 90138
(2) "Eligible applicant" means any individual to whom all of the following apply:	90139 90140
(a) The individual does not possess a baccalaureate degree.	90141
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	90142 90143 90144
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	90145 90146 90147 90148 90149 90150 90151
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	90152 90153
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	90154 90155 90156 90157 90158 90159 90160 90161
(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation	90162 90163 90164 90165

under Chapter 3332. of the Revised Code as prescribed in section 90166
3333.046 of the Revised Code, or that holds a certificate of 90167
registration and program authorization issued by the state board 90168
of career colleges and schools pursuant to section 3332.05 of the 90169
Revised Code. 90170

(5) "Tuition" means the charges imposed to attend an 90171
institution of higher education and includes general and 90172
instructional fees. "Tuition" does not include laboratory fees, 90173
room and board, or other similar fees and charges. 90174

(B) There is hereby created a scholarship program to be known 90175
as the Ohio national guard scholarship program. 90176

(C)(1) The adjutant general shall approve scholarships for 90177
all eligible applicants. The adjutant general shall process all 90178
applications for scholarships for each academic term in the order 90179
in which they are received. The scholarships shall be made without 90180
regard to financial need. At no time shall one person be placed in 90181
priority over another because of sex, race, or religion. 90182

(2) The adjutant general shall develop and provide a written 90183
explanation that informs all eligible scholarship recipients that 90184
the recipient may become ineligible and liable for repayment for 90185
an amount of scholarship payments received in accordance with 90186
division (G) of this section. The written explanation shall be 90187
reviewed by the scholarship recipient before acceptance of the 90188
scholarship and before acceptance of an enlistment, warrant, 90189
commission, or appointment for a term not less than the 90190
recipient's remaining term in the national guard or in the active 90191
duty component of the United States armed forces. 90192

(D)(1) Except as provided in divisions (I) and (J) of this 90193
section, for each academic term that an eligible applicant is 90194
approved for a scholarship under this section and either remains a 90195
current member in good standing of the Ohio national guard or is 90196

eligible for a scholarship under division (F)(1) of this section, 90197
the institution of higher education in which the applicant is 90198
enrolled shall, if the applicant's enlistment obligation extends 90199
beyond the end of that academic term or if division (F)(1) of this 90200
section applies, be paid on the applicant's behalf the applicable 90201
one of the following amounts: 90202

(a) If the institution is a state institution of higher 90203
education, an amount equal to one hundred per cent of the 90204
institution's tuition charges; 90205

(b) If the institution is a nonprofit private institution or 90206
a private institution exempt from regulation under Chapter 3332. 90207
of the Revised Code as prescribed in section 3333.046 of the 90208
Revised Code, an amount equal to one hundred per cent of the 90209
average tuition charges of all state universities; 90210

(c) If the institution is an institution that holds a 90211
certificate of registration from the state board of career 90212
colleges and schools, the lesser of the following: 90213

(i) An amount equal to one hundred per cent of the 90214
institution's tuition; 90215

(ii) An amount equal to one hundred per cent of the average 90216
tuition charges of all state universities, as that term is defined 90217
in section 3345.011 of the Revised Code. 90218

(2) The adjutant general and the chancellor of higher 90219
education may jointly adopt rules to require the use of other 90220
federal educational financial assistance programs, including such 90221
programs offered by the United States department of defense, for 90222
which an applicant is eligible based on the applicant's military 90223
service. If such rules are adopted, the rules shall require that 90224
financial assistance received by a scholarship recipient under 90225
those programs be applied to all eligible expenses prior to the 90226
use of scholarship funds awarded under this section. Scholarship 90227

funds awarded under this section shall then be applied to the 90228
recipient's remaining eligible expenses. 90229

(3) An eligible applicant's scholarship shall not be reduced 90230
by the amount of that applicant's benefits under "the Montgomery 90231
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 90232

(E) A scholarship recipient under this section shall be 90233
entitled to receive scholarships under this section for the number 90234
of quarters or semesters it takes the recipient to accumulate 90235
ninety-six eligibility units as determined under divisions (E)(1) 90236
to (3) of this section. 90237

(1) To determine the maximum number of semesters or quarters 90238
for which a recipient is entitled to a scholarship under this 90239
section, the adjutant general shall convert a recipient's credit 90240
hours of enrollment for each academic term into eligibility units 90241
in accordance with the following table: 90242

		The			90243
Number of		following		The following	90244
credit hours		number of		number of	90245
of enrollment		eligibility		eligibility	90246
in an academic		units if a		units if a	90247
term	equals	semester	or	quarter	90248
					90249
12 or more hours		12 units		8 units	90250
9 but less than 12		9 units		6 units	90251
6 but less than 9		6 units		4 units	90252
3 but less than 6		3 units		2 units	90253

(2) A scholarship recipient under this section may continue 90254
to apply for scholarships under this section until the recipient 90255
has accumulated ninety-six eligibility units. 90256

(3) If a scholarship recipient withdraws from courses prior 90257
to the end of an academic term so that the recipient's enrollment 90258

for that academic term is less than three credit hours, no 90259
scholarship shall be paid on behalf of that person for that 90260
academic term. Except as provided in division (F)(3) of this 90261
section, if a scholarship has already been paid on behalf of the 90262
person for that academic term, the adjutant general shall add to 90263
that person's accumulated eligibility units the number of 90264
eligibility units for which the scholarship was paid. 90265

(F) This division applies to any eligible applicant called 90266
into active duty on or after September 11, 2001. As used in this 90267
division, "active duty" means active duty pursuant to an executive 90268
order of the president of the United States, an act of the 90269
congress of the United States, or section 5919.29 or 5923.21 of 90270
the Revised Code. 90271

(1) For a period of up to five years from when an 90272
individual's enlistment obligation in the Ohio national guard 90273
ends, an individual to whom this division applies is eligible for 90274
scholarships under this section for those academic terms that were 90275
missed or could have been missed as a result of the individual's 90276
call into active duty. Scholarships shall not be paid for the 90277
academic term in which an eligible applicant's enlistment 90278
obligation ends unless an applicant is eligible under this 90279
division for a scholarship for such academic term due to previous 90280
active duty. 90281

(2) When an individual to whom this division applies 90282
withdraws or otherwise fails to complete courses, for which 90283
scholarships have been awarded under this section, because the 90284
individual was called into active duty, the institution of higher 90285
education shall grant the individual a leave of absence from the 90286
individual's education program and shall not impose any academic 90287
penalty for such withdrawal or failure to complete courses. 90288
Division (F)(2) of this section applies regardless of whether or 90289
not the scholarship amount was paid to the institution of higher 90290

education. 90291

(3) If an individual to whom this division applies withdraws 90292
or otherwise fails to complete courses because the individual was 90293
called into active duty, and if scholarships for those courses 90294
have already been paid, either: 90295

(a) The adjutant general shall not add to that person's 90296
accumulated eligibility units calculated under division (E) of 90297
this section the number of eligibility units for the academic 90298
courses or term for which the scholarship was paid and the 90299
institution of higher education shall repay the scholarship amount 90300
to the state. 90301

(b) The adjutant general shall add to that individual's 90302
accumulated eligibility units calculated under division (E) of 90303
this section the number of eligibility units for the academic 90304
courses or term for which the scholarship was paid if the 90305
institution of higher education agrees to permit the individual to 90306
complete the remainder of the academic courses in which the 90307
individual was enrolled at the time the individual was called into 90308
active duty. 90309

(4) No individual who is discharged from the Ohio national 90310
guard under other than honorable conditions shall be eligible for 90311
scholarships under this division. 90312

(G) A scholarship recipient under this section who fails to 90313
complete the term of enlistment, re-enlistment, or extension of 90314
current enlistment the recipient was serving at the time a 90315
scholarship was paid on behalf of the recipient under this section 90316
is liable to the state for repayment of a percentage of all Ohio 90317
national guard scholarships paid on behalf of the recipient under 90318
this section, plus interest at the rate of ten per cent per annum 90319
calculated from the dates the scholarships were paid. This 90320
percentage shall equal the percentage of the current term of 90321

enlistment, re-enlistment, or extension of enlistment a recipient 90322
has not completed as of the date the recipient is discharged from 90323
the Ohio national guard. 90324

The attorney general may commence a civil action on behalf of 90325
the chancellor ~~of the Ohio board of regents~~ to recover the amount 90326
of the scholarships and the interest provided for in this division 90327
and the expenses incurred in prosecuting the action, including 90328
court costs and reasonable attorney's fees. A scholarship 90329
recipient is not liable under this division if the recipient's 90330
failure to complete the term of enlistment being served at the 90331
time a scholarship was paid on behalf of the recipient under this 90332
section is due to the recipient's death or discharge from the 90333
national guard due to disability or the recipient's enlistment, 90334
warrant, commission, or appointment for a term not less than the 90335
recipient's remaining term in the national guard or in the active 90336
duty component of the United States armed forces. 90337

(H) On or before the first day of each academic term, the 90338
adjutant general shall provide an eligibility roster to the 90339
chancellor and to each institution of higher education at which 90340
one or more scholarship recipients have applied for enrollment. 90341
The institution shall use the roster to certify the actual 90342
full-time or part-time enrollment of each scholarship recipient 90343
listed as enrolled at the institution and return the roster to the 90344
adjutant general and the chancellor. Except as provided in 90345
division (J) of this section, the chancellor shall provide for 90346
payment of the appropriate number and amount of scholarships to 90347
each institution of higher education pursuant to division (D) of 90348
this section. If an institution of higher education fails to 90349
certify the actual enrollment of a scholarship recipient listed as 90350
enrolled at the institution within thirty days of the end of an 90351
academic term, the institution shall not be eligible to receive 90352
payment from the Ohio national guard scholarship program or from 90353

the individual enrollee. The adjutant general shall report on a 90354
semiannual basis to the director of budget and management, the 90355
speaker of the house of representatives, the president of the 90356
senate, and the chancellor the number of Ohio national guard 90357
scholarship recipients, the size of the scholarship-eligible 90358
population, and a projection of the cost of the program for the 90359
remainder of the biennium. 90360

(I) The chancellor and the adjutant general may adopt rules 90361
pursuant to Chapter 119. of the Revised Code governing the 90362
administration and fiscal management of the Ohio national guard 90363
scholarship program and the procedure by which the chancellor and 90364
the department of the adjutant general may modify the amount of 90365
scholarships a member receives based on the amount of other state 90366
financial aid a member receives. 90367

(J) The adjutant general, the chancellor, and the director, 90368
or their designees, shall jointly estimate the costs of the Ohio 90369
national guard scholarship program for each upcoming fiscal 90370
biennium, and shall report that estimate prior to the beginning of 90371
the fiscal biennium to the chairpersons of the finance committees 90372
in the general assembly. During each fiscal year of the biennium, 90373
the adjutant general, the chancellor, and the director, or their 90374
designees, shall meet regularly to monitor the actual costs of the 90375
Ohio national guard scholarship program and update cost 90376
projections for the remainder of the biennium as necessary. If the 90377
amounts appropriated for the Ohio national guard scholarship 90378
program and any funds in the Ohio national guard scholarship 90379
reserve fund and the Ohio national guard scholarship donation fund 90380
are not adequate to provide scholarships in the amounts specified 90381
in division (D)(1) of this section for all eligible applicants, 90382
the chancellor shall do all of the following: 90383

(1) Notify each private institution of higher education, 90384
where a scholarship recipient is enrolled, that, by accepting the 90385

Ohio national guard scholarship program as payment for all or part 90386
of the institution's tuition, the institution agrees that if the 90387
chancellor reduces the amount of each scholarship, the institution 90388
shall provide each scholarship recipient a grant or tuition waiver 90389
in an amount equal to the amount the recipient's scholarship was 90390
reduced by the chancellor. 90391

(2) Reduce the amount of each scholarship under division 90392
(D)(1)(a) of this section proportionally based on the amount of 90393
remaining available funds. Each state institution of higher 90394
education shall provide each scholarship recipient under division 90395
(D)(1)(a) of this section a grant or tuition waiver in an amount 90396
equal to the amount the recipient's scholarship was reduced by the 90397
chancellor. 90398

(K) Notwithstanding division (A) of section 127.14 of the 90399
Revised Code, the controlling board shall not transfer all or part 90400
of any appropriation for the Ohio national guard scholarship 90401
program. 90402

(L) The chancellor and the adjutant general may apply for, 90403
and may receive and accept grants, and may receive and accept 90404
gifts, bequests, and contributions, from public and private 90405
sources, including agencies and instrumentalities of the United 90406
States and this state, and shall deposit the grants, gifts, 90407
bequests, or contributions into the national guard scholarship 90408
donation fund. 90409

Sec. 6111.03. The director of environmental protection may do 90410
any of the following: 90411

(A) Develop plans and programs for the prevention, control, 90412
and abatement of new or existing pollution of the waters of the 90413
state; 90414

(B) Advise, consult, and cooperate with other agencies of the 90415

state, the federal government, other states, and interstate 90416
agencies and with affected groups, political subdivisions, and 90417
industries in furtherance of the purposes of this chapter. Before 90418
adopting, amending, or rescinding a standard or rule pursuant to 90419
division (G) of this section or section 6111.041 or 6111.042 of 90420
the Revised Code, the director shall do all of the following: 90421

(1) Mail notice to each statewide organization that the 90422
director determines represents persons who would be affected by 90423
the proposed standard or rule, amendment thereto, or rescission 90424
thereof at least thirty-five days before any public hearing 90425
thereon; 90426

(2) Mail a copy of each proposed standard or rule, amendment 90427
thereto, or rescission thereof to any person who requests a copy, 90428
within five days after receipt of the request therefor; 90429

(3) Consult with appropriate state and local government 90430
agencies or their representatives, including statewide 90431
organizations of local government officials, industrial 90432
representatives, and other interested persons. 90433

Although the director is expected to discharge these duties 90434
diligently, failure to mail any such notice or copy or to so 90435
consult with any person shall not invalidate any proceeding or 90436
action of the director. 90437

(C) Administer grants from the federal government and from 90438
other sources, public or private, for carrying out any of its 90439
functions, all such moneys to be deposited in the state treasury 90440
and kept by the treasurer of state in a separate fund subject to 90441
the lawful orders of the director; 90442

(D) Administer state grants for the construction of sewage 90443
and waste collection and treatment works; 90444

(E) Encourage, participate in, or conduct studies, 90445
investigations, research, and demonstrations relating to water 90446

pollution, and the causes, prevention, control, and abatement 90447
thereof, that are advisable and necessary for the discharge of the 90448
director's duties under this chapter; 90449

(F) Collect and disseminate information relating to water 90450
pollution and prevention, control, and abatement thereof; 90451

(G) Adopt, amend, and rescind rules in accordance with 90452
Chapter 119. of the Revised Code governing the procedure for 90453
hearings, the filing of reports, the issuance of permits, the 90454
issuance of industrial water pollution control certificates, and 90455
all other matters relating to procedure; 90456

(H) Issue, modify, or revoke orders to prevent, control, or 90457
abate water pollution by such means as the following: 90458

(1) Prohibiting or abating discharges of sewage, industrial 90459
waste, or other wastes into the waters of the state; 90460

(2) Requiring the construction of new disposal systems or any 90461
parts thereof, or the modification, extension, or alteration of 90462
existing disposal systems or any parts thereof; 90463

(3) Prohibiting additional connections to or extensions of a 90464
sewerage system when the connections or extensions would result in 90465
an increase in the polluting properties of the effluent from the 90466
system when discharged into any waters of the state; 90467

(4) Requiring compliance with any standard or rule adopted 90468
under sections 6111.01 to 6111.05 of the Revised Code or term or 90469
condition of a permit. 90470

In the making of those orders, wherever compliance with a 90471
rule adopted under section 6111.042 of the Revised Code is not 90472
involved, consistent with the Federal Water Pollution Control Act, 90473
the director shall give consideration to, and base the 90474
determination on, evidence relating to the technical feasibility 90475
and economic reasonableness of complying with those orders and to 90476

evidence relating to conditions calculated to result from 90477
compliance with those orders, and their relation to benefits to 90478
the people of the state to be derived from such compliance in 90479
accomplishing the purposes of this chapter. 90480

(I) Review plans, specifications, or other data relative to 90481
disposal systems or any part thereof in connection with the 90482
issuance of orders, permits, and industrial water pollution 90483
control certificates under this chapter; 90484

(J)(1) Issue, revoke, modify, or deny sludge management 90485
permits and permits for the discharge of sewage, industrial waste, 90486
or other wastes into the waters of the state, and for the 90487
installation or modification of disposal systems or any parts 90488
thereof in compliance with all requirements of the Federal Water 90489
Pollution Control Act and mandatory regulations adopted 90490
thereunder, including regulations adopted under section 405 of the 90491
Federal Water Pollution Control Act, and set terms and conditions 90492
of permits, including schedules of compliance, where necessary. In 90493
issuing permits for sludge management, the director shall not 90494
allow the placement of sewage sludge on frozen ground in conflict 90495
with rules adopted under this chapter. Any person who discharges, 90496
transports, or handles storm water from an animal feeding 90497
facility, as defined in section 903.01 of the Revised Code, or 90498
pollutants from a concentrated animal feeding operation, as both 90499
terms are defined in that section, is not required to obtain a 90500
permit under division (J)(1) of this section for the installation 90501
or modification of a disposal system involving pollutants or storm 90502
water or any parts of such a system on and after the date on which 90503
the director of agriculture has finalized the program required 90504
under division (A)(1) of section 903.02 of the Revised Code. In 90505
addition, any person who discharges, transports, or handles storm 90506
water from an animal feeding facility, as defined in section 90507
903.01 of the Revised Code, or pollutants from a concentrated 90508

animal feeding operation, as both terms are defined in that 90509
section, is not required to obtain a permit under division (J)(1) 90510
of this section for the discharge of storm water from an animal 90511
feeding facility or pollutants from a concentrated animal feeding 90512
operation on and after the date on which the United States 90513
environmental protection agency approves the NPDES program 90514
submitted by the director of agriculture under section 903.08 of 90515
the Revised Code. 90516

Any permit terms and conditions set by the director shall be 90517
designed to achieve and maintain full compliance with the national 90518
effluent limitations, national standards of performance for new 90519
sources, and national toxic and pretreatment effluent standards 90520
set under that act, and any other mandatory requirements of that 90521
act that are imposed by regulation of the administrator of the 90522
United States environmental protection agency. If an applicant for 90523
a sludge management permit also applies for a related permit for 90524
the discharge of sewage, industrial waste, or other wastes into 90525
the waters of the state, the director may combine the two permits 90526
and issue one permit to the applicant. 90527

A sludge management permit is not required for an entity that 90528
treats or transports sewage sludge or for a sanitary landfill when 90529
all of the following apply: 90530

(a) The entity or sanitary landfill does not generate the 90531
sewage sludge. 90532

(b) Prior to receipt at the sanitary landfill, the entity has 90533
ensured that the sewage sludge meets the requirements established 90534
in rules adopted by the director under section 3734.02 of the 90535
Revised Code concerning disposal of municipal solid waste in a 90536
sanitary landfill. 90537

(c) Disposal of the sewage sludge occurs at a sanitary 90538
landfill that complies with rules adopted by the director under 90539

section 3734.02 of the Revised Code. 90540

As used in division (J)(1) of this section, "sanitary 90541
landfill" means a sanitary landfill facility, as defined in rules 90542
adopted under section 3734.02 of the Revised Code, that is 90543
licensed as a solid waste facility under section 3734.05 of the 90544
Revised Code. 90545

(2) An application for a permit or renewal thereof shall be 90546
denied if any of the following applies: 90547

(a) The secretary of the army determines in writing that 90548
anchorage or navigation would be substantially impaired thereby; 90549

(b) The director determines that the proposed discharge or 90550
source would conflict with an areawide waste treatment management 90551
plan adopted in accordance with section 208 of the Federal Water 90552
Pollution Control Act; 90553

(c) The administrator of the United States environmental 90554
protection agency objects in writing to the issuance or renewal of 90555
the permit in accordance with section 402 (d) of the Federal Water 90556
Pollution Control Act; 90557

(d) The application is for the discharge of any radiological, 90558
chemical, or biological warfare agent or high-level radioactive 90559
waste into the waters of the United States. 90560

(3) To achieve and maintain applicable standards of quality 90561
for the waters of the state adopted pursuant to section 6111.041 90562
of the Revised Code, the director shall impose, where necessary 90563
and appropriate, as conditions of each permit, water quality 90564
related effluent limitations in accordance with sections 301, 302, 90565
306, 307, and 405 of the Federal Water Pollution Control Act and, 90566
to the extent consistent with that act, shall give consideration 90567
to, and base the determination on, evidence relating to the 90568
technical feasibility and economic reasonableness of removing the 90569
polluting properties from those wastes and to evidence relating to 90570

conditions calculated to result from that action and their 90571
relation to benefits to the people of the state and to 90572
accomplishment of the purposes of this chapter. 90573

(4) Where a discharge having a thermal component from a 90574
source that is constructed or modified on or after October 18, 90575
1972, meets national or state effluent limitations or more 90576
stringent permit conditions designed to achieve and maintain 90577
compliance with applicable standards of quality for the waters of 90578
the state, which limitations or conditions will ensure protection 90579
and propagation of a balanced, indigenous population of shellfish, 90580
fish, and wildlife in or on the body of water into which the 90581
discharge is made, taking into account the interaction of the 90582
thermal component with sewage, industrial waste, or other wastes, 90583
the director shall not impose any more stringent limitation on the 90584
thermal component of the discharge, as a condition of a permit or 90585
renewal thereof for the discharge, during a ten-year period 90586
beginning on the date of completion of the construction or 90587
modification of the source, or during the period of depreciation 90588
or amortization of the source for the purpose of section 167 or 90589
169 of the Internal Revenue Code of 1954, whichever period ends 90590
first. 90591

(5) The director shall specify in permits for the discharge 90592
of sewage, industrial waste, and other wastes, the net volume, net 90593
weight, duration, frequency, and, where necessary, concentration 90594
of the sewage, industrial waste, and other wastes that may be 90595
discharged into the waters of the state. The director shall 90596
specify in those permits and in sludge management permits that the 90597
permit is conditioned upon payment of applicable fees as required 90598
by section 3745.11 of the Revised Code and upon the right of the 90599
director's authorized representatives to enter upon the premises 90600
of the person to whom the permit has been issued for the purpose 90601
of determining compliance with this chapter, rules adopted 90602

thereunder, or the terms and conditions of a permit, order, or 90603
other determination. The director shall issue or deny an 90604
application for a sludge management permit or a permit for a new 90605
discharge, for the installation or modification of a disposal 90606
system, or for the renewal of a permit, within one hundred eighty 90607
days of the date on which a complete application with all plans, 90608
specifications, construction schedules, and other pertinent 90609
information required by the director is received. 90610

(6) The director may condition permits upon the installation 90611
of discharge or water quality monitoring equipment or devices and 90612
the filing of periodic reports on the amounts and contents of 90613
discharges and the quality of receiving waters that the director 90614
prescribes. The director shall condition each permit for a 90615
government-owned disposal system or any other "treatment works" as 90616
defined in the Federal Water Pollution Control Act upon the 90617
reporting of new introductions of industrial waste or other wastes 90618
and substantial changes in volume or character thereof being 90619
introduced into those systems or works from "industrial users" as 90620
defined in section 502 of that act, as necessary to comply with 90621
section 402(b)(8) of that act; upon the identification of the 90622
character and volume of pollutants subject to pretreatment 90623
standards being introduced into the system or works; and upon the 90624
existence of a program to ensure compliance with pretreatment 90625
standards by "industrial users" of the system or works. In 90626
requiring monitoring devices and reports, the director, to the 90627
extent consistent with the Federal Water Pollution Control Act, 90628
shall give consideration to technical feasibility and economic 90629
reasonableness and shall allow reasonable time for compliance. 90630

(7) A permit may be issued for a period not to exceed five 90631
years and may be renewed upon application for renewal. In renewing 90632
a permit, the director shall consider the compliance history of 90633
the permit holder and may deny the renewal if the director 90634

determines that the permit holder has not complied with the terms 90635
and conditions of the existing permit. A permit may be modified, 90636
suspended, or revoked for cause, including, but not limited to, 90637
violation of any condition of the permit, obtaining a permit by 90638
misrepresentation or failure to disclose fully all relevant facts 90639
of the permitted discharge or of the sludge use, storage, 90640
treatment, or disposal practice, or changes in any condition that 90641
requires either a temporary or permanent reduction or elimination 90642
of the permitted activity. No application shall be denied or 90643
permit revoked or modified without a written order stating the 90644
findings upon which the denial, revocation, or modification is 90645
based. A copy of the order shall be sent to the applicant or 90646
permit holder by certified mail. 90647

(K) Institute or cause to be instituted in any court of 90648
competent jurisdiction proceedings to compel compliance with this 90649
chapter or with the orders of the director issued under this 90650
chapter, or to ensure compliance with sections 204(b), 307, 308, 90651
and 405 of the Federal Water Pollution Control Act; 90652

~~(L) Issue, deny, revoke, or modify industrial water pollution~~ 90653
~~control certificates;~~ 90654

~~(M)~~ Certify to the government of the United States or any 90655
agency thereof that an industrial water pollution control facility 90656
is in conformity with the state program or requirements for the 90657
control of water pollution whenever the certification may be 90658
required for a taxpayer under the Internal Revenue Code of the 90659
United States, as amended; 90660

~~(N)~~~~(M)~~ Issue, modify, and revoke orders requiring any 90661
"industrial user" of any publicly owned "treatment works" as 90662
defined in sections 212(2) and 502(18) of the Federal Water 90663
Pollution Control Act to comply with pretreatment standards; 90664
establish and maintain records; make reports; install, use, and 90665
maintain monitoring equipment or methods, including, where 90666

appropriate, biological monitoring methods; sample discharges in 90667
accordance with methods, at locations, at intervals, and in a 90668
manner that the director determines; and provide other information 90669
that is necessary to ascertain whether or not there is compliance 90670
with toxic and pretreatment effluent standards. In issuing, 90671
modifying, and revoking those orders, the director, to the extent 90672
consistent with the Federal Water Pollution Control Act, shall 90673
give consideration to technical feasibility and economic 90674
reasonableness and shall allow reasonable time for compliance. 90675

~~(O)~~(N) Exercise all incidental powers necessary to carry out 90676
the purposes of this chapter; 90677

~~(P)~~(O) Certify or deny certification to any applicant for a 90678
federal license or permit to conduct any activity that may result 90679
in any discharge into the waters of the state that the discharge 90680
will comply with the Federal Water Pollution Control Act; 90681

~~(Q)~~(P) Administer and enforce the publicly owned treatment 90682
works pretreatment program in accordance with the Federal Water 90683
Pollution Control Act. In the administration of that program, the 90684
director may do any of the following: 90685

(1) Apply and enforce pretreatment standards; 90686

(2) Approve and deny requests for approval of publicly owned 90687
treatment works pretreatment programs, oversee those programs, and 90688
implement, in whole or in part, those programs under any of the 90689
following conditions: 90690

(a) The director has denied a request for approval of the 90691
publicly owned treatment works pretreatment program; 90692

(b) The director has revoked the publicly owned treatment 90693
works pretreatment program; 90694

(c) There is no pretreatment program currently being 90695
implemented by the publicly owned treatment works; 90696

(d) The publicly owned treatment works has requested the 90697
director to implement, in whole or in part, the pretreatment 90698
program. 90699

(3) Require that a publicly owned treatment works 90700
pretreatment program be incorporated in a permit issued to a 90701
publicly owned treatment works as required by the Federal Water 90702
Pollution Control Act, require compliance by publicly owned 90703
treatment works with those programs, and require compliance by 90704
industrial users with pretreatment standards; 90705

(4) Approve and deny requests for authority to modify 90706
categorical pretreatment standards to reflect removal of 90707
pollutants achieved by publicly owned treatment works; 90708

(5) Deny and recommend approval of requests for fundamentally 90709
different factors variances submitted by industrial users; 90710

(6) Make determinations on categorization of industrial 90711
users; 90712

(7) Adopt, amend, or rescind rules and issue, modify, or 90713
revoke orders necessary for the administration and enforcement of 90714
the publicly owned treatment works pretreatment program. 90715

Any approval of a publicly owned treatment works pretreatment 90716
program may contain any terms and conditions, including schedules 90717
of compliance, that are necessary to achieve compliance with this 90718
chapter. 90719

~~(R)~~(Q) Except as otherwise provided in this division, adopt 90720
rules in accordance with Chapter 119. of the Revised Code 90721
establishing procedures, methods, and equipment and other 90722
requirements for equipment to prevent and contain discharges of 90723
oil and hazardous substances into the waters of the state. The 90724
rules shall be consistent with and equivalent in scope, content, 90725
and coverage to section 311(j)(1)(c) of the Federal Water 90726
Pollution Control Act and regulations adopted under it. The 90727

director shall not adopt rules under this division relating to 90728
discharges of oil from oil production facilities and oil drilling 90729
and workover facilities as those terms are defined in that act and 90730
regulations adopted under it. 90731

~~(S)~~(R)(1) Administer and enforce a program for the regulation 90732
of sludge management in this state. In administering the program, 90733
the director, in addition to exercising the authority provided in 90734
any other applicable sections of this chapter, may do any of the 90735
following: 90736

(a) Develop plans and programs for the disposal and 90737
utilization of sludge and sludge materials; 90738

(b) Encourage, participate in, or conduct studies, 90739
investigations, research, and demonstrations relating to the 90740
disposal and use of sludge and sludge materials and the impact of 90741
sludge and sludge materials on land located in the state and on 90742
the air and waters of the state; 90743

(c) Collect and disseminate information relating to the 90744
disposal and use of sludge and sludge materials and the impact of 90745
sludge and sludge materials on land located in the state and on 90746
the air and waters of the state; 90747

(d) Issue, modify, or revoke orders to prevent, control, or 90748
abate the use and disposal of sludge and sludge materials or the 90749
effects of the use of sludge and sludge materials on land located 90750
in the state and on the air and waters of the state; 90751

(e) Adopt and enforce, modify, or rescind rules necessary for 90752
the implementation of division ~~(S)~~(R) of this section. The rules 90753
reasonably shall protect public health and the environment, 90754
encourage the beneficial reuse of sludge and sludge materials, and 90755
minimize the creation of nuisance odors. 90756

The director may specify in sludge management permits the net 90757
volume, net weight, quality, and pollutant concentration of the 90758

sludge or sludge materials that may be used, stored, treated, or 90759
disposed of, and the manner and frequency of the use, storage, 90760
treatment, or disposal, to protect public health and the 90761
environment from adverse effects relating to those activities. The 90762
director shall impose other terms and conditions to protect public 90763
health and the environment, minimize the creation of nuisance 90764
odors, and achieve compliance with this chapter and rules adopted 90765
under it and, in doing so, shall consider whether the terms and 90766
conditions are consistent with the goal of encouraging the 90767
beneficial reuse of sludge and sludge materials. 90768

The director may condition permits on the implementation of 90769
treatment, storage, disposal, distribution, or application 90770
management methods and the filing of periodic reports on the 90771
amounts, composition, and quality of sludge and sludge materials 90772
that are disposed of, used, treated, or stored. 90773

An approval of a treatment works sludge disposal program may 90774
contain any terms and conditions, including schedules of 90775
compliance, necessary to achieve compliance with this chapter and 90776
rules adopted under it. 90777

(2) As a part of the program established under division 90778
~~(S)~~(R)(1) of this section, the director has exclusive authority to 90779
regulate sewage sludge management in this state. For purposes of 90780
division ~~(S)~~(R)(2) of this section, that program shall be 90781
consistent with section 405 of the Federal Water Pollution Control 90782
Act and regulations adopted under it and with this section, except 90783
that the director may adopt rules under division ~~(S)~~(R) of this 90784
section that establish requirements that are more stringent than 90785
section 405 of the Federal Water Pollution Control Act and 90786
regulations adopted under it with regard to monitoring sewage 90787
sludge and sewage sludge materials and establishing acceptable 90788
sewage sludge management practices and pollutant levels in sewage 90789
sludge and sewage sludge materials. 90790

This chapter authorizes the state to participate in any 90791
national sludge management program and the national pollutant 90792
discharge elimination system, to administer and enforce the 90793
publicly owned treatment works pretreatment program, and to issue 90794
permits for the discharge of dredged or fill materials, in 90795
accordance with the Federal Water Pollution Control Act. This 90796
chapter shall be administered, consistent with the laws of this 90797
state and federal law, in the same manner that the Federal Water 90798
Pollution Control Act is required to be administered. 90799

~~(T)~~(S) Develop technical guidance and offer technical 90800
assistance, upon request, for the purpose of minimizing wind or 90801
water erosion of soil, and assist in compliance with permits for 90802
storm water management issued under this chapter and rules adopted 90803
under it. 90804

~~(U)~~(I) Study, examine, and calculate nutrient loading from 90805
point and nonpoint sources in order to determine comparative 90806
contributions by those sources and to utilize the information 90807
derived from those calculations to determine the most 90808
environmentally beneficial and cost-effective mechanisms to reduce 90809
nutrient loading to watersheds in the Lake Erie basin and the Ohio 90810
river basin. In order to evaluate nutrient loading contributions, 90811
the director or the director's designee shall conduct a study of 90812
the nutrient mass balance for both point and nonpoint sources in 90813
watersheds in the Lake Erie basin and the Ohio river basin using 90814
available data, including both of the following: 90815

(1) Data on water quality and stream flow; 90816

(2) Data on point source discharges into those watersheds. 90817

The director or the director's designee shall report and 90818
update the results of the study to coincide with the release of 90819
the Ohio integrated water quality monitoring and assessment report 90820
prepared by the director. 90821

(U) For each impaired water of the state, or segment thereof, 90822
establish total maximum daily loads (TMDL) and submit the TMDL to 90823
the United States environmental protection agency for approval. 90824

This section does not apply to residual farm products and 90825
manure disposal systems and related management and conservation 90826
practices subject to rules adopted pursuant to division (E)(1) of 90827
section 939.02 of the Revised Code. For purposes of this 90828
exclusion, "residual farm products" and "manure" have the same 90829
meanings as in section 939.01 of the Revised Code. However, until 90830
the date on which the United States environmental protection 90831
agency approves the NPDES program submitted by the director of 90832
agriculture under section 903.08 of the Revised Code, this 90833
exclusion does not apply to animal waste treatment works having a 90834
controlled direct discharge to the waters of the state or any 90835
concentrated animal feeding operation, as defined in 40 C.F.R. 90836
122.23(b)(2). On and after the date on which the United States 90837
environmental protection agency approves the NPDES program 90838
submitted by the director of agriculture under section 903.08 of 90839
the Revised Code, this section does not apply to storm water from 90840
an animal feeding facility, as defined in section 903.01 of the 90841
Revised Code, or to pollutants discharged from a concentrated 90842
animal feeding operation, as both terms are defined in that 90843
section. Neither of these exclusions applies to the discharge of 90844
animal waste into a publicly owned treatment works. 90845

Not later than December 1, 2016, a publicly owned treatment 90846
works with a design flow of one million gallons per day or more, 90847
or designated as a major discharger by the director, shall be 90848
required to begin monthly monitoring of total and dissolved 90849
reactive phosphorus pursuant to a new NPDES permit, an NPDES 90850
permit renewal, or a director-initiated modification. The director 90851
shall include in each applicable new NPDES permit, NPDES permit 90852
renewal, or director-initiated modification a requirement that 90853

such monitoring be conducted. A director-initiated modification 90854
for that purpose shall be considered and processed as a minor 90855
modification pursuant to Ohio Administrative Code 3745-33-04. In 90856
addition, not later than December 1, 2017, a publicly owned 90857
treatment works with a design flow of one million gallons per day 90858
or more that, on July 3, 2015, is not subject to a phosphorus 90859
limit shall complete and submit to the director a study that 90860
evaluates the technical and financial capability of the existing 90861
treatment facility to reduce the final effluent discharge of 90862
phosphorus to one milligram per liter using possible source 90863
reduction measures, operational procedures, and unit process 90864
configurations. 90865

Sec. 6111.036. (A) There is hereby created the water 90866
pollution control loan fund to provide financial, technical, and 90867
administrative assistance as follows: 90868

(1) For the construction of publicly owned wastewater 90869
treatment works, as "construction" and "treatment works" are 90870
defined in section 212 of the Federal Water Pollution Control Act, 90871
by municipal corporations, other political subdivisions, state 90872
agencies, and interstate agencies having territory in this state; 90873

(2) For the implementation of a nonpoint source pollution 90874
management program under section 319 of that act; 90875

(3) For the development and implementation of estuary 90876
conservation and management programs under section 320 of that 90877
act; 90878

(4) For the construction, repair, or replacement of 90879
decentralized wastewater treatment systems that treat municipal 90880
wastewater or domestic sewage; 90881

(5) For measures to manage, reduce, treat, or recapture 90882
stormwater or subsurface drainage water; 90883

(6) For measures to reduce the demand for publicly owned wastewater treatment works capacity through water conservation, efficiency, or reuse by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;

(8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;

(9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;

(10) For measures to increase the security of publicly owned wastewater treatment works;

(11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following:

(a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities;

(b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act.

To the extent they are otherwise allowable as determined by the director, the purposes identified under division (A) of this section are intended to include activities benefiting the waters of the state that are authorized under Chapter 3746. of the Revised Code.

The fund shall be administered by the director consistent 90914
with the Federal Water Pollution Control Act; regulations adopted 90915
under it, including, without limitation, regulations establishing 90916
public participation requirements applicable to the providing of 90917
financial assistance; this section; and rules adopted under 90918
division (O) of this section. 90919

Moneys in the water pollution control loan fund shall be 90920
separate and apart from and not a part of the state treasury or of 90921
the other funds of the Ohio water development authority. Subject 90922
to the terms of the agreements provided for in divisions (B), (C), 90923
(D), and (F) of this section, moneys in the fund shall be held in 90924
trust by the Ohio water development authority for the purposes of 90925
this section, shall be kept in the same manner that funds of the 90926
authority are kept under section 6121.11 of the Revised Code, and 90927
may be invested in the same manner that funds of the authority are 90928
invested under section 6121.12 of the Revised Code. No withdrawals 90929
or disbursements shall be made from the water pollution control 90930
loan fund without the written authorization of the director or the 90931
director's designated representative. The manner of authorization 90932
for any withdrawals or disbursements from the fund to be made by 90933
the authority shall be established in the agreements authorized 90934
under division (C) of this section. 90935

(B) The director may enter into agreements to receive and 90936
assign moneys credited or to be credited to the water pollution 90937
control loan fund. The director may reserve capitalization grant 90938
moneys allotted to the state under sections 601 and 604(c)(2) of 90939
the Federal Water Pollution Control Act for the other purposes 90940
authorized for the use of capitalization grant moneys under 90941
sections 603(d)(7) and 604(b) of that act. 90942

(C) The director shall ensure that fiscal controls are 90943
established for prudent administration of the water pollution 90944
control loan fund. For that purpose, the director and the Ohio 90945

water development authority shall enter into any necessary and 90946
appropriate agreements under which the authority may perform or 90947
provide any of the following: 90948

(1) Fiscal controls and accounting procedures governing fund 90949
balances, receipts, and disbursements; 90950

(2) Administration of loan accounts; 90951

(3) Maintaining, managing, and investing moneys in the fund. 90952

Any agreement entered into under this division shall provide 90953
for the payment of reasonable fees to the Ohio water development 90954
authority for any services it performs under the agreement and may 90955
provide for reasonable fees for the assistance of financial or 90956
accounting advisors. Payments of any such fees to the authority 90957
may be made from the water pollution control loan fund to the 90958
extent authorized by division (H)(7) of this section or from the 90959
water pollution control loan administrative fund created in 90960
division (E) of this section. The authority may enter into loan 90961
agreements with the director and recipients of financial 90962
assistance from the fund as provided in this section. 90963

(D) The water pollution control loan fund shall consist of 90964
the moneys credited to it from all capitalization grants received 90965
under sections 601 and 604(c)(2) of the Federal Water Pollution 90966
Control Act, all moneys received as capitalization grants under 90967
section 205(m) of that act, all matching moneys credited to the 90968
fund arising from nonfederal sources, all payments of principal 90969
and interest for loans made from the fund, and all investment 90970
earnings on moneys held in the fund. On or before the date on 90971
which a quarterly capitalization grant payment will be received 90972
under that act, matching moneys equal to at least twenty per cent 90973
of the quarterly capitalization grant payment shall be credited to 90974
the fund. The Ohio water development authority may make moneys 90975
available to the director for the purpose of providing the 90976

matching moneys required by this division, subject to such terms 90977
as the director and the authority consider appropriate, and may 90978
pledge moneys that are held by the authority to secure the payment 90979
of bonds or notes issued by the authority to provide those 90980
matching moneys. The authority may make moneys available to the 90981
director for that purpose from any funds now or hereafter 90982
available to the authority from any source, including, without 90983
limitation, the proceeds of bonds or notes heretofore or hereafter 90984
issued by the authority under Chapter 6121. of the Revised Code. 90985
Matching moneys made available to the director by the authority 90986
from the proceeds of any such bonds or notes shall be made 90987
available subject to the terms of the trust agreements relating to 90988
the bonds or notes. Any such matching moneys shall be made 90989
available to the director pursuant to a written agreement between 90990
the director and the authority that contains such terms as the 90991
director and the authority consider appropriate, including, 90992
without limitation, a provision providing for repayment to the 90993
authority of those matching moneys from moneys deposited in the 90994
water pollution control loan fund, including, without limitation, 90995
the proceeds of bonds or notes issued by the authority for the 90996
benefit of the fund and payments of principal and interest on 90997
loans made from the fund, or from any other sources now or 90998
hereafter available to the director for the repayment of those 90999
matching moneys. 91000

(E) All moneys credited to the water pollution control loan 91001
fund, all interest earned on moneys in the fund, and all payments 91002
of principal and interest for loans made from the fund shall be 91003
dedicated in perpetuity and used and reused solely for the 91004
purposes set forth in division (A) of this section, except as 91005
otherwise provided in division (D) or (F) of this section. The 91006
director may establish and collect fees to be paid by recipients 91007
of financial assistance under this section, and all moneys arising 91008
from the fees shall be credited to the water pollution control 91009

loan administrative fund, which is hereby created in the state 91010
treasury, and shall be used to defray the costs of administering 91011
this section or other water quality related programs administered 91012
by the environmental protection agency. 91013

(F) The director and the Ohio water development authority 91014
shall enter into trust agreements to enable the authority to issue 91015
and refund bonds or notes for the sole benefit of the water 91016
pollution control loan fund, including, without limitation, the 91017
raising of the matching moneys required by division (D) of this 91018
section. These agreements may authorize the pledge of moneys 91019
accruing to the fund from payments of principal and interest on 91020
loans made from the fund adequate to secure bonds or notes, the 91021
proceeds of which bonds or notes shall be for the sole benefit of 91022
the water pollution control loan fund. The agreements may contain 91023
such terms as the director and the authority consider reasonable 91024
and proper for the security of the bondholders or noteholders. 91025

(G) The director shall enter into binding commitments to 91026
provide financial assistance from the water pollution control loan 91027
fund in an amount equal to one hundred twenty per cent of the 91028
amount of each capitalization grant payment received, within one 91029
year after receiving each such grant payment. The director shall 91030
provide the financial assistance in compliance with this section 91031
and rules adopted under division (O) of this section. The director 91032
shall ensure that all moneys credited to the fund are disbursed in 91033
an expeditious and timely manner. During the second year of 91034
operation of the water pollution control loan program, the 91035
director also shall ensure that not less than twenty-five per cent 91036
of the financial assistance provided under this section during 91037
that year is provided for the purpose of division (H)(2) of this 91038
section for the purchase or refinancing of debt obligations 91039
incurred after March 7, 1985, but not later than July 1, 1988, 91040
except that if the amount of money reserved during the second year 91041

of operation of the program for the purchase or refinancing of 91042
those debt obligations exceeds the amount required for the 91043
projects that are eligible to receive financial assistance for 91044
that purpose, the director shall distribute the excess moneys in 91045
accordance with the current priority system and list prepared 91046
under division (I) of this section to provide financial assistance 91047
for projects that otherwise would not receive assistance in that 91048
year. 91049

(H) Moneys credited to the water pollution control loan fund 91050
shall be used only for the following purposes: 91051

(1) To make loans, subject to all of the following 91052
conditions: 91053

(a) The loans are made at or below market rates of interest, 91054
including, without limitation, interest free loans. 91055

(b) Periodic payments of principal and interest, on the dates 91056
and in the amounts approved by the director, shall commence not 91057
later than one year after completion of the project, and all loans 91058
shall be fully amortized not later than thirty years after project 91059
completion. 91060

(c) Each recipient of a loan shall establish a dedicated 91061
source of revenue for repayment of the loan. 91062

(d) All payments of principal and interest on the loans shall 91063
be credited to the fund, except as otherwise provided in division 91064
(D) or (F) of this section. 91065

(2) To purchase or refinance at or below market rates of 91066
interest debt obligations incurred after March 7, 1985, by 91067
municipal corporations, other political subdivisions, and 91068
interstate agencies having territory in the state. If, and to the 91069
extent allowed under the Federal Water Pollution Control Act, debt 91070
obligations are purchased or refinanced under this section to 91071
provide financial assistance for any of the purposes allowed under 91072

division (A) of this section, the repayment period may extend up 91073
to forty-five years. However, the repayment period shall not 91074
exceed the expected useful life of any facilities that are 91075
financed by the obligations. 91076

(3) To guarantee or purchase insurance for debt obligations 91077
of municipal corporations, other political subdivisions, and 91078
interstate agencies having territory within the state when the 91079
guarantee or insurance would improve the borrower's access to 91080
credit markets or would reduce the interest rate paid on those 91081
obligations; 91082

(4) As a source of revenue or security for the payment of 91083
principal and interest on general obligation or revenue bonds or 91084
notes issued by this state if the proceeds of the sale of the 91085
bonds or notes will be deposited in the fund; 91086

(5) To provide loan guarantees for revolving loan funds 91087
established by municipal corporations and other political 91088
subdivisions that are similar to the water pollution control loan 91089
fund; 91090

(6) To earn interest on moneys credited to the fund; 91091

(7) For the payment of the reasonable costs of administering 91092
the fund and conducting activities under this section, except that 91093
those amounts shall not exceed four per cent of the total amount 91094
of the capitalization grants received, four hundred thousand 91095
dollars per year, or one-fifth of one per cent per year of the 91096
current valuation of the fund, whichever amount is greater, plus 91097
the amount of any fees collected by the state for that purpose 91098
regardless of the source; 91099

(8) To provide assistance in any manner or for any purpose 91100
that is consistent with Title VI of the Federal Water Pollution 91101
Control Act or with any other federal law related to the use of 91102
federal funds administered under Title VI of the Federal Water 91103

Pollution Control Act, including, without limitation, the awarding 91104
of principal forgiveness assistance under that act. 91105

(I) The director periodically shall prepare in accordance 91106
with rules adopted under division (0) of this section a state 91107
priority system and list ranking assistance proposals principally 91108
on the basis of their relative water quality and public health 91109
benefits and the financial need of the applicants for assistance. 91110
Assistance for proposed activities from the water pollution 91111
control loan fund shall be limited to those activities appearing 91112
on that priority list and shall be awarded based upon their 91113
priority sequence on the list and the applicants' readiness to 91114
proceed with their proposed activities. The director annually 91115
shall prepare and circulate for public review and comment a plan 91116
that defines the goals and intended uses of the fund, as required 91117
by section 606(c) of the "Federal Water Pollution Control Act." 91118

(J) Financial assistance from the water pollution control 91119
loan fund first shall be used to ensure maintenance of progress, 91120
as determined by the governor, toward compliance with enforceable 91121
deadlines, goals, and requirements under the "Federal Water 91122
Pollution Control Act" that are pertinent to the purposes of the 91123
fund set forth in divisions (A)(1) to (3) of this section, 91124
including, without limitation, the municipal compliance deadline 91125
under that act. 91126

(K) The director may provide financial assistance from the 91127
water pollution control loan fund for a publicly owned treatment 91128
works project only after determining that: 91129

(1) The applicant for financial assistance has the legal, 91130
institutional, managerial, and financial capability to construct, 91131
operate, and maintain its publicly owned treatment works. 91132

(2) The applicant will implement a financial management plan 91133
that includes, without limitation, provisions for satisfactory 91134

repayment of the financial assistance, a user charge system to pay 91135
the operation, maintenance, and replacement expenses of the 91136
project, and, if appropriate in the director's judgment, an 91137
adequate capital improvements fund. 91138

(3) The proposed disposal system of which the project is a 91139
part is economically and nonmonetarily cost-effective, based upon 91140
an evaluation of feasible alternatives that meet the waste water 91141
treatment needs of the planning area in which the proposed project 91142
is located. 91143

(4) Based upon the environmental review conducted by the 91144
director under division (L) of this section, there are no 91145
significant adverse environmental effects resulting from the 91146
proposed disposal system and the system has been selected from 91147
among environmentally sound alternatives. 91148

(5) Public participation has occurred during the process of 91149
planning the project in compliance with applicable requirements 91150
under the Federal Water Pollution Control Act. 91151

(6) The applicant has submitted a facilities plan for the 91152
project that meets the applicable program requirements and that 91153
has been approved by the director. 91154

(7) The application meets the requirements of this section 91155
and rules adopted under division (O) of this section and is 91156
consistent with the intent of Title VI of the Federal Water 91157
Pollution Control Act and regulations adopted under it. 91158

(8) The application meets such other requirements as the 91159
director considers necessary or appropriate to protect the 91160
environment or ensure the financial integrity of the fund while 91161
implementing this section. 91162

(L) The director shall perform and document for public review 91163
an independent, comprehensive environmental review of the 91164
assistance proposal for each activity receiving financial 91165

assistance under this section. The review shall serve as the basis 91166
for the determinations to be made under division (K)(4) or (Q)(4) 91167
of this section, as applicable, and may include, without 91168
limitation, an environmental assessment, any necessary 91169
supplemental studies, and an enforceable mitigation plan. The 91170
director may establish environmental impact mitigation terms or 91171
conditions for the implementation of an assistance proposal, 91172
including, without limitation, the installation or modification of 91173
a disposal system, in the director's approval of the plans for the 91174
installation or modification as authorized by section 6111.44 of 91175
the Revised Code or through other legally enforceable means. The 91176
review shall be conducted in accordance with applicable rules 91177
adopted under division (O) of this section. 91178

(M) The director, consistent with this section and applicable 91179
rules adopted under division (O) of this section, may enter into 91180
any agreement with an applicant that is necessary or appropriate 91181
to provide assistance from the water pollution control loan fund. 91182
Based upon the director's review of an assistance proposal, 91183
including, without limitation, approval for the project under 91184
section 6111.44 of the Revised Code, the environmental review 91185
conducted under division (L) of this section, and the other 91186
requirements of this section and rules adopted under it, the 91187
director may establish in the agreement terms and conditions of 91188
the assistance to be offered to an applicant. In addition to any 91189
other available remedies, the director may terminate, suspend, or 91190
require immediate repayment of financial assistance provided under 91191
this section to, or take any other enforcement action available 91192
under this chapter against, a recipient of financial assistance 91193
under this section who defaults on any payment required in the 91194
agreement for financial assistance or otherwise violates a term or 91195
condition of the agreement or of the plan approval for the project 91196
under section 6111.44 of the Revised Code. 91197

(N) Based upon the director's judgment as to the financial 91198
need of the applicant and as to what constitutes the most 91199
effective allocation of funds to achieve statewide water pollution 91200
control objectives, the director may establish the terms, 91201
conditions, and amount of financial assistance to be offered to an 91202
applicant from the water pollution control loan fund. The 91203
director, to the extent consistent with the water quality 91204
improvement priorities reflected in the current priority system 91205
and list prepared under division (I) of this section and with the 91206
long-term financial integrity of the fund, shall ensure each year 91207
that financial assistance in an amount equal to the cost of the 91208
assistance proposals of applicants having a high level of economic 91209
need that are on the current priority list and for which funding 91210
is available in that year is made available from the fund to those 91211
applicants at an interest rate that is lower than that offered to 91212
other applicants for financial assistance from the fund for 91213
assistance proposals that are on the current priority list and for 91214
which funding is available in that year. 91215

The director shall determine the economic need of applicants 91216
for financial assistance in accordance with uniform criteria 91217
established in rules adopted under division (O) of this section. 91218

(O) The director may adopt rules in accordance with Chapter 91219
119. of the Revised Code for the implementation and administration 91220
of this section and section 6111.037 of the Revised Code. Any such 91221
rules governing the planning, design, and construction of water 91222
pollution control projects, establishing an environmental review 91223
process, establishing requirements for the preparation of 91224
environmental impact reports and mitigation plans, governing the 91225
establishment of priority systems for providing financial 91226
assistance under this section and section 6111.037 of the Revised 91227
Code, and governing the terms and conditions of assistance, shall 91228
be consistent with the intent of Titles II and VI and sections 319 91229

and 320 of the Federal Water Pollution Control Act. The rules 91230
governing the establishment of priority systems for financial 91231
assistance and governing terms and conditions of assistance shall 91232
provide for the most effective allocation of moneys from the water 91233
pollution control loan fund to achieve water quality and public 91234
health objectives throughout the state as determined by the 91235
director. 91236

(P)(1) For the purpose of this section, appealable actions of 91237
the director pursuant to section 3745.04 of the Revised Code are 91238
limited to the following: 91239

(a) Approval of draft priority systems, draft priority lists, 91240
and draft written program administration policies; 91241

(b) Approval or disapproval of project facility plans under 91242
division (K)(6) of this section; 91243

(c) Approval or disapproval of plans and specifications for a 91244
project under section 6111.44 of the Revised Code and issuance of 91245
a permit to install in connection with a project pursuant to rules 91246
adopted under section 6111.03 of the Revised Code; 91247

(d) Approval or disapproval of an application for assistance. 91248

(2) Notwithstanding section 119.06 of the Revised Code, the 91249
director may take final action described in division (P)(1)(a), 91250
(b), (c), or (d) of this section without holding an adjudication 91251
hearing in connection with the action and without first issuing a 91252
proposed action under section 3745.07 of the Revised Code. 91253

(3) Each action described in divisions (P)(1)(a), (b), (c), 91254
and (d) of this section is a separate and discrete action of the 91255
director. Appeals of any such action are limited to the issues 91256
concerning the specific action appealed, and the appeal shall not 91257
include issues determined under the scope of any prior action. 91258

(Q) The director may provide financial assistance for the 91259

implementation of a nonpoint source management program activity	91260
only after determining all of the following:	91261
(1) The activity is consistent with the state's nonpoint	91262
source management program.	91263
(2) The applicant has the legal, institutional, managerial,	91264
and financial capability to implement, operate, and maintain the	91265
activity.	91266
(3) The cost of the activity is reasonable considering	91267
monetary and nonmonetary factors.	91268
(4) Based on the environmental review conducted by the	91269
director under division (L) of this section, the activity will not	91270
result in significant adverse environmental impacts.	91271
(5) The application meets the requirements of this section	91272
and rules adopted under division (O) of this section and is	91273
consistent with the intent of Title VI of the Federal Water	91274
Pollution Control Act and regulations adopted under it.	91275
(6) The applicant will implement a financial management plan,	91276
including, without limitation, provisions for satisfactory	91277
repayment of the financial assistance.	91278
(7) The application meets such other requirements as the	91279
director considers necessary or appropriate to protect the	91280
environment and ensure the financial integrity of the fund while	91281
implementing this section.	91282
(R) As used in this section, "Federal Water Pollution Control	91283
Act" means the "Federal Water Pollution Control Act Amendments of	91284
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean	91285
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of	91286
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal	91287
Wastewater Treatment Construction Grant Amendments of 1981," 95	91288
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101	91289

Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 91290
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 91291
123 Stat. 115, and the "Water Resources Reform and Development Act 91292
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 91293

Sec. 6111.04. (A) Both of the following apply except as 91294
otherwise provided in division (A) or (F) of this section: 91295

(1) No person shall cause pollution or place or cause to be 91296
placed any sewage, sludge, sludge materials, industrial waste, or 91297
other wastes in a location where they cause pollution of any 91298
waters of the state. 91299

(2) Such an action prohibited under division (A)(1) of this 91300
section is hereby declared to be a public nuisance. 91301

Divisions (A)(1) and (2) of this section do not apply if the 91302
person causing pollution or placing or causing to be placed wastes 91303
in a location in which they cause pollution of any waters of the 91304
state holds a valid, unexpired permit, or renewal of a permit, 91305
governing the causing or placement as provided in sections 6111.01 91306
to 6111.08 of the Revised Code or if the person's application for 91307
renewal of such a permit is pending. 91308

(B) If the director of environmental protection administers a 91309
sludge management program pursuant to division ~~(S)~~(R) of section 91310
6111.03 of the Revised Code, both of the following apply except as 91311
otherwise provided in division (B) or (F) of this section: 91312

(1) No person, in the course of sludge management, shall 91313
place on land located in the state or release into the air of the 91314
state any sludge or sludge materials. 91315

(2) An action prohibited under division (B)(1) of this 91316
section is hereby declared to be a public nuisance. 91317

Divisions (B)(1) and (2) of this section do not apply if the 91318
person placing or releasing the sludge or sludge materials holds a 91319

valid, unexpired permit, or renewal of a permit, governing the 91320
placement or release as provided in sections 6111.01 to 6111.08 of 91321
the Revised Code or if the person's application for renewal of 91322
such a permit is pending. 91323

(C) No person to whom a permit has been issued shall place or 91324
discharge, or cause to be placed or discharged, in any waters of 91325
the state any sewage, sludge, sludge materials, industrial waste, 91326
or other wastes in excess of the permissive discharges specified 91327
under an existing permit without first receiving a permit from the 91328
director to do so. 91329

(D) No person to whom a sludge management permit has been 91330
issued shall place on the land or release into the air of the 91331
state any sludge or sludge materials in excess of the permissive 91332
amounts specified under the existing sludge management permit 91333
without first receiving a modification of the existing sludge 91334
management permit or a new sludge management permit to do so from 91335
the director. 91336

(E) The director may require the submission of plans, 91337
specifications, and other information that the director considers 91338
relevant in connection with the issuance of permits. 91339

(F) This section does not apply to any of the following: 91340

(1) Waters used in washing sand, gravel, other aggregates, or 91341
mineral products when the washing and the ultimate disposal of the 91342
water used in the washing, including any sewage, industrial waste, 91343
or other wastes contained in the waters, are entirely confined to 91344
the land under the control of the person engaged in the recovery 91345
and processing of the sand, gravel, other aggregates, or mineral 91346
products and do not result in the pollution of waters of the 91347
state; 91348

(2) Water, gas, or other material injected into a well to 91349
facilitate, or that is incidental to, the production of oil, gas, 91350

artificial brine, or water derived in association with oil or gas 91351
production and disposed of in a well, in compliance with a permit 91352
issued under Chapter 1509. of the Revised Code, or sewage, 91353
industrial waste, or other wastes injected into a well in 91354
compliance with an injection well operating permit. Division 91355
(F)(2) of this section does not authorize, without a permit, any 91356
discharge that is prohibited by, or for which a permit is required 91357
by, regulation of the United States environmental protection 91358
agency. 91359

(3) Application of any materials to land for agricultural 91360
purposes or runoff of the materials from that application or 91361
pollution by residual farm products, manure, or soil sediment, 91362
including attached substances, resulting from farming, 91363
silvicultural, or earthmoving activities regulated by Chapter 307. 91364
or 939. of the Revised Code. Division (F)(3) of this section does 91365
not authorize, without a permit, any discharge that is prohibited 91366
by, or for which a permit is required by, the Federal Water 91367
Pollution Control Act or regulations adopted under it. As used in 91368
division (F)(3) of this section, "residual farm products" and 91369
"manure" have the same meanings as in section 939.01 of the 91370
Revised Code. 91371

(4) The excrement of domestic and farm animals defecated on 91372
land or runoff therefrom into any waters of the state. Division 91373
(F)(4) of this section does not authorize, without a permit, any 91374
discharge that is prohibited by, or for which a permit is required 91375
by, the Federal Water Pollution Control Act or regulations adopted 91376
under it. 91377

(5) On and after the date on which the United States 91378
environmental protection agency approves the NPDES program 91379
submitted by the director of agriculture under section 903.08 of 91380
the Revised Code, any discharge that is within the scope of the 91381
approved NPDES program submitted by the director of agriculture; 91382

(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works.

(7) A household sewage treatment system or a small flow on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed in compliance with Chapter 3718. of the Revised Code and rules adopted under it. Division (F)(7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program

submitted by the director of agriculture. 91415

Sec. 6111.046. (A) Each person who is issued an injection 91416
well operating permit or a renewal of an injection well operating 91417
permit for a class I injection well shall pay an annual permit fee 91418
of twelve thousand five hundred dollars, except that a person who 91419
is issued such a permit or renewal of such a permit for a class I 91420
injection well that disposes of any hazardous waste identified or 91421
listed in rules adopted under section 3734.12 of the Revised Code 91422
and that is located on the premises where the hazardous waste 91423
injected into the well is generated shall pay an annual permit fee 91424
of thirty thousand dollars. The appropriate permit fee shall be 91425
paid to the director of environmental protection within thirty 91426
days after the issuance of the injection well operating permit or 91427
renewal of such a permit. Annually thereafter during the term of 91428
the permit or renewal, the appropriate annual permit fee shall be 91429
paid to the director on or before the anniversary of the date of 91430
issuance of the injection well operating permit or renewal of such 91431
a permit. The director, by rules adopted in accordance with 91432
Chapter 119. of the Revised Code, shall prescribe the procedures 91433
for collecting the annual permit fees established in this section 91434
and may prescribe other requirements necessary to carry out this 91435
section. 91436

No person shall fail to comply with this division. 91437

(B) All moneys received by the director under division (A) of 91438
this section shall be credited to the underground injection 91439
control fund, which is hereby created in the state treasury. 91440
Beginning July 1, 1992, and annually thereafter, the director 91441
shall request the office of budget and management to, and the 91442
office shall, transfer fifteen per cent of the moneys in the fund 91443
to the ~~injection well review~~ geological mapping fund created in 91444
section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 91445

paying the expenses of the department of natural resources 91446
incurred in executing its duties under sections 6111.043 to 91447
6111.047 of the Revised Code. The director shall use the remainder 91448
of the moneys credited to the underground injection control fund 91449
solely to administer and enforce the requirements of sections 91450
6111.043 to 6111.047 of the Revised Code and rules adopted under 91451
them pertaining to class I injection wells. 91452

Sec. 6111.14. The director of environmental protection may 91453
enter into an agreement with a political subdivision or 91454
investor-owned public utility that owns or operates a disposal 91455
system and that intends to extend the sewerage lines of its 91456
disposal system or to increase the number of service connections 91457
to its sewerage system, which agreement authorizes a qualified 91458
official or employee of the political subdivision or 91459
investor-owned public utility, as determined by the director, to 91460
review plans for the extension of the sewerage system or increase 91461
in the number of service connections for compliance with this 91462
chapter and the rules adopted under it and to certify to the 91463
director whether the plans comply with this chapter and the rules 91464
adopted under it. If, pursuant to such an agreement, the official 91465
or employee of the political subdivision or investor-owned public 91466
utility designated in the agreement certifies to the director that 91467
the plans comply with this chapter and the rules adopted under it 91468
and if the plans and certification are accompanied by an 91469
administrative service fee calculated in accordance with division 91470
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 91471
final action, shall approve the plans without further review. The 91472
director or the director's authorized representative may inspect 91473
the construction or installation of an extension of a sewerage 91474
system or additional service connections for which plans have been 91475
approved under this section. 91476

The approval of plans by the director pursuant to this 91477

section constitutes the approval of the plans for the purposes of 91478
any rules adopted under division (E) of section 6111.03 of the 91479
Revised Code that require the approval of plans for extensions of 91480
sewerage systems or increases in the number of service connections 91481
to sewerage systems. 91482

As used in this section, "investor-owned public utility" 91483
means a person, other than an individual, that is a sewage 91484
disposal system company, as defined in section 4905.03 of the 91485
Revised Code, and that is not owned or operated by a municipal 91486
corporation or operated not-for-profit. 91487

Sec. 6111.30. (A) Applications for a section 401 water 91488
quality certification required under division ~~(P)~~(O) of section 91489
6111.03 of the Revised Code shall be submitted on forms provided 91490
by the director of environmental protection and shall include all 91491
information required on those forms as well as all of the 91492
following: 91493

(1) A copy of a letter from the United States army corps of 91494
engineers documenting its jurisdiction over the wetlands, streams, 91495
or other waters of the state that are the subject of the section 91496
401 water quality certification application; 91497

(2) If the project involves impacts to a wetland, a wetland 91498
characterization analysis consistent with the Ohio rapid 91499
assessment method; 91500

(3) If the project involves a stream for which a specific 91501
aquatic life use designation has not been made, data sufficient to 91502
determine the existing aquatic life use; 91503

(4) A specific and detailed mitigation proposal, including 91504
the location and proposed real estate instrument or other 91505
available mechanism for protecting the property long term; 91506

(5) Applicable fees; 91507

(6) Site photographs; 91508

(7) Adequate documentation confirming that the applicant has 91509
requested comments from the department of natural resources and 91510
the United States fish and wildlife service regarding threatened 91511
and endangered species, including the presence or absence of 91512
critical habitat; 91513

(8) Descriptions, schematics, and appropriate economic 91514
information concerning the applicant's preferred alternative, 91515
nondegradation alternatives, and minimum degradation alternatives 91516
for the design and operation of the project; 91517

(9) The applicant's investigation report of the waters of the 91518
United States in support of a section 404 permit application 91519
concerning the project; 91520

(10) A copy of the United States army corps of engineers' 91521
public notice regarding the section 404 permit application 91522
concerning the project. 91523

(B) Not later than fifteen business days after the receipt of 91524
an application for a section 401 water quality certification, the 91525
director shall review the application to determine if it is 91526
complete and shall notify the applicant in writing as to whether 91527
the application is complete. If the director fails to notify the 91528
applicant within fifteen business days regarding the completeness 91529
of the application, the application is considered complete. If the 91530
director determines that the application is not complete, the 91531
director shall include with the written notification an itemized 91532
list of the information or materials that are necessary to 91533
complete the application. If the applicant fails to provide the 91534
information or materials within sixty days after the director's 91535
receipt of the application, the director may return the incomplete 91536
application to the applicant and take no further action on the 91537
application. If the application is returned to the applicant 91538

because it is incomplete, the director shall return the review fee 91539
levied under division (A)(1), (2), or (3) of section 3745.114 of 91540
the Revised Code to the applicant, but shall retain the 91541
application fee levied under that section. 91542

(C) Not later than twenty-one days after a determination that 91543
an application is complete under division (B) of this section, the 91544
applicant shall publish public notice of the director's receipt of 91545
the complete application in a newspaper of general circulation in 91546
the county in which the project that is the subject of the 91547
application is located. The public notice shall be in a form 91548
acceptable to the director. The applicant shall promptly provide 91549
the director with proof of publication. The applicant may choose, 91550
subject to review by and approval of the director, to include in 91551
the public notice an advertisement for an antidegradation public 91552
hearing on the application pursuant to section 6111.12 of the 91553
Revised Code. There shall be a public comment period of thirty 91554
days following the publication of the public notice. 91555

(D) If the director determines that there is significant 91556
public interest in a public hearing as evidenced by the public 91557
comments received concerning the application and by other requests 91558
for a public hearing on the application, the director or the 91559
director's representative shall conduct a public hearing 91560
concerning the application. Notice of the public hearing shall be 91561
published by the applicant, subject to review and approval by the 91562
director, at least thirty days prior to the date of the hearing in 91563
a newspaper of general circulation in the county in which the 91564
project that is the subject of the application is to take place. 91565
If a public hearing is requested concerning an application, the 91566
director shall accept comments concerning the application until 91567
five business days after the public hearing. A public hearing 91568
conducted under this division shall take place not later than one 91569
hundred days after the application is determined to be complete. 91570

(E) The director shall forward all public comments concerning 91571
an application submitted under this section that are received 91572
through the public involvement process required by rules adopted 91573
under this chapter to the applicant not later than five business 91574
days after receipt of the comments by the director. 91575

(F) The applicant shall respond in writing to written 91576
comments or to deficiencies identified by the director during the 91577
course of reviewing the application not later than fifteen days 91578
after receiving or being notified of them. 91579

(G) The director shall issue or deny a section 401 water 91580
quality certification not later than one hundred eighty days after 91581
the complete application for the certification is received. The 91582
director shall provide an applicant for a section 401 water 91583
quality certification with an opportunity to review the 91584
certification prior to its issuance. 91585

(H) The director shall maintain an accessible database that 91586
includes environmentally beneficial water restoration and 91587
protection projects that may serve as potential mitigation 91588
projects for projects in the state for which a section 401 water 91589
quality certification is required. A project's inclusion in the 91590
database does not constitute an approval of the project. 91591

(I) Mitigation required by a section 401 water quality 91592
certification may be accomplished by any of the following: 91593

(1) Purchasing credits at a mitigation bank approved in 91594
accordance with 33 C.F.R. 332.8; 91595

(2) Participating in an in-lieu fee mitigation program 91596
approved in accordance with 33 C.F.R. 332.8; 91597

(3) Constructing individual mitigation projects. 91598

Notwithstanding the mitigation hierarchy specified in section 91599
3745-1-54 of the Administrative Code, mitigation projects shall be 91600

approved in accordance with the hierarchy specified in 33 C.F.R. 91601
332.3 unless the director determines that the size or quality of 91602
the impacted resource necessitates reasonably identifiable, 91603
available, and practicable mitigation conducted by the applicant. 91604
The director shall adopt rules in accordance with Chapter 119. of 91605
the Revised Code consistent with the mitigation hierarchy 91606
specified in 33 C.F.R. 332.3. 91607

(J) The director may establish a program and adopt rules in 91608
accordance with Chapter 119. of the Revised Code for the purpose 91609
of certifying water quality professionals to assess streams to 91610
determine existing aquatic life use and to categorize wetlands in 91611
support of applications for section 401 water quality 91612
certification under divisions (A)(2) and (3) of this section and 91613
isolated wetland permits under sections 6111.022 to 6111.024 of 91614
the Revised Code. The director shall use information submitted by 91615
certified water quality professionals in the review of those 91616
applications. 91617

Rules adopted under this division shall do all of the 91618
following: 91619

(1) Provide for the certification of water quality 91620
professionals to conduct activities in support of applications for 91621
section 401 water quality certification and isolated wetland 91622
permits, including work necessary to determine existing aquatic 91623
life use of streams and categorize wetlands. Rules adopted under 91624
division (J)(1) of this section shall do at least all of the 91625
following: 91626

(a) Authorize the director to require an applicant for water 91627
quality professional certification to submit information 91628
considered necessary by the director to assess a water quality 91629
professional's experience in conducting stream assessments and 91630
wetlands categorizations; 91631

(b) Authorize the director to establish experience 91632
requirements and to use tests to determine the competency of 91633
applicants for water quality professional certification; 91634

(c) Authorize the director to approve applicants for water 91635
quality professional certification who comply with the 91636
requirements established in rules and deny applicants that do not 91637
comply with those requirements; 91638

(d) Require the director to revoke the certification of a 91639
water quality professional if the director finds that the 91640
professional falsified any information on the professional's 91641
application for certification regarding the professional's 91642
credentials; 91643

(e) Require periodic renewal of a water quality 91644
professional's certification and establish continuing education 91645
requirements for purposes of that renewal. 91646

(2) Establish an annual fee to be paid by water quality 91647
professionals certified under rules adopted under division (J)(1) 91648
of this section in an amount calculated to defray the costs 91649
incurred by the environmental protection agency for reviewing 91650
applications for water quality professional certification and for 91651
issuing those certifications; 91652

(3) Authorize the director to suspend or revoke the 91653
certification of a water quality professional if the director 91654
finds that the professional's performance has resulted in 91655
submission of documentation that is inconsistent with standards 91656
established in rules adopted under division (J)(7) of this 91657
section; 91658

(4) Authorize the director to review documentation submitted 91659
by a certified water quality professional to ensure compliance 91660
with requirements established in rules adopted under division 91661
(J)(7) of this section; 91662

(5) Require a certified water quality professional to submit 91663
any documentation developed in support of an application for a 91664
section 401 water quality certification or an isolated wetland 91665
permit upon the request of the director; 91666

(6) Authorize random audits by the director of documentation 91667
developed or submitted by certified water quality professionals to 91668
ensure compliance with requirements established in rules adopted 91669
under division (J)(7) of this section; 91670

(7) Establish technical standards to be used by certified 91671
water quality professionals in conducting stream assessments and 91672
wetlands categorizations. 91673

(K) As used in this section and section 6111.31 of the 91674
Revised Code, "section 401 water quality certification" means 91675
certification pursuant to section 401 of the Federal Water 91676
Pollution Control Act and this chapter and rules adopted under it 91677
that any discharge, as set forth in section 401, will comply with 91678
sections 301, 302, 303, 306, and 307 of the Federal Water 91679
Pollution Control Act. 91680

Sec. 6111.561. (A) The director of environmental protection 91681
shall establish the total maximum daily load (TMDL) for pollutants 91682
for each impaired water of the state or segment thereof identified 91683
and listed under section 1313(d) of the Federal Water Pollution 91684
Control Act. The director shall establish each TMDL pursuant to a 91685
priority ranking established by the director. Further, the 91686
director shall establish a TMDL only for pollutants that the 91687
administrator of the United States environmental protection agency 91688
has identified under section 1314(a)(2) of that act as suitable. 91689

The director shall establish each TMDL at a level necessary 91690
to implement applicable water quality standards that accounts for 91691
seasonal variations, a margin of safety, and lack of knowledge 91692
concerning the relationship between effluent limitations and water 91693

quality. 91694

(B) A TMDL submitted to and approved by the United States 91695
environmental protection agency prior to March 24, 2015, is valid 91696
and remains in full force and effect as approved, but may be 91697
revised in accordance with this section. 91698

(C) The holder of a national pollutant discharge elimination 91699
system (NPDES) permit containing water quality based effluent 91700
limitations derived from a TMDL subject to division (B) of this 91701
section may appeal the lawfulness and reasonableness of those 91702
limitations by doing one of the following: 91703

(1) Filing an appeal with the environmental review appeals 91704
commission not later than thirty days after the first eligible 91705
NPDES permit renewal date subsequent to the effective date of this 91706
section; 91707

(2) Seeking a modification of the water quality based 91708
effluent limitations contained in the NPDES permit from the 91709
director. If the director denies the request for modification, the 91710
permit holder may appeal that denial to the environmental review 91711
appeals commission not later than thirty days after the denial. 91712

(D) The development, establishment, amendment, or 91713
modification of a TMDL after March 24, 2015, is not subject to 91714
Chapters 106., 119., or 121. of the Revised Code. 91715

(E) The director shall provide opportunities for interested 91716
parties to provide input during the development of a TMDL. The 91717
opportunities to provide input may include comment on and meeting 91718
with interested parties on any of the following aspects of the 91719
TMDL process: 91720

(1) The project assessment plan development process, 91721
including the process for determining the cause and source of 91722
water quality impairments or threats; 91723

(2) The technical support document that identifies and 91724
analyzes water quality data and habitat assessments that will 91725
assist in determining TMDL target conditions; 91726

(3) The preliminary draft TMDL that shall include development 91727
of modeling, management choices, restoration targets, load 91728
allocations, waste load allocations, and associated TMDL-derived 91729
permit limits necessary to establish and select a TMDL restoration 91730
scenario; 91731

(4) The proposed TMDL implementation plan, under which 91732
specific actions, schedules, and monitoring necessary to implement 91733
a TMDL are established. 91734

The proposed TMDL implementation plan also may include 91735
considerations of the cost and cost effectiveness of pollutant 91736
controls supplied by interested parties, sources of funding 91737
necessary to address pollutant load reductions, and the 91738
environmental benefit of incremental reductions in pollutant 91739
levels. 91740

(F) Before establishing a final TMDL under this section, the 91741
director shall prepare an official draft TMDL. The official draft 91742
TMDL shall include, at a minimum, all of the following: 91743

(1) An estimate of the total amount of each pollutant that 91744
causes the water quality impairment from all sources; 91745

(2) An estimate of the total amount of pollutants that may be 91746
added to the water of the state or segment thereof while still 91747
achieving and maintaining applicable water quality standards; 91748

(3) Draft allocations among point and nonpoint sources 91749
contributing to the impairment sufficient to meet applicable water 91750
quality standards. 91751

The official draft TMDL implementation plan also may include, 91752
as the director determines appropriate, interim water quality 91753

target values and principles of adaptive management necessary to 91754
achieve applicable water quality standards. 91755

(G)(1) The director shall provide all of the following: 91756

(a) Public notice of the official draft TMDL; 91757

(b) An opportunity for comment on the draft TMDL; 91758

(c) An opportunity for a public hearing regarding the draft 91759
TMDL if there is significant public interest, as determined by the 91760
director. 91761

(2) The director shall specify both of the following in the 91762
public notice: 91763

(a) The water of the state or segment thereof to which the 91764
draft TMDL relates; 91765

(b) The time, date, and place of the hearing, if applicable. 91766

At a minimum, the director shall send the public notice to 91767
all interested parties that participated in the public input 91768
activities described in division (E) of this section. 91769

(3) After the opportunity for public comment expires, the 91770
director shall prepare and make available a written responsiveness 91771
summary of the comments. 91772

(H) After concluding the public comment process and 91773
completion of the responsiveness summary under division (G) of 91774
this section, the director may establish a final TMDL. The final 91775
TMDL is appealable to the environmental review appeals commission 91776
in accordance with division (B) of section 3745.04 of the Revised 91777
Code. However, submission of the final TMDL to the United States 91778
environmental protection agency under section 1313(d) of the 91779
Federal Water Pollution Control Act is a ministerial act and is 91780
not appealable under section 3745.04 of the Revised Code. Further, 91781
such submission is not affected by any appeal of the establishment 91782
of the final TMDL under this division. 91783

(I) The director may revise an established TMDL to 91784
accommodate new information. 91785

(J) Not later than December 31, 2018, the director shall 91786
adopt rules in accordance with Chapter 119. of the Revised Code 91787
that do all of the following: 91788

(1) Allocate pollutant load between and among nonpoint 91789
sources and point sources in a TMDL report; 91790

(2) Establish procedures and requirements for developing and 91791
issuing a new TMDL; 91792

(3) Establish procedures and requirements for revising and 91793
updating a TMDL; 91794

(4) Establish procedures and requirements for validation of 91795
existing TMDLs following implementation and additional assessment. 91796

Sec. 6301.01. As used in this chapter: 91797

(A) "Local area" means ~~any of the following:~~ 91798

~~(1) A municipal corporation that is authorized to administer~~ 91799
~~and enforce the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 91800
~~29 U.S.C.A. 2801, as amended, under this chapter and is not~~ 91801
~~joining in partnership with any other political subdivisions in~~ 91802
~~order to do so;~~ 91803

~~(2) A single county;~~ 91804

~~(3) A consortium of any of the following political~~ 91805
~~subdivisions:~~ 91806

~~(a) A group of two or more counties in the state;~~ 91807

~~(b) One or more counties and one municipal corporation in the~~ 91808
~~state;~~ 91809

~~(c) One or more counties with or without one municipal~~ 91810
~~corporation in the state and one or more counties with or without~~ 91811

~~one municipal corporation in another state, on the condition that~~ 91812
~~those in another state share a labor market area with those in the~~ 91813
~~state.~~ 91814

~~"Local area" does not mean a region for purposes of~~ 91815
~~determinations concerning administrative incentives.~~ 91816

~~(B) "Municipal corporation" means a municipal corporation~~ 91817
~~that is eligible for automatic or temporary designation as a local~~ 91818
~~workforce investment area pursuant to section 116(a)(2) or (3) of~~ 91819
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 91820
~~2831(a)(2) or (3), but that does not request that the governor~~ 91821
~~grant such automatic or temporary designation, and that instead~~ 91822
~~elects to administer and enforce workforce development activities~~ 91823
~~pursuant to this chapter.~~ 91824

~~(C) "County" means a county that is eligible to be designated~~ 91825
~~as a local workforce investment area pursuant to the "Workforce~~ 91826
~~Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as~~ 91827
~~amended, but that does not request such designation, and instead~~ 91828
~~elects to administer and enforce workforce development activities~~ 91829
~~pursuant to this chapter.~~ 91830

~~(D) "Workforce development agency" means the entity given~~ 91831
~~responsibility for workforce development activities that is~~ 91832
~~designated by the board of county commissioners in accordance with~~ 91833
~~section 330.04 of the Revised Code, the chief elected official of~~ 91834
~~a municipal corporation in accordance with section 763.05 of the~~ 91835
~~Revised Code, or the chief elected officials of a local area~~ 91836
~~defined in division (A)(3) of this section a local workforce~~ 91837
~~development area designated under section 106 of the Workforce~~ 91838
~~Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this~~ 91839
~~chapter.~~ 91840

~~(E)(B) "Workforce development activity" means a program,~~ 91841
~~grant, or other function, the primary goal of which is to do one~~ 91842

~~or more of the following:~~ 91843

~~(1) Help individuals maximize their employment opportunities;~~ 91844

~~(2) Help employers gain access to skilled workers;~~ 91845

~~(3) Help employers retain skilled workers;~~ 91846

~~(4) Help develop or enhance the skills of incumbent workers;~~ 91847

~~(5) Improve the quality of the state's workforce;~~ 91848

~~(6) Enhance the productivity and competitiveness of the~~ 91849
~~state's economy~~ an activity carried out through a workforce 91850
development system. 91851

~~(F)(C)~~ "Chief elected official or officials," when used in 91852
reference to a local area, means the ~~board of county commissioners~~ 91853
~~of the county or of each county in the local area or, if the~~ 91854
~~county has adopted a charter under Section 3 of Article X, Ohio~~ 91855
~~Constitution, the chief governing body of that county, and the~~ 91856
~~chief elected official of the municipal corporation, if the local~~ 91857
~~area includes a municipal corporation, except that when the local~~ 91858
~~area is the type defined in division (A)(1) of this section,~~ 91859
~~"chief elected officials" means the chief elected official of the~~ 91860
~~municipal corporation~~ chief elected executive officer of a unit of 91861
general local government in the local area or, in the case of a 91862
local area that includes more than one unit of general local 91863
government, the individual or individuals designated under an 91864
agreement described in section 107 of the Workforce Innovation and 91865
Opportunity Act, 29 U.S.C. 3122. 91866

~~(G)(D)~~ "State board" means the governor's executive workforce 91867
~~board established by~~ required under section 101 of the Workforce 91868
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 91869
pursuant to section 6301.04 of the Revised Code. 91870

~~(H)(E)~~ "Local board" means a local workforce ~~investment~~ 91871
development board established ~~in each local area of the state and~~ 91872

~~certified by the governor to set policy for the portion of the~~ 91873
~~statewide workforce investment system within the local area and~~ 91874
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 91875
~~29 U.S.C. 2801 under section 107 of the Workforce Innovation and~~ 91876
~~Opportunity Act, 29 U.S.C. 3122.~~ 91877

~~(I)(F)~~ "OhioMeansJobs web site" means the statewide 91878
electronic system for labor exchange and job placement activity 91879
operated by the state. 91880

~~(G)~~ "OhioMeansJobs center" means a physical one-stop center 91881
described in section 121(e)(2) of the Workforce Innovation and 91882
Opportunity Act, 29 U.S.C. 3151(e)(2). 91883

~~(H)~~ "OhioMeansJobs center operator" means an entity or a 91884
consortium of entities designated or certified through a 91885
competitive process to operate a one-stop center under section 91886
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 91887
3151(d). 91888

~~(I)~~ "Planning region" means an area consisting of two or more 91889
local areas that are collectively aligned to engage in the 91890
regional planning process outlined in section 106(c)(1) of the 91891
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 91892

~~(J)~~ "Workforce Innovation and Opportunity Act" means the 91893
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 91894
seq., or other citation as specifically provided. 91895

Sec. 6301.02. The director of job and family services shall 91896
administer the Workforce Innovation and Opportunity Act, the 91897
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 91898
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 91899
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 91900
amended, and the funds received pursuant to those acts. In 91901
administering those acts and funds received pursuant to those 91902

acts, the director shall assist the state board in establishing 91903
and administering a workforce development system that is designed 91904
to provide leadership, support, and oversight to locally designed 91905
workforce development systems. The director shall conduct 91906
investigations and hold hearings as necessary for the 91907
administration of this chapter. 91908

To the extent permitted by state and federal law, the 91909
director may adopt rules pursuant to Chapter 119. of the Revised 91910
Code to establish any program or pilot program for the purposes of 91911
providing workforce development activities or ~~family services to~~ 91912
~~individuals who do not meet eligibility criteria for those~~ 91913
~~activities or services~~ under applicable federal law. Prior to the 91914
initiation of any program of that nature, the director of budget 91915
and management shall certify to the governor that sufficient funds 91916
are available to administer a program of that nature. The director 91917
of job and family services shall advise the state board ~~shall have~~ 91918
~~final approval~~ of any such program. 91919

Unless otherwise prohibited by state or federal law, every 91920
state agency, board, or commission shall provide to the state 91921
board and the director all information and assistance requested by 91922
the state board and the director in furtherance of workforce 91923
development activities. 91924

Sec. 6301.03. (A) In administering the Workforce Innovation 91925
and Opportunity Act, the former "Workforce Investment Act of 91926
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 91927
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 91928
U.S.C.A. 49, as amended, the funds received pursuant to those 91929
acts, and the workforce development system, the director of job 91930
and family services may, ~~at the direction of~~ in consultation with 91931
the state board, make allocations and payment of funds for the 91932
local administration of the workforce development activities 91933

established under this chapter. 91934

(B) The director shall allocate to local areas all funds 91935
required to be allocated to local areas pursuant to the Workforce 91936
Innovation and Opportunity Act, and the former "Workforce 91937
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 Pub. L. 91938
No. 105-220, as amended. The director shall make allocations only 91939
with funds available. Local areas, as defined by either section 91940
101 of the former "Workforce Investment Act of 1998," 112 Stat. 91941
936, 29 U.S.C.A. 2801 Pub. L. No. 105-220, as amended, or section 91942
6301.01 of the Revised Code, and subrecipients of a local area 91943
shall establish a workforce development fund and the entity 91944
receiving funds shall deposit all funds received under this 91945
section into the workforce development fund. All expenditures for 91946
activities funded under this section shall be made from the 91947
workforce development fund, including reimbursements to a county 91948
public assistance fund for expenditures made for activities funded 91949
under this section. 91950

(C) The use of funds, reporting requirements, and other 91951
administrative and operational requirements governing the use of 91952
funds received by the director pursuant to this section shall be 91953
governed by internal management rules adopted by ~~and approved by~~ 91954
the ~~state board~~ director pursuant to section 111.15 of the Revised 91955
Code. 91956

(1) A local area described in division (B) of this section 91957
shall use the OhioMeansJobs web site as the labor exchange and job 91958
placement system for the area. 91959

(2) No additional federal or state workforce funds shall be 91960
used to build or maintain any labor exchange and job placement 91961
system that is duplicative to the OhioMeansJobs web site. 91962

(D) To the extent permitted by state or federal law, the 91963
~~director, and local areas, counties, and municipal corporations~~ 91964

authorized to administer workforce development activities may 91965
assess a fee for specialized services requested by an employer. 91966
The director shall adopt rules pursuant to Chapter 119. of the 91967
Revised Code governing the nature and amount of those types of 91968
fees. 91969

Sec. 6301.04. (A) The governor shall establish a state board 91970
~~and. The state board shall consist of the following members:~~ 91971

(1) The governor; 91972

(2) Two members of the house of representatives, appointed by 91973
the speaker of the house of representatives; 91974

(3) Two members of the senate, appointed by the president of 91975
the senate; 91976

(4) Members required under section 101(b)(1)(C) of the 91977
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 91978

(5) Any additional members appointed by the governor. 91979

(B) The governor shall appoint members to the board, who 91980
serve at the governor's pleasure, to perform duties under the 91981
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 91982
~~2801, as amended~~ Workforce Innovation and Opportunity Act, as 91983
authorized by the governor. ~~The~~ 91984

(C) The board is not subject to sections 101.82 to 101.87 of 91985
the Revised Code. ~~All~~ 91986

(D) All state agencies engaged in workforce development 91987
activities shall assist the board in the performance of its 91988
duties. 91989

(E) The board shall have the power and authority to do all of 91990
the following: 91991

~~(A) Provide oversight and policy direction to ensure that the~~ 91992
~~state workforce development activities are aligned and serving the~~ 91993

~~needs of the state's employers, incumbent workers, and job~~	91994
~~seekers;~~	91995
~~(B) Adopt rules necessary to administer state workforce~~	91996
~~development activities;~~	91997
~~(C) Adopt rules necessary for the auditing and monitoring of~~	91998
~~subrecipients of the workforce development system grant funds;~~	91999
~~(D) Designate local workforce investment areas in accordance~~	92000
~~with 29 U.S.C. 2831;~~	92001
~~(E) Develop a unified budget for all state and federal~~	92002
~~workforce funds;~~	92003
~~(F) Establish a statewide employment and data collection~~	92004
~~system;~~	92005
~~(G) Develop statewide performance measures for workforce~~	92006
~~development and investment;~~	92007
~~(H)(1) Develop a, implement, and modify the state workforce~~	92008
~~development plan;~~	92009
~~(I) Prepare the annual report to the United States secretary~~	92010
~~of labor, pursuant to section 136(d) of the "Workforce Investment~~	92011
~~Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~	92012
~~(J) Carry out any additional functions, duties, or~~	92013
~~responsibilities assigned to the board by the governor (2) Review~~	92014
~~statewide workforce policies and programs and recommendations on~~	92015
~~actions to be taken by the state to align workforce development~~	92016
~~programs to support a comprehensive and streamlined workforce~~	92017
~~development system;~~	92018
~~(3) Recommend measures for the development and continuous~~	92019
~~improvement of the workforce development system in the state,~~	92020
~~including updating comprehensive state performance accountability~~	92021
~~measures, also known as workforce success measures;~~	92022
~~(4) Continue to identify and disseminate information on~~	92023

promising practices in the area of workforce development; 92024

(5) Perform other related work that is required of the board 92025
by the Workforce Innovation and Opportunity Act or requested by 92026
the governor. 92027

Sec. 6301.05. The chief elected official of a local area 92028
shall enter into a written grant agreement with the director of 92029
job and family services in accordance with section 5101.20 of the 92030
Revised Code. 92031

A grant agreement entered into pursuant to this section shall 92032
include the responsibility of ~~municipal corporations and the board~~ 92033
~~of county commissioners~~ the chief elected official or officials to 92034
be accountable to the department of job and family services for 92035
the use of funds provided through the ~~"Workforce Investment Act of~~ 92036
~~1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce 92037
Innovation and Opportunity Act, including regulations issued by 92038
the United States department of labor pursuant to that act. 92039

Sec. 6301.06. (A) The chief elected official or officials of 92040
a local area shall create a local board, ~~which shall consist of~~ 92041
~~the following individuals:~~ 92042

~~(1) The chief elected official from the municipal corporation~~ 92043
~~with the largest population in the local area, except that if the~~ 92044
~~municipal corporation is a local area as defined in division~~ 92045
~~(A)(1) of section 6301.01 of the Revised Code, the chief elected~~ 92046
~~official of that municipal corporation may determine whether to be~~ 92047
~~a member of the board. Notwithstanding division (B) of section~~ 92048
~~6301.01 of the Revised Code, as used in division (A)(1) of this~~ 92049
~~section, "municipal corporation" means any municipal corporation.~~ 92050

~~(2) The following individuals appointed to the board by the~~ 92051
~~chief elected officials of the local area, who shall make those~~ 92052
~~appointments according to all of the following specifications:~~ 92053

~~(a) At least five members of the board shall be~~ 92054
~~representatives of private sector businesses in the general labor~~ 92055
~~market area that includes that local area, and shall be appointed~~ 92056
~~from among individuals nominated by local business organizations~~ 92057
~~and business trade associations. Among these members, at least one~~ 92058
~~shall represent small businesses, at least one shall represent~~ 92059
~~medium-sized businesses, and at least one shall represent large~~ 92060
~~businesses. When determining what constitutes small, medium-sized,~~ 92061
~~and large businesses for purposes of this division, the chief~~ 92062
~~elected officials of the local area shall define those sizes as~~ 92063
~~those sizes are generally understood within the labor market area~~ 92064
~~that includes that local area. A majority of the members of the~~ 92065
~~board shall be representatives of private sector businesses.~~ 92066

~~(b) At least two members of the board shall represent~~ 92067
~~organized labor and shall be appointed from nominations submitted~~ 92068
~~by local federations of labor representing workers employed in the~~ 92069
~~local area.~~ 92070

~~(c) At least two members of the board shall be~~ 92071
~~representatives of local educational entities. For purposes of~~ 92072
~~this division, "local educational entities" includes local~~ 92073
~~educational agencies, school district boards of education,~~ 92074
~~entities providing educational and literacy activities, and~~ 92075
~~post-secondary educational institutions.~~ 92076

~~(d) At least one member of the board shall be a~~ 92077
~~representative of consumers of workforce development activities.~~ 92078

~~(e) Any other individuals the chief elected officials of the~~ 92079
~~local area determine are necessary to carry out the functions~~ 92080
~~described in section 107(d) of the Workforce Innovation and~~ 92081
~~Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or~~ 92082
~~officials shall appoint members of the local board in accordance~~ 92083
~~with the requirements of section 107(b)(2) of the Workforce~~ 92084
~~Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~ 92085

(B) Members of the local board serve at the pleasure of the 92086
chief elected official or officials of the local area. Members 92087
shall not be compensated but may be reimbursed for actual, 92088
reasonable, and necessary expenses incurred in the performance of 92089
their duties as board members. Those expenses shall be paid from 92090
funds allocated pursuant to section 6301.03 of the Revised Code. 92091

The chief elected official or officials of a local area may 92092
provide office space, staff, or other administrative support as 92093
needed to the board. For purposes of section 102.02 of the Revised 92094
Code, members of the board are not public officials or employees. 92095

(C) The chief elected official or officials of a local area 92096
~~other than a local area as defined in division (A)(1) of section~~ 92097
~~6301.01 of the Revised Code, shall coordinate the workforce~~ 92098
~~development activities of the county family services planning~~ 92099
~~committees and the local boards in the local area in any manner~~ 92100
~~that is efficient and effective to meet the needs of the local~~ 92101
~~area. The chief elected officials of the local area may, but are~~ 92102
~~not required to, consolidate all boards and committees as they~~ 92103
~~determine appropriate into a single board for purposes of~~ 92104
~~workforce development activities. A majority of the members of~~ 92105
~~that consolidated board shall represent private sector businesses.~~ 92106
~~The membership of that consolidated board shall include a~~ 92107
~~representative from each group granted representation as described~~ 92108
~~in division (A) of this section and also a member who represents~~ 92109
~~consumers of family services and a member who represents the~~ 92110
~~county department of job and family services. The membership of~~ 92111
~~that consolidated board may include a representative of one or~~ 92112
~~more groups and entities that may be represented on a county~~ 92113
~~family services planning committee, as specified in section 329.06~~ 92114
~~of the Revised Code shall adopt a process for appointing members~~ 92115
~~to the local board for the local area.~~ 92116

(D) The chief elected official or officials of a local area 92117

may contract with the local board. The parties shall specify in 92118
the contract the workforce development activities that the local 92119
board is to administer and shall establish in the contract 92120
standards, including performance standards, for the local board's 92121
operation. The contract may include any other provisions that the 92122
chief elected official or officials consider necessary. 92123

(E) The chief elected official or officials may contract with 92124
any government or private entity to enhance the administration of 92125
local workforce development activities for which the local board 92126
is responsible. The entity with which the chief elected official 92127
or officials contract is not required to be located in the local 92128
area in which the chief elected official or officials serve as 92129
chief elected executive officer. 92130

(F)(1) As used in this division, "public library" means a 92131
library that is open to the public and that is one of the 92132
following: 92133

(a) A library that is maintained and regulated under section 92134
715.13 of the Revised Code; 92135

(b) A library that is created, maintained, and regulated 92136
under Chapter 3375. of the Revised Code; 92137

(c) A library that is created and maintained by a public or 92138
private school, college, university, or other educational 92139
institution; 92140

(d) A library that is created and maintained by a historical 92141
or charitable organization, institution, association, or society. 92142

(2) Not later than September 1, 2018, and every two years 92143
thereafter, an OhioMeansJobs center operator shall enter into a 92144
memorandum of understanding with one or more public libraries to 92145
facilitate collaboration and coordination of workforce programs 92146
and education and job training resources. 92147

Sec. 6301.061. A board of county commissioners may appoint an 92148
advisory committee on workforce development. A committee appointed 92149
under this section may do both of the following: 92150

(A) Work to further cooperation between the county and other 92151
workforce development and economic development related entities 92152
including the state, local area ~~one-stop~~ workforce development 92153
systems, and private businesses; 92154

(B) Advise the board and other interested parties on ways to 92155
maintain and improve the workforce development system of the local 92156
area in which the county is a part. 92157

Sec. 6301.07. (A) For purposes of this section, "performance 92158
character" means the career-essential relational attributes that 92159
build trust with others, including respect, honesty, integrity, 92160
task-excellence, responsibility, and resilience. 92161

(B) Every local board, ~~under the direction and approval of~~ 92162
~~the state board and with the agreement of~~ in partnership with the 92163
chief elected official or officials of the local area, ~~and after~~ 92164
~~holding public hearings that allow public comment and testimony,~~ 92165
~~shall prepare a workforce development~~ develop and submit to the 92166
governor a comprehensive four-year local plan. The local plan 92167
shall ~~accomplish~~ support the strategy described in the state plan 92168
and shall contain descriptions of the activities of the local 92169
board as outlined in section 108 of the Workforce Innovation and 92170
Opportunity Act, 29 U.S.C. 3123, including all of the following: 92171

(1) ~~Identify the workforce investment needs of businesses in~~ 92172
~~the local area, identify projected employment opportunities, and~~ 92173
~~identify the job skills and performance character necessary to~~ 92174
~~obtain and succeed in those opportunities;~~ Identification of 92175
strategic planning elements, including all of the following: 92176

(a) The strategic vision of the local board; 92177

<u>(b) Goals for preparing an educated and skilled workforce;</u>	92178
<u>(c) The knowledge and skills, including performance</u>	92179
<u>character, needed to meet the employment needs of employers in the</u>	92180
<u>planning region, including in-demand industry sectors and</u>	92181
<u>occupations.</u>	92182
<u>(2) Identify A description of the workforce development</u>	92183
<u>system in the local area and how the local board, working with</u>	92184
<u>education programs and the entities that carry out core programs,</u>	92185
<u>will coordinate activities to expand access to employment,</u>	92186
<u>training, education, and supportive services to eligible</u>	92187
<u>individuals with barriers to employment to improve service</u>	92188
<u>delivery and to avoid duplication;</u>	92189
<u>(3) A determination of the local area's workforce development</u>	92190
<u>needs for youth, ~~dislocated workers, adults, displaced homemakers,~~</u>	92191
<u>~~incumbent workers, and any other group of workers identified by~~</u>	92192
<u>the local board <u>adult and dislocated worker employment training</u></u>	92193
<u>activities, including the type and availability of activities</u>	92194
<u>needed;</u>	92195
~~<u>(3) Determine the distribution of workforce development</u>~~	92196
~~<u>resources and funding to be distributed for each workforce</u>~~	92197
~~<u>development activity to meet the identified needs, utilizing the</u>~~	92198
~~<u>funds allocated pursuant to the "Workforce Investment Act of</u>~~	92199
~~<u>1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;</u>~~	92200
~~<u>(4) Give priority to <u>An assessment of the type and</u></u>~~	92201
~~<u>availability of youth workforce development activities carried out</u>~~	92202
~~<u>in the local area, including activities for youth with</u>~~	92203
~~<u>disabilities and youth receiving independent living services</u>~~	92204
~~<u>pursuant to sections 2151.81 to 2151.84 of the Revised Code when</u>~~	92205
~~<u>determining distribution of workforce development resources and</u>~~	92206
~~<u>workforce development activity funding;</u>~~	92207
~~<u>(5) Review the minimum curriculum required by the state board</u>~~	92208

~~for certifying training providers and identify any additional~~ 92209
~~curriculum requirements to include in contracts between the~~ 92210
~~training providers and the chief elected officials of the local~~ 92211
~~area;~~ 92212

~~(6) Establish performance standards for service providers~~ 92213
~~that reflect local workforce development needs;~~ 92214

~~(7) Describe~~ A description of any other information the chief 92215
elected official or officials of the local area require; 92216

(6) A description of any other information the governor 92217
requires. 92218

(C)(1) The local boards of the local areas within a planning 92219
region and the chief elected officials of those local areas shall 92220
prepare, submit to, and obtain approval from the state for a 92221
single regional plan that includes a description of the activities 92222
described in section 106(c)(1) of the Workforce Innovation and 92223
Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local 92224
plans described in division (B) of this section for each local 92225
area in that region. 92226

(2) The state shall identify regions within the state, and 92227
designate each region it identifies as one of the following types: 92228

(a) A region consisting of one local area; 92229

(b) A planning region; 92230

(c) An interstate planning region that is contained within 92231
two or more states and consists of labor market areas, economic 92232
development areas, or other appropriate contiguous subareas of 92233
those states. 92234

(D) Before the date on which a local board submits a regional 92235
or local plan for approval, the local board shall make copies of 92236
the proposed plan available to the public through electronic and 92237
other means and allow members of the public to submit comments on 92238

the proposed plan to the local board. For purposes of this 92239
division, public hearings and presentation to local news media are 92240
examples of other means by which a local board may make a proposed 92241
plan available. 92242

(E) A local board may provide policy guidance and 92243
recommendations to the chief elected official or officials of a 92244
local area for any workforce development activities. 92245

~~(D) Nothing in this section prohibits the chief elected~~ 92246
~~officials of a local area from assigning, through a partnership~~ 92247
~~agreement, any duties in addition to the duties under this section~~ 92248
~~to a local board, except that a local board cannot contract with~~ 92249
~~itself for the direct provision of services in its local area. A~~ 92250
~~local board may consult with the chief elected officials of its~~ 92251
~~local area and make recommendations regarding the workforce~~ 92252
~~development activities provided in its local area at any time.~~ 92253

Sec. 6301.08. Every local area shall ~~participate in a~~ 92254
~~one-stop~~ establish and administer a local workforce development 92255
system for workforce development activities. ~~Each board of county~~ 92256
~~commissioners and the~~ The chief elected official or officials of a 92257
~~municipal corporation~~ local area shall ensure that at least one 92258
~~delivery method~~ comprehensive OhioMeansJobs center is available in 92259
the local area, ~~either through a physical location, or.~~ An 92260
OhioMeansJobs center may be supported by electronic means approved 92261
by the ~~state board,~~ director of job and family services for the 92262
provision of workforce development activities. 92263

~~Within six months after the effective date of this amendment,~~ 92264
~~every local area described in division (B) of section 6301.03 of~~ 92265
~~the Revised Code~~ Every OhioMeansJobs center shall name its 92266
~~one-stop system as~~ be named "OhioMeansJobs (name of county)" 92267
County." 92268

~~A one-stop system may~~ Every OhioMeansJobs center shall be 92269

operated by a ~~private entity or a public agency, including a~~ 92270
~~workforce development agency, any existing facility or~~ 92271
~~organization that is established to administer workforce~~ 92272
~~development activities in the local area, and a county family~~ 92273
~~services agency an OhioMeansJobs center operator.~~ 92274

~~A one-stop~~ The local workforce development system shall 92275
include representatives of all the partners required under the 92276
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 92277
~~2801, as amended. In addition, a one-stop system shall include at~~ 92278
~~least one representative from a county department of job and~~ 92279
~~family services~~ Workforce Innovation and Opportunity Act. 92280

Sec. 6301.09. The provision under division (g) of section ~~111~~ 92281
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 92282
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 92283
Opportunity Act, 29 U.S.C. 3111, applies to the state board 92284
created under ~~section 6301.04 of the Revised Code~~ this chapter. 92285
The provision under division (e) of section ~~117 of the "Workforce~~ 92286
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 92287
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 92288
established pursuant to ~~section 6301.06 of the Revised Code~~ this 92289
chapter. 92290

Sec. 6301.11. As used in this section, "public or private 92291
institution" has the same meaning as in section 3333.93 of the 92292
Revised Code. 92293

The state board, in connection with the department of job and 92294
family services and public or private institutions, shall develop 92295
a methodology for identifying jobs that are in demand by employers 92296
operating in this state. The methodology for identifying in-demand 92297
jobs shall include an analysis of jobs that are in demand in each 92298
region of the state. The director of job and family services shall 92299

determine the regions. 92300

The department and the public or private institutions, in 92301
consultation with the state board, shall use the methodology to 92302
create a list of such in-demand jobs in the state and a list of 92303
such in-demand jobs in each region of the state. The department 92304
shall publish the lists on the web site of the department. The 92305
department and public or private institutions shall periodically 92306
update the lists to reflect evolving workforce demands in this 92307
state and its regions. 92308

Local boards, ~~workforce development agencies,~~ and other 92309
providers of workforce training shall use the lists of in-demand 92310
jobs to cultivate and prioritize workforce development activities 92311
that correspond to the employment needs of employers operating in 92312
this state and in each of its regions and to assist individuals in 92313
maximizing their employment opportunities. 92314

Sec. 6301.111. The governor's office of workforce 92315
transformation, in conjunction with the department of job and 92316
family services, shall conduct an electronic survey of employers 92317
in this state to identify jobs that are in demand by those 92318
employers. The office, in conjunction with the department, shall 92319
use the survey results to update the list of in-demand jobs 92320
required under section 6301.11 of the Revised Code, 92321
notwithstanding the requirement in that section that the 92322
department and public or private institutions, as defined in that 92323
section, periodically update that list. The office shall complete 92324
the initial survey and make the update required under this section 92325
not later than December 31, 2018. The office shall complete a 92326
subsequent survey and update not later than the last day of 92327
December every two years thereafter. 92328

Sec. 6301.112. (A) The governor's office of workforce 92329

transformation, in collaboration with the departments of higher 92330
education and job and family services, shall create and publish on 92331
the OhioMeansJobs web site a workforce supply tool that uses 92332
real-time demand and supply data. The office shall provide all of 92333
the following through the tool: 92334

(1) Businesses with historical information on graduates from 92335
high demand fields; 92336

(2) Businesses with projections on future graduates; 92337

(3) The number of skilled workers available for work in 92338
occupations included in the list of in-demand jobs created under 92339
section 6301.11 of the Revised Code. 92340

(B) Not later than January 1, 2018, the governor's office of 92341
workforce transformation, in collaboration with the departments of 92342
higher education and job and family services, shall include in the 92343
workforce supply tool created under division (A) of this section 92344
all in-demand jobs included in the list of in-demand jobs created 92345
under section 6301.11 of the Revised Code. 92346

(C) Not later than December 31, 2018, the governor's office 92347
of workforce transformation, in collaboration with the departments 92348
of higher education and education shall establish design teams. 92349
The design teams shall do both of the following: 92350

(1) Identify emerging skill needs based on predictive 92351
analytics and analysis of the data from the workforce supply tool 92352
created under division (A) of this section; 92353

(2) Periodically recommend innovations for responding to 92354
emerging in-demand jobs and skills. 92355

Sec. 6301.12. (A) The office of workforce development within 92356
the department of job and family services shall comprehensively 92357
review the direct and indirect economic impact of businesses 92358

engaged in the production of horizontal wells in this state and, 92359
based on its findings, prepare an annual Ohio workforce report. 92360
The office shall prepare the report by the thirtieth day of July 92361
of each year. The report shall include at least all of the 92362
following with respect to the industry: 92363

(1) The total number of jobs created or retained during the 92364
previous year; 92365

(2) The total number of Ohio-based contractors that employ 92366
skilled construction trades; 92367

(3) The number of employees who are residents of this state; 92368

(4) The total economic impact; 92369

(5) A review of the state's regional workforce development 92370
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 92371
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 92372
Opportunity Act that outline workforce development efforts 92373
including goals and benchmarks toward maximizing job training, 92374
education, and job creation opportunities in the state. 92375

(B) Upon the completion of the office's annual Ohio workforce 92376
report, the office shall provide an electronic copy of the report 92377
to the president and minority leader of the senate and the speaker 92378
and minority leader of the house of representatives and post it on 92379
the office's internet web site. 92380

Sec. 6301.18. (A) ~~Beginning January 1, 2016, each~~ Each 92381
participant in an adult training or education program funded under 92382
the ~~"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101,~~ 92383
shall create an account with the OhioMeansJobs web site at the 92384
time of enrollment in the program. 92385

(B) Division (A) of this section does not apply to any 92386
individual who is legally prohibited from using a computer, has a 92387

physical or visual impairment that makes the individual unable to 92388
use a computer, or has a limited ability to read, write, speak, or 92389
understand a language in which the OhioMeansJobs web site is 92390
available. 92391

Sec. 6301.20. Not later than September 30, 2017, the 92392
governor's office of workforce transformation, in consultation 92393
with the departments of job and family services, higher education, 92394
and aging and the opportunities for Ohioans with disabilities 92395
agency, shall develop and maintain a uniform electronic 92396
application for adult training programs funded under the 92397
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 92398
U.S.C. 3101 et seq., as amended. The application shall be 92399
available for use not later than July 1, 2018. 92400

Sec. 6301.21. (A) Not later than December 31, 2017, the 92401
governor's office of workforce transformation, the department of 92402
education, and the chancellor of higher education, in consultation 92403
with business and economic development stakeholder groups, shall 92404
develop a regional workforce collaboration model. The model shall 92405
provide guidance on how the JobsOhio regional network, local 92406
chambers of commerce, economic development organizations, 92407
business, business associations, secondary and post-secondary 92408
education organizations, and Ohio college tech prep regional 92409
centers, that are jointly managed by the department of education 92410
and the chancellor, shall collaborate to form a partnership that 92411
provides career services to students. 92412

Career services to students may include, but are not limited 92413
to, job shadowing, internships, co-ops, apprenticeships, career 92414
exploration activities, and problem-based curriculum developed in 92415
alignment with in-demand jobs. 92416

(B) The governor's office of workforce transformation shall 92417

oversee the creation of regional workforce collaboration 92418
partnerships based on the model created under division (A) of this 92419
section. The partnerships shall be located in each of the six 92420
different regions of the state, as determined by JobsOhio. 92421

(C) As used in this section, "JobsOhio" has the same meaning 92422
as in section 187.01 of the Revised Code. 92423

Section 101.02. That existing sections 101.38, 102.02, 92424
102.022, 102.03, 105.41, 107.031, 107.35, 109.572, 109.5721, 92425
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4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14,	92526
4747.16, 4747.17, 4749.031, 4751.03, 4751.04, 4751.10, 4751.14,	92527
4751.99, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08,	92528
4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17,	92529
4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 4753.071,	92530
4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 4753.101,	92531
4753.11, 4753.12, 4753.15, 4753.16, 4755.02, 4755.03, 4755.031,	92532
4755.06, 4755.061, 4755.07, 4755.08, 4755.09, 4755.10, 4755.11,	92533
4755.111, 4755.12, 4755.41, 4755.411, 4755.412, 4755.42, 4755.421,	92534
4755.43, 4755.431, 4755.44, 4755.441, 4755.45, 4755.451, 4755.46,	92535
4755.47, 4755.471, 4755.482, 4755.51, 4755.511, 4755.52, 4755.53,	92536
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, 4755.70,	92537
4755.71, 4755.99, 4757.10, 4757.101, 4757.13, 4757.15, 4757.16,	92538
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 4757.27, 4757.28,	92539
4757.29, 4757.30, 4757.301, 4757.31, 4757.32, 4757.321, 4757.33,	92540
4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.39, 4757.40,	92541
4757.41, 4757.44, 4757.45, 4758.20, 4758.21, 4758.22, 4758.221,	92542
4758.24, 4758.241, 4758.25, 4758.26, 4758.27, 4758.28, 4758.29,	92543
4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.47, 4758.51,	92544
4758.52, 4758.72, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07,	92545

4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.03, 4761.031,	92546
4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09,	92547
4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4765.01,	92548
4776.01, 4776.02, 4776.04, 4779.02, 4779.08, 4779.09, 4779.091,	92549
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18,	92550
4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.30,	92551
4779.32, 4779.33, 4779.34, 4781.04, 4781.06, 4781.07, 4781.08,	92552
4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17,	92553
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25,	92554
4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33,	92555
4781.34, 4781.35, 4781.37, 4781.38, 4781.39, 4781.45, 4783.03,	92556
4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12, 4783.13,	92557
4905.02, 4906.01, 4906.10, 4906.13, 4921.01, 4921.19, 4921.21,	92558
4923.02, 4923.99, 4927.13, 4928.02, 5101.09, 5101.16, 5101.17,	92559
5101.18, 5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23,	92560
5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35,	92561
5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10,	92562
5119.01, 5119.22, 5119.221, 5119.27, 5119.34, 5119.41, 5119.94,	92563
5120.22, 5120.55, 5122.01, 5122.32, 5123.01, 5123.377, 5123.378,	92564
5123.38, 5123.46, 5123.47, 5123.60, 5124.01, 5124.101, 5124.15,	92565
5124.151, 5124.155, 5124.17, 5124.19, 5124.191, 5124.21, 5124.25,	92566
5124.30, 5124.38, 5124.39, 5149.311, 5160.01, 5160.052, 5160.37,	92567
5160.40, 5160.401, 5162.12, 5162.40, 5162.41, 5162.52, 5162.64,	92568
5162.66, 5164.01, 5164.31, 5164.34, 5164.341, 5164.342, 5164.37,	92569
5164.70, 5164.752, 5164.753, 5164.7510, 5164.90, 5165.1010,	92570
5165.152, 5165.157, 5165.192, 5166.01, 5166.16, 5166.30, 5166.40,	92571
5166.408, 5167.20, 5167.30, 5168.01, 5168.02, 5168.06, 5168.07,	92572
5168.09, 5168.10, 5168.11, 5168.14, 5168.26, 5168.99, 5502.13,	92573
5575.02, 5575.03, 5577.081, 5701.11, 5703.052, 5703.053, 5703.19,	92574
5703.21, 5703.26, 5703.50, 5703.57, 5703.70, 5703.75, 5703.90,	92575
5705.01, 5709.17, 5709.212, 5709.64, 5709.68, 5709.92, 5715.20,	92576
5715.27, 5715.39, 5725.33, 5727.26, 5727.28, 5727.31, 5727.311,	92577

5727.38, 5727.42, 5727.47, 5727.48, 5727.53, 5727.60, 5731.46, 92578
5731.49, 5735.02, 5736.06, 5739.01, 5739.02, 5739.025, 5739.033, 92579
5739.10, 5739.132, 5739.30, 5741.02, 5743.01, 5743.02, 5743.025, 92580
5743.03, 5743.05, 5743.081, 5743.14, 5743.15, 5743.20, 5743.32, 92581
5743.41, 5743.44, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 92582
5743.59, 5743.60, 5743.61, 5743.62, 5743.63, 5747.02, 5747.025, 92583
5747.056, 5747.113, 5747.122, 5747.50, 5747.501, 5747.502, 92584
5747.51, 5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 92585
5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 92586
5749.15, 5749.17, 5751.01, 5751.02, 5901.06, 5901.07, 5902.02, 92587
5903.11, 5919.34, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 92588
6111.30, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 92589
6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18 92590
of the Revised Code are hereby repealed. 92591

Section 105.01. That sections 123.27, 126.211, 152.01, 92592
152.02, 152.04, 152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 92593
152.11, 152.12, 152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 92594
152.19, 152.21, 152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 92595
152.27, 152.28, 152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 92596
330.04, 330.05, 330.07, 340.091, 718.06, 759.24, 763.02, 763.05, 92597
901.90, 921.60, 921.61, 921.62, 921.63, 921.64, 921.65, 1181.16, 92598
1181.17, 1181.18, 1501.022, 1506.24, 1509.50, 1513.181, 3313.82, 92599
3317.018, 3317.019, 3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 92600
3319.229, 3333.13, 3704.144, 3706.26, 3719.02, 3719.021, 3719.03, 92601
3719.031, 3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 92602
3727.38, 3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 92603
3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 4561.30, 4709.04, 92604
4709.06, 4709.26, 4709.27, 4725.03, 4725.04, 4725.05, 4725.06, 92605
4725.07, 4725.08, 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 92606
4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 4731.141, 92607
4731.29, 4732.02, 4732.021, 4732.03, 4732.05, 4732.06, 4732.07, 92608

4732.08, 4747.03, 4753.03, 4753.04, 4755.01, 4757.03, 4757.04, 92609
4757.05, 4757.06, 4757.07, 4757.11, 4758.10, 4758.11, 4758.12, 92610
4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.23, 4759.03, 92611
4759.04, 4761.02, 4779.05, 4779.06, 4779.07, 4779.16, 4779.21, 92612
4779.22, 4781.02, 4781.03, 4781.05, 4781.13, 4781.54, 4781.55, 92613
4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 92614
5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 5124.28, 5162.54, 92615
5162.80, 5166.13, 5739.18, 5747.29, 6111.033, and 6111.40 of the 92616
Revised Code are hereby repealed. 92617

Section 120.10. That sections 109.572, 121.22, 3701.83, 92618
4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the Revised 92619
Code be amended to read as follows: 92620

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 92621
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 92622
a completed form prescribed pursuant to division (C)(1) of this 92623
section, and a set of fingerprint impressions obtained in the 92624
manner described in division (C)(2) of this section, the 92625
superintendent of the bureau of criminal identification and 92626
investigation shall conduct a criminal records check in the manner 92627
described in division (B) of this section to determine whether any 92628
information exists that indicates that the person who is the 92629
subject of the request previously has been convicted of or pleaded 92630
guilty to any of the following: 92631

(a) A violation of section 2903.01, 2903.02, 2903.03, 92632
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92633
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 92634
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 92635
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 92636
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 92637
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 92638

2925.06, or 3716.11 of the Revised Code, felonious sexual 92639
penetration in violation of former section 2907.12 of the Revised 92640
Code, a violation of section 2905.04 of the Revised Code as it 92641
existed prior to July 1, 1996, a violation of section 2919.23 of 92642
the Revised Code that would have been a violation of section 92643
2905.04 of the Revised Code as it existed prior to July 1, 1996, 92644
had the violation been committed prior to that date, or a 92645
violation of section 2925.11 of the Revised Code that is not a 92646
minor drug possession offense; 92647

(b) A violation of an existing or former law of this state, 92648
any other state, or the United States that is substantially 92649
equivalent to any of the offenses listed in division (A)(1)(a) of 92650
this section; 92651

(c) If the request is made pursuant to section 3319.39 of the 92652
Revised Code for an applicant who is a teacher, any offense 92653
specified in section 3319.31 of the Revised Code. 92654

(2) On receipt of a request pursuant to section 3712.09 or 92655
3721.121 of the Revised Code, a completed form prescribed pursuant 92656
to division (C)(1) of this section, and a set of fingerprint 92657
impressions obtained in the manner described in division (C)(2) of 92658
this section, the superintendent of the bureau of criminal 92659
identification and investigation shall conduct a criminal records 92660
check with respect to any person who has applied for employment in 92661
a position for which a criminal records check is required by those 92662
sections. The superintendent shall conduct the criminal records 92663
check in the manner described in division (B) of this section to 92664
determine whether any information exists that indicates that the 92665
person who is the subject of the request previously has been 92666
convicted of or pleaded guilty to any of the following: 92667

(a) A violation of section 2903.01, 2903.02, 2903.03, 92668
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92669
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 92670

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92671
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 92672
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 92673
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 92674
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 92675
2925.22, 2925.23, or 3716.11 of the Revised Code; 92676

(b) An existing or former law of this state, any other state, 92677
or the United States that is substantially equivalent to any of 92678
the offenses listed in division (A)(2)(a) of this section. 92679

(3) On receipt of a request pursuant to section 173.27, 92680
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 92681
or 5123.169 of the Revised Code, a completed form prescribed 92682
pursuant to division (C)(1) of this section, and a set of 92683
fingerprint impressions obtained in the manner described in 92684
division (C)(2) of this section, the superintendent of the bureau 92685
of criminal identification and investigation shall conduct a 92686
criminal records check of the person for whom the request is made. 92687
The superintendent shall conduct the criminal records check in the 92688
manner described in division (B) of this section to determine 92689
whether any information exists that indicates that the person who 92690
is the subject of the request previously has been convicted of, 92691
has pleaded guilty to, or (except in the case of a request 92692
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 92693
Code) has been found eligible for intervention in lieu of 92694
conviction for any of the following, regardless of the date of the 92695
conviction, the date of entry of the guilty plea, or (except in 92696
the case of a request pursuant to section 5164.34, 5164.341, or 92697
5164.342 of the Revised Code) the date the person was found 92698
eligible for intervention in lieu of conviction: 92699

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 92700
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 92701
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 92702

2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 92703
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 92704
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 92705
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 92706
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 92707
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 92708
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 92709
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 92710
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 92711
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 92712
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 92713
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 92714
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 92715
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 92716
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 92717
2927.12, or 3716.11 of the Revised Code; 92718

(b) Felonious sexual penetration in violation of former 92719
section 2907.12 of the Revised Code; 92720

(c) A violation of section 2905.04 of the Revised Code as it 92721
existed prior to July 1, 1996; 92722

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 92723
the Revised Code when the underlying offense that is the object of 92724
the conspiracy, attempt, or complicity is one of the offenses 92725
listed in divisions (A)(3)(a) to (c) of this section; 92726

(e) A violation of an existing or former municipal ordinance 92727
or law of this state, any other state, or the United States that 92728
is substantially equivalent to any of the offenses listed in 92729
divisions (A)(3)(a) to (d) of this section. 92730

(4) On receipt of a request pursuant to section 2151.86 of 92731
the Revised Code, a completed form prescribed pursuant to division 92732
(C)(1) of this section, and a set of fingerprint impressions 92733

obtained in the manner described in division (C)(2) of this 92734
section, the superintendent of the bureau of criminal 92735
identification and investigation shall conduct a criminal records 92736
check in the manner described in division (B) of this section to 92737
determine whether any information exists that indicates that the 92738
person who is the subject of the request previously has been 92739
convicted of or pleaded guilty to any of the following: 92740

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 92741
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 92742
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 92743
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 92744
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 92745
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 92746
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 92747
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 92748
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 92749
of the Revised Code, a violation of section 2905.04 of the Revised 92750
Code as it existed prior to July 1, 1996, a violation of section 92751
2919.23 of the Revised Code that would have been a violation of 92752
section 2905.04 of the Revised Code as it existed prior to July 1, 92753
1996, had the violation been committed prior to that date, a 92754
violation of section 2925.11 of the Revised Code that is not a 92755
minor drug possession offense, two or more OVI or OVUAC violations 92756
committed within the three years immediately preceding the 92757
submission of the application or petition that is the basis of the 92758
request, or felonious sexual penetration in violation of former 92759
section 2907.12 of the Revised Code; 92760

(b) A violation of an existing or former law of this state, 92761
any other state, or the United States that is substantially 92762
equivalent to any of the offenses listed in division (A)(4)(a) of 92763
this section. 92764

(5) Upon receipt of a request pursuant to section 5104.013 of 92765

the Revised Code, a completed form prescribed pursuant to division 92766
(C)(1) of this section, and a set of fingerprint impressions 92767
obtained in the manner described in division (C)(2) of this 92768
section, the superintendent of the bureau of criminal 92769
identification and investigation shall conduct a criminal records 92770
check in the manner described in division (B) of this section to 92771
determine whether any information exists that indicates that the 92772
person who is the subject of the request has been convicted of or 92773
pleaded guilty to any of the following: 92774

(a) A violation of section 2151.421, 2903.01, 2903.02, 92775
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 92776
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 92777
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 92778
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 92779
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 92780
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 92781
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 92782
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 92783
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 92784
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 92785
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 92786
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 92787
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 92788
Revised Code, felonious sexual penetration in violation of former 92789
section 2907.12 of the Revised Code, a violation of section 92790
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 92791
violation of section 2919.23 of the Revised Code that would have 92792
been a violation of section 2905.04 of the Revised Code as it 92793
existed prior to July 1, 1996, had the violation been committed 92794
prior to that date, a violation of section 2925.11 of the Revised 92795
Code that is not a minor drug possession offense, a violation of 92796
section 2923.02 or 2923.03 of the Revised Code that relates to a 92797
crime specified in this division, or a second violation of section 92798

4511.19 of the Revised Code within five years of the date of application for licensure or certification. 92799
92800

(b) A violation of an existing or former law of this state, 92801
any other state, or the United States that is substantially 92802
equivalent to any of the offenses or violations described in 92803
division (A)(5)(a) of this section. 92804

(6) Upon receipt of a request pursuant to section 5153.111 of 92805
the Revised Code, a completed form prescribed pursuant to division 92806
(C)(1) of this section, and a set of fingerprint impressions 92807
obtained in the manner described in division (C)(2) of this 92808
section, the superintendent of the bureau of criminal 92809
identification and investigation shall conduct a criminal records 92810
check in the manner described in division (B) of this section to 92811
determine whether any information exists that indicates that the 92812
person who is the subject of the request previously has been 92813
convicted of or pleaded guilty to any of the following: 92814

(a) A violation of section 2903.01, 2903.02, 2903.03, 92815
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92816
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 92817
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 92818
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 92819
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 92820
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 92821
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 92822
felonious sexual penetration in violation of former section 92823
2907.12 of the Revised Code, a violation of section 2905.04 of the 92824
Revised Code as it existed prior to July 1, 1996, a violation of 92825
section 2919.23 of the Revised Code that would have been a 92826
violation of section 2905.04 of the Revised Code as it existed 92827
prior to July 1, 1996, had the violation been committed prior to 92828
that date, or a violation of section 2925.11 of the Revised Code 92829
that is not a minor drug possession offense; 92830

(b) A violation of an existing or former law of this state, 92831
any other state, or the United States that is substantially 92832
equivalent to any of the offenses listed in division (A)(6)(a) of 92833
this section. 92834

(7) On receipt of a request for a criminal records check from 92835
an individual pursuant to section 4749.03 or 4749.06 of the 92836
Revised Code, accompanied by a completed copy of the form 92837
prescribed in division (C)(1) of this section and a set of 92838
fingerprint impressions obtained in a manner described in division 92839
(C)(2) of this section, the superintendent of the bureau of 92840
criminal identification and investigation shall conduct a criminal 92841
records check in the manner described in division (B) of this 92842
section to determine whether any information exists indicating 92843
that the person who is the subject of the request has been 92844
convicted of or pleaded guilty to a felony in this state or in any 92845
other state. If the individual indicates that a firearm will be 92846
carried in the course of business, the superintendent shall 92847
require information from the federal bureau of investigation as 92848
described in division (B)(2) of this section. Subject to division 92849
(F) of this section, the superintendent shall report the findings 92850
of the criminal records check and any information the federal 92851
bureau of investigation provides to the director of public safety. 92852

(8) On receipt of a request pursuant to section 1321.37, 92853
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 92854
Code, a completed form prescribed pursuant to division (C)(1) of 92855
this section, and a set of fingerprint impressions obtained in the 92856
manner described in division (C)(2) of this section, the 92857
superintendent of the bureau of criminal identification and 92858
investigation shall conduct a criminal records check with respect 92859
to any person who has applied for a license, permit, or 92860
certification from the department of commerce or a division in the 92861
department. The superintendent shall conduct the criminal records 92862

check in the manner described in division (B) of this section to 92863
determine whether any information exists that indicates that the 92864
person who is the subject of the request previously has been 92865
convicted of or pleaded guilty to any of the following: a 92866
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 92867
2925.03 of the Revised Code; any other criminal offense involving 92868
theft, receiving stolen property, embezzlement, forgery, fraud, 92869
passing bad checks, money laundering, or drug trafficking, or any 92870
criminal offense involving money or securities, as set forth in 92871
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 92872
the Revised Code; or any existing or former law of this state, any 92873
other state, or the United States that is substantially equivalent 92874
to those offenses. 92875

(9) On receipt of a request for a criminal records check from 92876
the treasurer of state under section 113.041 of the Revised Code 92877
or from an individual under section 4701.08, 4715.101, 4717.061, 92878
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 92879
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 92880
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 92881
4753.061, 4755.70, 4757.101, 4758.242, 4759.061, 4760.032, 92882
4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 92883
4783.04 of the Revised Code, accompanied by a completed form 92884
prescribed under division (C)(1) of this section and a set of 92885
fingerprint impressions obtained in the manner described in 92886
division (C)(2) of this section, the superintendent of the bureau 92887
of criminal identification and investigation shall conduct a 92888
criminal records check in the manner described in division (B) of 92889
this section to determine whether any information exists that 92890
indicates that the person who is the subject of the request has 92891
been convicted of or pleaded guilty to any criminal offense in 92892
this state or any other state. Subject to division (F) of this 92893
section, the superintendent shall send the results of a check 92894
requested under section 113.041 of the Revised Code to the 92895

treasurer of state and shall send the results of a check requested 92896
under any of the other listed sections to the licensing board 92897
specified by the individual in the request. 92898

(10) On receipt of a request pursuant to section 1121.23, 92899
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 92900
Code, a completed form prescribed pursuant to division (C)(1) of 92901
this section, and a set of fingerprint impressions obtained in the 92902
manner described in division (C)(2) of this section, the 92903
superintendent of the bureau of criminal identification and 92904
investigation shall conduct a criminal records check in the manner 92905
described in division (B) of this section to determine whether any 92906
information exists that indicates that the person who is the 92907
subject of the request previously has been convicted of or pleaded 92908
guilty to any criminal offense under any existing or former law of 92909
this state, any other state, or the United States. 92910

(11) On receipt of a request for a criminal records check 92911
from an appointing or licensing authority under section 3772.07 of 92912
the Revised Code, a completed form prescribed under division 92913
(C)(1) of this section, and a set of fingerprint impressions 92914
obtained in the manner prescribed in division (C)(2) of this 92915
section, the superintendent of the bureau of criminal 92916
identification and investigation shall conduct a criminal records 92917
check in the manner described in division (B) of this section to 92918
determine whether any information exists that indicates that the 92919
person who is the subject of the request previously has been 92920
convicted of or pleaded guilty or no contest to any offense under 92921
any existing or former law of this state, any other state, or the 92922
United States that is a disqualifying offense as defined in 92923
section 3772.07 of the Revised Code or substantially equivalent to 92924
such an offense. 92925

(12) On receipt of a request pursuant to section 2151.33 or 92926
2151.412 of the Revised Code, a completed form prescribed pursuant 92927

to division (C)(1) of this section, and a set of fingerprint 92928
impressions obtained in the manner described in division (C)(2) of 92929
this section, the superintendent of the bureau of criminal 92930
identification and investigation shall conduct a criminal records 92931
check with respect to any person for whom a criminal records check 92932
is required under that section. The superintendent shall conduct 92933
the criminal records check in the manner described in division (B) 92934
of this section to determine whether any information exists that 92935
indicates that the person who is the subject of the request 92936
previously has been convicted of or pleaded guilty to any of the 92937
following: 92938

(a) A violation of section 2903.01, 2903.02, 2903.03, 92939
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 92940
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 92941
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 92942
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 92943
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 92944
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 92945
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 92946
2925.22, 2925.23, or 3716.11 of the Revised Code; 92947

(b) An existing or former law of this state, any other state, 92948
or the United States that is substantially equivalent to any of 92949
the offenses listed in division (A)(12)(a) of this section. 92950

(13) On receipt of a request pursuant to section 3796.12 of 92951
the Revised Code, a completed form prescribed pursuant to division 92952
(C)(1) of this section, and a set of fingerprint impressions 92953
obtained in a manner described in division (C)(2) of this section, 92954
the superintendent of the bureau of criminal identification and 92955
investigation shall conduct a criminal records check in the manner 92956
described in division (B) of this section to determine whether any 92957
information exists that indicates that the person who is the 92958
subject of the request previously has been convicted of or pleaded 92959

guilty to the following: 92960

(a) A disqualifying offense as specified in rules adopted 92961
under division (B)(2)(b) of section 3796.03 of the Revised Code if 92962
the person who is the subject of the request is an administrator 92963
or other person responsible for the daily operation of, or an 92964
owner or prospective owner, officer or prospective officer, or 92965
board member or prospective board member of, an entity seeking a 92966
license from the department of commerce under Chapter 3796. of the 92967
Revised Code; 92968

(b) A disqualifying offense as specified in rules adopted 92969
under division (B)(2)(b) of section 3796.04 of the Revised Code if 92970
the person who is the subject of the request is an administrator 92971
or other person responsible for the daily operation of, or an 92972
owner or prospective owner, officer or prospective officer, or 92973
board member or prospective board member of, an entity seeking a 92974
license from the state board of pharmacy under Chapter 3796. of 92975
the Revised Code. 92976

(14) On receipt of a request required by section 3796.13 of 92977
the Revised Code, a completed form prescribed pursuant to division 92978
(C)(1) of this section, and a set of fingerprint impressions 92979
obtained in a manner described in division (C)(2) of this section, 92980
the superintendent of the bureau of criminal identification and 92981
investigation shall conduct a criminal records check in the manner 92982
described in division (B) of this section to determine whether any 92983
information exists that indicates that the person who is the 92984
subject of the request previously has been convicted of or pleaded 92985
guilty to the following: 92986

(a) A disqualifying offense as specified in rules adopted 92987
under division (B)(8)(a) of section 3796.03 of the Revised Code if 92988
the person who is the subject of the request is seeking employment 92989
with an entity licensed by the department of commerce under 92990
Chapter 3796. of the Revised Code; 92991

(b) A disqualifying offense as specified in rules adopted 92992
under division (B)(14)(a) of section 3796.04 of the Revised Code 92993
if the person who is the subject of the request is seeking 92994
employment with an entity licensed by the state board of pharmacy 92995
under Chapter 3796. of the Revised Code. 92996

(B) Subject to division (F) of this section, the 92997
superintendent shall conduct any criminal records check to be 92998
conducted under this section as follows: 92999

(1) The superintendent shall review or cause to be reviewed 93000
any relevant information gathered and compiled by the bureau under 93001
division (A) of section 109.57 of the Revised Code that relates to 93002
the person who is the subject of the criminal records check, 93003
including, if the criminal records check was requested under 93004
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 93005
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 93006
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 93007
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 93008
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 93009
5123.169, or 5153.111 of the Revised Code, any relevant 93010
information contained in records that have been sealed under 93011
section 2953.32 of the Revised Code; 93012

(2) If the request received by the superintendent asks for 93013
information from the federal bureau of investigation, the 93014
superintendent shall request from the federal bureau of 93015
investigation any information it has with respect to the person 93016
who is the subject of the criminal records check, including 93017
fingerprint-based checks of national crime information databases 93018
as described in 42 U.S.C. 671 if the request is made pursuant to 93019
section 2151.86 or 5104.013 of the Revised Code or if any other 93020
Revised Code section requires fingerprint-based checks of that 93021
nature, and shall review or cause to be reviewed any information 93022
the superintendent receives from that bureau. If a request under 93023

section 3319.39 of the Revised Code asks only for information from 93024
the federal bureau of investigation, the superintendent shall not 93025
conduct the review prescribed by division (B)(1) of this section. 93026

(3) The superintendent or the superintendent's designee may 93027
request criminal history records from other states or the federal 93028
government pursuant to the national crime prevention and privacy 93029
compact set forth in section 109.571 of the Revised Code. 93030

(4) The superintendent shall include in the results of the 93031
criminal records check a list or description of the offenses 93032
listed or described in division (A)(1), (2), (3), (4), (5), (6), 93033
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 93034
whichever division requires the superintendent to conduct the 93035
criminal records check. The superintendent shall exclude from the 93036
results any information the dissemination of which is prohibited 93037
by federal law. 93038

(5) The superintendent shall send the results of the criminal 93039
records check to the person to whom it is to be sent not later 93040
than the following number of days after the date the 93041
superintendent receives the request for the criminal records 93042
check, the completed form prescribed under division (C)(1) of this 93043
section, and the set of fingerprint impressions obtained in the 93044
manner described in division (C)(2) of this section: 93045

(a) If the superintendent is required by division (A) of this 93046
section (other than division (A)(3) of this section) to conduct 93047
the criminal records check, thirty; 93048

(b) If the superintendent is required by division (A)(3) of 93049
this section to conduct the criminal records check, sixty. 93050

(C)(1) The superintendent shall prescribe a form to obtain 93051
the information necessary to conduct a criminal records check from 93052
any person for whom a criminal records check is to be conducted 93053
under this section. The form that the superintendent prescribes 93054

pursuant to this division may be in a tangible format, in an 93055
electronic format, or in both tangible and electronic formats. 93056

(2) The superintendent shall prescribe standard impression 93057
sheets to obtain the fingerprint impressions of any person for 93058
whom a criminal records check is to be conducted under this 93059
section. Any person for whom a records check is to be conducted 93060
under this section shall obtain the fingerprint impressions at a 93061
county sheriff's office, municipal police department, or any other 93062
entity with the ability to make fingerprint impressions on the 93063
standard impression sheets prescribed by the superintendent. The 93064
office, department, or entity may charge the person a reasonable 93065
fee for making the impressions. The standard impression sheets the 93066
superintendent prescribes pursuant to this division may be in a 93067
tangible format, in an electronic format, or in both tangible and 93068
electronic formats. 93069

(3) Subject to division (D) of this section, the 93070
superintendent shall prescribe and charge a reasonable fee for 93071
providing a criminal records check under this section. The person 93072
requesting the criminal records check shall pay the fee prescribed 93073
pursuant to this division. In the case of a request under section 93074
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 93075
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 93076
the manner specified in that section. 93077

(4) The superintendent of the bureau of criminal 93078
identification and investigation may prescribe methods of 93079
forwarding fingerprint impressions and information necessary to 93080
conduct a criminal records check, which methods shall include, but 93081
not be limited to, an electronic method. 93082

(D) The results of a criminal records check conducted under 93083
this section, other than a criminal records check specified in 93084
division (A)(7) of this section, are valid for the person who is 93085
the subject of the criminal records check for a period of one year 93086

from the date upon which the superintendent completes the criminal 93087
records check. If during that period the superintendent receives 93088
another request for a criminal records check to be conducted under 93089
this section for that person, the superintendent shall provide the 93090
results from the previous criminal records check of the person at 93091
a lower fee than the fee prescribed for the initial criminal 93092
records check. 93093

(E) When the superintendent receives a request for 93094
information from a registered private provider, the superintendent 93095
shall proceed as if the request was received from a school 93096
district board of education under section 3319.39 of the Revised 93097
Code. The superintendent shall apply division (A)(1)(c) of this 93098
section to any such request for an applicant who is a teacher. 93099

(F)(1) Subject to division (F)(2) of this section, all 93100
information regarding the results of a criminal records check 93101
conducted under this section that the superintendent reports or 93102
sends under division (A)(7) or (9) of this section to the director 93103
of public safety, the treasurer of state, or the person, board, or 93104
entity that made the request for the criminal records check shall 93105
relate to the conviction of the subject person, or the subject 93106
person's plea of guilty to, a criminal offense. 93107

(2) Division (F)(1) of this section does not limit, restrict, 93108
or preclude the superintendent's release of information that 93109
relates to the arrest of a person who is eighteen years of age or 93110
older, to an adjudication of a child as a delinquent child, or to 93111
a criminal conviction of a person under eighteen years of age in 93112
circumstances in which a release of that nature is authorized 93113
under division (E)(2), (3), or (4) of section 109.57 of the 93114
Revised Code pursuant to a rule adopted under division (E)(1) of 93115
that section. 93116

(G) As used in this section: 93117

(1) "Criminal records check" means any criminal records check 93118
conducted by the superintendent of the bureau of criminal 93119
identification and investigation in accordance with division (B) 93120
of this section. 93121

(2) "Minor drug possession offense" has the same meaning as 93122
in section 2925.01 of the Revised Code. 93123

(3) "OVI or OVUAC violation" means a violation of section 93124
4511.19 of the Revised Code or a violation of an existing or 93125
former law of this state, any other state, or the United States 93126
that is substantially equivalent to section 4511.19 of the Revised 93127
Code. 93128

(4) "Registered private provider" means a nonpublic school or 93129
entity registered with the superintendent of public instruction 93130
under section 3310.41 of the Revised Code to participate in the 93131
autism scholarship program or section 3310.58 of the Revised Code 93132
to participate in the Jon Peterson special needs scholarship 93133
program. 93134

Sec. 121.22. (A) This section shall be liberally construed to 93135
require public officials to take official action and to conduct 93136
all deliberations upon official business only in open meetings 93137
unless the subject matter is specifically excepted by law. 93138

(B) As used in this section: 93139

(1) "Public body" means any of the following: 93140

(a) Any board, commission, committee, council, or similar 93141
decision-making body of a state agency, institution, or authority, 93142
and any legislative authority or board, commission, committee, 93143
council, agency, authority, or similar decision-making body of any 93144
county, township, municipal corporation, school district, or other 93145
political subdivision or local public institution; 93146

(b) Any committee or subcommittee of a body described in 93147

division (B)(1)(a) of this section; 93148

(c) A court of jurisdiction of a sanitary district organized 93149
wholly for the purpose of providing a water supply for domestic, 93150
municipal, and public use when meeting for the purpose of the 93151
appointment, removal, or reappointment of a member of the board of 93152
directors of such a district pursuant to section 6115.10 of the 93153
Revised Code, if applicable, or for any other matter related to 93154
such a district other than litigation involving the district. As 93155
used in division (B)(1)(c) of this section, "court of 93156
jurisdiction" has the same meaning as "court" in section 6115.01 93157
of the Revised Code. 93158

(2) "Meeting" means any prearranged discussion of the public 93159
business of the public body by a majority of its members. 93160

(3) "Regulated individual" means either of the following: 93161

(a) A student in a state or local public educational 93162
institution; 93163

(b) A person who is, voluntarily or involuntarily, an inmate, 93164
patient, or resident of a state or local institution because of 93165
criminal behavior, mental illness, an intellectual disability, 93166
disease, disability, age, or other condition requiring custodial 93167
care. 93168

(4) "Public office" has the same meaning as in section 93169
149.011 of the Revised Code. 93170

(C) All meetings of any public body are declared to be public 93171
meetings open to the public at all times. A member of a public 93172
body shall be present in person at a meeting open to the public to 93173
be considered present or to vote at the meeting and for purposes 93174
of determining whether a quorum is present at the meeting. 93175

The minutes of a regular or special meeting of any public 93176
body shall be promptly prepared, filed, and maintained and shall 93177

be open to public inspection. The minutes need only reflect the	93178
general subject matter of discussions in executive sessions	93179
authorized under division (G) or (J) of this section.	93180
(D) This section does not apply to any of the following:	93181
(1) A grand jury;	93182
(2) An audit conference conducted by the auditor of state or	93183
independent certified public accountants with officials of the	93184
public office that is the subject of the audit;	93185
(3) The adult parole authority when its hearings are	93186
conducted at a correctional institution for the sole purpose of	93187
interviewing inmates to determine parole or pardon;	93188
(4) The organized crime investigations commission established	93189
under section 177.01 of the Revised Code;	93190
(5) Meetings of a child fatality review board established	93191
under section 307.621 of the Revised Code, meetings related to a	93192
review conducted pursuant to guidelines established by the	93193
director of health under section 3701.70 of the Revised Code, and	93194
meetings conducted pursuant to sections 5153.171 to 5153.173 of	93195
the Revised Code;	93196
(6) The state medical board when determining whether to	93197
suspend a certificate without a prior hearing pursuant to division	93198
(G) of either section 4730.25 or 4731.22 of the Revised Code;	93199
(7) The board of nursing when determining whether to suspend	93200
a license or certificate without a prior hearing pursuant to	93201
division (B) of section 4723.281 of the Revised Code;	93202
(8) The state board of pharmacy when determining whether to	93203
suspend a license without a prior hearing pursuant to division (D)	93204
of section 4729.16 of the Revised Code;	93205
(9) The state chiropractic board when determining whether to	93206
suspend a license without a hearing pursuant to section 4734.37 of	93207

the Revised Code;	93208
(10) The executive committee of the emergency response	93209
commission when determining whether to issue an enforcement order	93210
or request that a civil action, civil penalty action, or criminal	93211
action be brought to enforce Chapter 3750. of the Revised Code;	93212
(11) The board of directors of the nonprofit corporation	93213
formed under section 187.01 of the Revised Code or any committee	93214
thereof, and the board of directors of any subsidiary of that	93215
corporation or a committee thereof;	93216
(12) An audit conference conducted by the audit staff of the	93217
department of job and family services with officials of the public	93218
office that is the subject of that audit under section 5101.37 of	93219
the Revised Code;	93220
(13) The ~~occupational therapy section of the occupational~~	93221
~~therapy, physical therapy, and athletic trainers~~ <u>state physical</u>	93222
<u>health services</u> board when determining whether to suspend a	93223
license or limited permit without a hearing pursuant to division	93224
(D) of section 4755.11, <u>division (E) of section 4755.47, or</u>	93225
<u>division (D) of section 4755.64</u> of the Revised Code;	93226
~~(14) The physical therapy section of the occupational~~	93227
~~therapy, physical therapy, and athletic trainers board when~~	93228
~~determining whether to suspend a license without a hearing~~	93229
~~pursuant to division (E) of section 4755.47 of the Revised Code;~~	93230
~~(15) The athletic trainers section of the occupational~~	93231
~~therapy, physical therapy, and athletic trainers board when~~	93232
~~determining whether to suspend a license without a hearing~~	93233
~~pursuant to division (D) of section 4755.64 of the Revised Code.~~	93234
(E) The controlling board, the tax credit authority, or the	93235
minority development financing advisory board, when meeting to	93236
consider granting assistance pursuant to Chapter 122. or 166. of	93237
the Revised Code, in order to protect the interest of the	93238

applicant or the possible investment of public funds, by unanimous 93239
vote of all board or authority members present, may close the 93240
meeting during consideration of the following information 93241
confidentially received by the authority or board from the 93242
applicant: 93243

(1) Marketing plans; 93244

(2) Specific business strategy; 93245

(3) Production techniques and trade secrets; 93246

(4) Financial projections; 93247

(5) Personal financial statements of the applicant or members 93248
of the applicant's immediate family, including, but not limited 93249
to, tax records or other similar information not open to public 93250
inspection. 93251

The vote by the authority or board to accept or reject the 93252
application, as well as all proceedings of the authority or board 93253
not subject to this division, shall be open to the public and 93254
governed by this section. 93255

(F) Every public body, by rule, shall establish a reasonable 93256
method whereby any person may determine the time and place of all 93257
regularly scheduled meetings and the time, place, and purpose of 93258
all special meetings. A public body shall not hold a special 93259
meeting unless it gives at least twenty-four hours' advance notice 93260
to the news media that have requested notification, except in the 93261
event of an emergency requiring immediate official action. In the 93262
event of an emergency, the member or members calling the meeting 93263
shall notify the news media that have requested notification 93264
immediately of the time, place, and purpose of the meeting. 93265

The rule shall provide that any person, upon request and 93266
payment of a reasonable fee, may obtain reasonable advance 93267
notification of all meetings at which any specific type of public 93268

business is to be discussed. Provisions for advance notification 93269
may include, but are not limited to, mailing the agenda of 93270
meetings to all subscribers on a mailing list or mailing notices 93271
in self-addressed, stamped envelopes provided by the person. 93272

(G) Except as provided in divisions (G)(8) and (J) of this 93273
section, the members of a public body may hold an executive 93274
session only after a majority of a quorum of the public body 93275
determines, by a roll call vote, to hold an executive session and 93276
only at a regular or special meeting for the sole purpose of the 93277
consideration of any of the following matters: 93278

(1) To consider the appointment, employment, dismissal, 93279
discipline, promotion, demotion, or compensation of a public 93280
employee or official, or the investigation of charges or 93281
complaints against a public employee, official, licensee, or 93282
regulated individual, unless the public employee, official, 93283
licensee, or regulated individual requests a public hearing. 93284
Except as otherwise provided by law, no public body shall hold an 93285
executive session for the discipline of an elected official for 93286
conduct related to the performance of the elected official's 93287
official duties or for the elected official's removal from office. 93288
If a public body holds an executive session pursuant to division 93289
(G)(1) of this section, the motion and vote to hold that executive 93290
session shall state which one or more of the approved purposes 93291
listed in division (G)(1) of this section are the purposes for 93292
which the executive session is to be held, but need not include 93293
the name of any person to be considered at the meeting. 93294

(2) To consider the purchase of property for public purposes, 93295
the sale of property at competitive bidding, or the sale or other 93296
disposition of unneeded, obsolete, or unfit-for-use property in 93297
accordance with section 505.10 of the Revised Code, if premature 93298
disclosure of information would give an unfair competitive or 93299
bargaining advantage to a person whose personal, private interest 93300

is adverse to the general public interest. No member of a public 93301
body shall use division (G)(2) of this section as a subterfuge for 93302
providing covert information to prospective buyers or sellers. A 93303
purchase or sale of public property is void if the seller or buyer 93304
of the public property has received covert information from a 93305
member of a public body that has not been disclosed to the general 93306
public in sufficient time for other prospective buyers and sellers 93307
to prepare and submit offers. 93308

If the minutes of the public body show that all meetings and 93309
deliberations of the public body have been conducted in compliance 93310
with this section, any instrument executed by the public body 93311
purporting to convey, lease, or otherwise dispose of any right, 93312
title, or interest in any public property shall be conclusively 93313
presumed to have been executed in compliance with this section 93314
insofar as title or other interest of any bona fide purchasers, 93315
lessees, or transferees of the property is concerned. 93316

(3) Conferences with an attorney for the public body 93317
concerning disputes involving the public body that are the subject 93318
of pending or imminent court action; 93319

(4) Preparing for, conducting, or reviewing negotiations or 93320
bargaining sessions with public employees concerning their 93321
compensation or other terms and conditions of their employment; 93322

(5) Matters required to be kept confidential by federal law 93323
or regulations or state statutes; 93324

(6) Details relative to the security arrangements and 93325
emergency response protocols for a public body or a public office, 93326
if disclosure of the matters discussed could reasonably be 93327
expected to jeopardize the security of the public body or public 93328
office; 93329

(7) In the case of a county hospital operated pursuant to 93330
Chapter 339. of the Revised Code, a joint township hospital 93331

operated pursuant to Chapter 513. of the Revised Code, or a 93332
municipal hospital operated pursuant to Chapter 749. of the 93333
Revised Code, to consider trade secrets, as defined in section 93334
1333.61 of the Revised Code; 93335

(8) To consider confidential information related to the 93336
marketing plans, specific business strategy, production 93337
techniques, trade secrets, or personal financial statements of an 93338
applicant for economic development assistance, or to negotiations 93339
with other political subdivisions respecting requests for economic 93340
development assistance, provided that both of the following 93341
conditions apply: 93342

(a) The information is directly related to a request for 93343
economic development assistance that is to be provided or 93344
administered under any provision of Chapter 715., 725., 1724., or 93345
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 93346
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 93347
the Revised Code, or that involves public infrastructure 93348
improvements or the extension of utility services that are 93349
directly related to an economic development project. 93350

(b) A unanimous quorum of the public body determines, by a 93351
roll call vote, that the executive session is necessary to protect 93352
the interests of the applicant or the possible investment or 93353
expenditure of public funds to be made in connection with the 93354
economic development project. 93355

If a public body holds an executive session to consider any 93356
of the matters listed in divisions (G)(2) to (8) of this section, 93357
the motion and vote to hold that executive session shall state 93358
which one or more of the approved matters listed in those 93359
divisions are to be considered at the executive session. 93360

A public body specified in division (B)(1)(c) of this section 93361
shall not hold an executive session when meeting for the purposes 93362

specified in that division. 93363

(H) A resolution, rule, or formal action of any kind is 93364
invalid unless adopted in an open meeting of the public body. A 93365
resolution, rule, or formal action adopted in an open meeting that 93366
results from deliberations in a meeting not open to the public is 93367
invalid unless the deliberations were for a purpose specifically 93368
authorized in division (G) or (J) of this section and conducted at 93369
an executive session held in compliance with this section. A 93370
resolution, rule, or formal action adopted in an open meeting is 93371
invalid if the public body that adopted the resolution, rule, or 93372
formal action violated division (F) of this section. 93373

(I)(1) Any person may bring an action to enforce this 93374
section. An action under division (I)(1) of this section shall be 93375
brought within two years after the date of the alleged violation 93376
or threatened violation. Upon proof of a violation or threatened 93377
violation of this section in an action brought by any person, the 93378
court of common pleas shall issue an injunction to compel the 93379
members of the public body to comply with its provisions. 93380

(2)(a) If the court of common pleas issues an injunction 93381
pursuant to division (I)(1) of this section, the court shall order 93382
the public body that it enjoins to pay a civil forfeiture of five 93383
hundred dollars to the party that sought the injunction and shall 93384
award to that party all court costs and, subject to reduction as 93385
described in division (I)(2) of this section, reasonable 93386
attorney's fees. The court, in its discretion, may reduce an award 93387
of attorney's fees to the party that sought the injunction or not 93388
award attorney's fees to that party if the court determines both 93389
of the following: 93390

(i) That, based on the ordinary application of statutory law 93391
and case law as it existed at the time of violation or threatened 93392
violation that was the basis of the injunction, a well-informed 93393
public body reasonably would believe that the public body was not 93394

violating or threatening to violate this section; 93395

(ii) That a well-informed public body reasonably would 93396
believe that the conduct or threatened conduct that was the basis 93397
of the injunction would serve the public policy that underlies the 93398
authority that is asserted as permitting that conduct or 93399
threatened conduct. 93400

(b) If the court of common pleas does not issue an injunction 93401
pursuant to division (I)(1) of this section and the court 93402
determines at that time that the bringing of the action was 93403
frivolous conduct, as defined in division (A) of section 2323.51 93404
of the Revised Code, the court shall award to the public body all 93405
court costs and reasonable attorney's fees, as determined by the 93406
court. 93407

(3) Irreparable harm and prejudice to the party that sought 93408
the injunction shall be conclusively and irrebuttably presumed 93409
upon proof of a violation or threatened violation of this section. 93410

(4) A member of a public body who knowingly violates an 93411
injunction issued pursuant to division (I)(1) of this section may 93412
be removed from office by an action brought in the court of common 93413
pleas for that purpose by the prosecuting attorney or the attorney 93414
general. 93415

(J)(1) Pursuant to division (C) of section 5901.09 of the 93416
Revised Code, a veterans service commission shall hold an 93417
executive session for one or more of the following purposes unless 93418
an applicant requests a public hearing: 93419

(a) Interviewing an applicant for financial assistance under 93420
sections 5901.01 to 5901.15 of the Revised Code; 93421

(b) Discussing applications, statements, and other documents 93422
described in division (B) of section 5901.09 of the Revised Code; 93423

(c) Reviewing matters relating to an applicant's request for 93424

financial assistance under sections 5901.01 to 5901.15 of the 93425
Revised Code. 93426

(2) A veterans service commission shall not exclude an 93427
applicant for, recipient of, or former recipient of financial 93428
assistance under sections 5901.01 to 5901.15 of the Revised Code, 93429
and shall not exclude representatives selected by the applicant, 93430
recipient, or former recipient, from a meeting that the commission 93431
conducts as an executive session that pertains to the applicant's, 93432
recipient's, or former recipient's application for financial 93433
assistance. 93434

(3) A veterans service commission shall vote on the grant or 93435
denial of financial assistance under sections 5901.01 to 5901.15 93436
of the Revised Code only in an open meeting of the commission. The 93437
minutes of the meeting shall indicate the name, address, and 93438
occupation of the applicant, whether the assistance was granted or 93439
denied, the amount of the assistance if assistance is granted, and 93440
the votes for and against the granting of assistance. 93441

Sec. 3701.83. There is hereby created in the state treasury 93442
the general operations fund. Moneys in the fund shall be used for 93443
the purposes specified in sections 3701.04, 3701.344, 3702.20, 93444
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 93445
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 93446
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 93447

Sec. 4713.10. (A) The state ~~board of~~ cosmetology and barber 93448
board shall charge and collect the following fees: 93449

(1) For a temporary pre-examination work permit under section 93450
4713.22 of the Revised Code, seven dollars and fifty cents; 93451

(2) For initial application to take an examination under 93452
section 4713.24 of the Revised Code, thirty-one dollars and fifty 93453
cents; 93454

(3) For application to take an examination under section	93455
4713.24 of the Revised Code by an applicant who has previously	93456
applied to take, but failed to appear for, the examination, forty	93457
dollars;	93458
(4) For application to re-take an examination under section	93459
4713.24 of the Revised Code by an applicant who has previously	93460
appeared for, but failed to pass, the examination, thirty-one	93461
dollars and fifty cents;	93462
(5) For the issuance of a license under section 4713.28,	93463
4713.30, or 4713.31 of the Revised Code, forty-five dollars;	93464
(6) For the issuance of a license under section 4713.34 of	93465
the Revised Code, seventy dollars;	93466
(7) For renewal of a license issued under section 4713.28,	93467
4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five	93468
dollars;	93469
(8) For the issuance or renewal of a cosmetology school	93470
license, two hundred fifty dollars;	93471
(9) For the issuance of a new salon license or the change of	93472
name or ownership of a salon license under section 4713.41 of the	93473
Revised Code, seventy-five dollars;	93474
(10) For the renewal of a salon license under section 4713.41	93475
of the Revised Code, sixty dollars;	93476
(11) For the restoration of an expired license that may be	93477
restored pursuant to section 4713.63 of the Revised Code, an	93478
amount equal to the sum of the current license renewal fee and a	93479
lapsed renewal fee of forty-five dollars per license renewal	93480
period that has elapsed since the license was last issued or	93481
renewed;	93482
(12) For the issuance of a duplicate of any license, twenty	93483
dollars;	93484

(13) For the preparation and mailing of a licensee's records	93485
to another state for a reciprocity license, fifty dollars;	93486
(14) For the processing of any fees related to a check from a	93487
licensee returned to the board for insufficient funds, an	93488
additional thirty dollars.	93489
(B) The board may establish an installment plan for the	93490
payment of fines and fees and may reduce fees as considered	93491
appropriate by the board.	93492
(C) At the request of a person who is temporarily unable to	93493
pay a fee imposed under division (A) of this section, or on its	93494
own motion, the board may extend the date payment is due by up to	93495
ninety days. If the fee remains unpaid after the date payment is	93496
due, the amount of the fee shall be certified to the attorney	93497
general for collection in the form and manner prescribed by the	93498
attorney general. The attorney general may assess the collection	93499
cost to the amount certified in such a manner and amount as	93500
prescribed by the attorney general.	93501
Sec. 4713.56. Every holder of a practicing license,	93502
instructor license, independent contractor license, or boutique	93503
service registration issued by the state ~~board of~~ cosmetology <u>and</u>	93504
<u>barber board</u> shall maintain the board-issued, wallet-sized license	93505
or electronically generated license certification or registration	93506
and a current government-issued photo identification that can be	93507
produced upon inspection or request.	93508
Every holder of a license to operate a salon issued by the	93509
board shall display the license in a public and conspicuous place	93510
in the salon.	93511
Every holder of a license to operate a school of cosmetology	93512
issued by the board shall display the license in a public and	93513
conspicuous place in the school.	93514

Every individual who provides cosmetic therapy, massage 93515
therapy, or other professional service in a salon under section 93516
4713.42 of the Revised Code shall maintain the individual's 93517
professional license or certificate and a state of Ohio issued 93518
photo identification that can be produced upon inspection or 93519
request. 93520

Sec. 4731.07. (A) The state medical board shall keep a record 93521
of its proceedings. The minutes of a meeting of the board shall, 93522
on approval by the board, constitute an official record of its 93523
proceedings. 93524

(B) The board shall keep a register of applicants for 93525
certificates to practice issued under this chapter and Chapters 93526
4760., 4762., and 4774. of the Revised Code and licenses issued 93527
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 93528
The register shall show the name of the applicant and whether the 93529
applicant was granted or refused a certificate or license. With 93530
respect to applicants to practice medicine and surgery or 93531
osteopathic medicine and surgery, the register shall show the name 93532
of the institution that granted the applicant the degree of doctor 93533
of medicine or osteopathic medicine. With respect to applicants to 93534
practice respiratory care, the register shall show the addresses 93535
of the person's last known place of business and residence, the 93536
effective date and identification number of the license, the name 93537
and location of the institution that granted the person's degree 93538
or certificate of completion of respiratory care educational 93539
requirements, and the date the degree or certificate was issued. 93540
The books and records of the board shall be prima-facie evidence 93541
of matters therein contained. 93542

Sec. 4731.224. (A) Within sixty days after the imposition of 93543
any formal disciplinary action taken by any health care facility, 93544
including a hospital, health care facility operated by a health 93545

insuring corporation, ambulatory surgical center, or similar 93546
facility, against any individual holding a valid certificate to 93547
practice issued pursuant to this chapter, the chief administrator 93548
or executive officer of the facility shall report to the state 93549
medical board the name of the individual, the action taken by the 93550
facility, and a summary of the underlying facts leading to the 93551
action taken. Upon request, the board shall be provided certified 93552
copies of the patient records that were the basis for the 93553
facility's action. Prior to release to the board, the summary 93554
shall be approved by the peer review committee that reviewed the 93555
case or by the governing board of the facility. As used in this 93556
division, "formal disciplinary action" means any action resulting 93557
in the revocation, restriction, reduction, or termination of 93558
clinical privileges for violations of professional ethics, or for 93559
reasons of medical incompetence, medical malpractice, or drug or 93560
alcohol abuse. "Formal disciplinary action" includes a summary 93561
action, an action that takes effect notwithstanding any appeal 93562
rights that may exist, and an action that results in an individual 93563
surrendering clinical privileges while under investigation and 93564
during proceedings regarding the action being taken or in return 93565
for not being investigated or having proceedings held. "Formal 93566
disciplinary action" does not include any action taken for the 93567
sole reason of failure to maintain records on a timely basis or 93568
failure to attend staff or section meetings. 93569

The filing or nonfiling of a report with the board, 93570
investigation by the board, or any disciplinary action taken by 93571
the board, shall not preclude any action by a health care facility 93572
to suspend, restrict, or revoke the individual's clinical 93573
privileges. 93574

In the absence of fraud or bad faith, no individual or entity 93575
that provides patient records to the board shall be liable in 93576
damages to any person as a result of providing the records. 93577

(B) If any individual authorized to practice under this 93578
chapter or any professional association or society of such 93579
individuals believes that a violation of any provision of this 93580
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 93581
4778. of the Revised Code, or any rule of the board has occurred, 93582
the individual, association, or society shall report to the board 93583
the information upon which the belief is based. This division does 93584
not require any treatment provider approved by the board under 93585
section 4731.25 of the Revised Code or any employee, agent, or 93586
representative of such a provider to make reports with respect to 93587
an impaired practitioner participating in treatment or aftercare 93588
for substance abuse as long as the practitioner maintains 93589
participation in accordance with the requirements of section 93590
4731.25 of the Revised Code, and as long as the treatment provider 93591
or employee, agent, or representative of the provider has no 93592
reason to believe that the practitioner has violated any provision 93593
of this chapter or any rule adopted under it, other than the 93594
provisions of division (B)(26) of section 4731.22 of the Revised 93595
Code. This division does not require reporting by any member of an 93596
impaired practitioner committee established by a health care 93597
facility or by any representative or agent of a committee or 93598
program sponsored by a professional association or society of 93599
individuals authorized to practice under this chapter to provide 93600
peer assistance to practitioners with substance abuse problems 93601
with respect to a practitioner who has been referred for 93602
examination to a treatment program approved by the board under 93603
section 4731.25 of the Revised Code if the practitioner cooperates 93604
with the referral for examination and with any determination that 93605
the practitioner should enter treatment and as long as the 93606
committee member, representative, or agent has no reason to 93607
believe that the practitioner has ceased to participate in the 93608
treatment program in accordance with section 4731.25 of the 93609
Revised Code or has violated any provision of this chapter or any 93610

rule adopted under it, other than the provisions of division 93611
(B)(26) of section 4731.22 of the Revised Code. 93612

(C) Any professional association or society composed 93613
primarily of doctors of medicine and surgery, doctors of 93614
osteopathic medicine and surgery, doctors of podiatric medicine 93615
and surgery, or practitioners of limited branches of medicine that 93616
suspends or revokes an individual's membership for violations of 93617
professional ethics, or for reasons of professional incompetence 93618
or professional malpractice, within sixty days after a final 93619
decision shall report to the board, on forms prescribed and 93620
provided by the board, the name of the individual, the action 93621
taken by the professional organization, and a summary of the 93622
underlying facts leading to the action taken. 93623

The filing of a report with the board or decision not to file 93624
a report, investigation by the board, or any disciplinary action 93625
taken by the board, does not preclude a professional organization 93626
from taking disciplinary action against an individual. 93627

(D) Any insurer providing professional liability insurance to 93628
an individual authorized to practice under this chapter, or any 93629
other entity that seeks to indemnify the professional liability of 93630
such an individual, shall notify the board within thirty days 93631
after the final disposition of any written claim for damages where 93632
such disposition results in a payment exceeding twenty-five 93633
thousand dollars. The notice shall contain the following 93634
information: 93635

(1) The name and address of the person submitting the 93636
notification; 93637

(2) The name and address of the insured who is the subject of 93638
the claim; 93639

(3) The name of the person filing the written claim; 93640

(4) The date of final disposition; 93641

(5) If applicable, the identity of the court in which the 93642
final disposition of the claim took place. 93643

(E) The board may investigate possible violations of this 93644
chapter or the rules adopted under it that are brought to its 93645
attention as a result of the reporting requirements of this 93646
section, except that the board shall conduct an investigation if a 93647
possible violation involves repeated malpractice. As used in this 93648
division, "repeated malpractice" means three or more claims for 93649
medical malpractice within the previous five-year period, each 93650
resulting in a judgment or settlement in excess of twenty-five 93651
thousand dollars in favor of the claimant, and each involving 93652
negligent conduct by the practicing individual. 93653

(F) All summaries, reports, and records received and 93654
maintained by the board pursuant to this section shall be held in 93655
confidence and shall not be subject to discovery or introduction 93656
in evidence in any federal or state civil action involving a 93657
health care professional or facility arising out of matters that 93658
are the subject of the reporting required by this section. The 93659
board may use the information obtained only as the basis for an 93660
investigation, as evidence in a disciplinary hearing against an 93661
individual whose practice is regulated under this chapter, or in 93662
any subsequent trial or appeal of a board action or order. 93663

The board may disclose the summaries and reports it receives 93664
under this section only to health care facility committees within 93665
or outside this state that are involved in credentialing or 93666
recredentialing the individual or in reviewing the individual's 93667
clinical privileges. The board shall indicate whether or not the 93668
information has been verified. Information transmitted by the 93669
board shall be subject to the same confidentiality provisions as 93670
when maintained by the board. 93671

(G) Except for reports filed by an individual pursuant to 93672
division (B) of this section, the board shall send a copy of any 93673

reports or summaries it receives pursuant to this section to the 93674
individual who is the subject of the reports or summaries. The 93675
individual shall have the right to file a statement with the board 93676
concerning the correctness or relevance of the information. The 93677
statement shall at all times accompany that part of the record in 93678
contention. 93679

(H) An individual or entity that, pursuant to this section, 93680
reports to the board or refers an impaired practitioner to a 93681
treatment provider approved by the board under section 4731.25 of 93682
the Revised Code shall not be subject to suit for civil damages as 93683
a result of the report, referral, or provision of the information. 93684

(I) In the absence of fraud or bad faith, no professional 93685
association or society of individuals authorized to practice under 93686
this chapter that sponsors a committee or program to provide peer 93687
assistance to practitioners with substance abuse problems, no 93688
representative or agent of such a committee or program, and no 93689
member of the state medical board shall be held liable in damages 93690
to any person by reason of actions taken to refer a practitioner 93691
to a treatment provider approved under section 4731.25 of the 93692
Revised Code for examination or treatment. 93693

Sec. 4776.01. As used in this chapter: 93694

(A) "License" means an authorization evidenced by a license, 93695
certificate, registration, permit, card, or other authority that 93696
is issued or conferred by a licensing agency to a licensee or to 93697
an applicant for an initial license by which the licensee or 93698
initial license applicant has or claims the privilege to engage in 93699
a profession, occupation, or occupational activity, or, except in 93700
the case of the state dental board, to have control of and operate 93701
certain specific equipment, machinery, or premises, over which the 93702
licensing agency has jurisdiction. 93703

(B) Except as provided in section 4776.20 of the Revised 93704

Code, "licensee" means the person to whom the license is issued by 93705
a licensing agency. 93706

(C) Except as provided in section 4776.20 of the Revised 93707
Code, "licensing agency" means any of the following: 93708

(1) The board authorized by Chapters 4701., 4717., 4725., 93709
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 93710
4755., 4757., 4758., 4759., 4760., 4761., 4762., 4779., and 4783. 93711
of the Revised Code to issue a license to engage in a specific 93712
profession, occupation, or occupational activity, or to have 93713
charge of and operate certain specified equipment, machinery, or 93714
premises. 93715

(2) The state dental board, relative to its authority to 93716
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 93717
4715.27 of the Revised Code. 93718

(D) "Applicant for an initial license" includes persons 93719
seeking a license for the first time and persons seeking a license 93720
by reciprocity, endorsement, or similar manner of a license issued 93721
in another state. 93722

(E) "Applicant for a restored license" includes persons 93723
seeking restoration of a certificate under section 4730.14, 93724
4731.281, 4760.06, or 4762.06 of the Revised Code. 93725

(F) "Criminal records check" has the same meaning as in 93726
section 109.572 of the Revised Code. 93727

Section 120.11. That existing sections 109.572, 121.22, 93728
3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 4776.01 of the 93729
Revised Code are hereby repealed. 93730

Section 120.12. Sections 120.10 and 120.11 take effect on 93731
January 21, 2018. 93732

Section 120.20. That sections 329.04 and 2329.66 of the 93733
Revised Code be amended to read as follows: 93734

Sec. 329.04. (A) The county department of job and family 93735
services shall have, exercise, and perform the following powers 93736
and duties: 93737

(1) Perform any duties assigned by the state department of 93738
job and family services or department of medicaid regarding the 93739
provision of public family services, including the provision of 93740
the following services to prevent or reduce economic or personal 93741
dependency and to strengthen family life: 93742

(a) Services authorized by a Title IV-A program, as defined 93743
in section 5101.80 of the Revised Code; 93744

(b) Social services authorized by Title XX of the "Social 93745
Security Act" and provided for by section 5101.46 or 5101.461 of 93746
the Revised Code; 93747

(c) If the county department is designated as the child 93748
support enforcement agency, services authorized by Title IV-D of 93749
the "Social Security Act" and provided for by Chapter 3125. of the 93750
Revised Code. The county department may perform the services 93751
itself or contract with other government entities, and, pursuant 93752
to division (C) of section 2301.35 and section 2301.42 of the 93753
Revised Code, private entities, to perform the Title IV-D 93754
services. 93755

(d) Duties assigned under section 5162.031 of the Revised 93756
Code. 93757

~~(2) Administer disability financial assistance, as required 93758
by the state department of job and family services under section 93759
5115.03 of the Revised Code; 93760~~

~~(3) Administer burials insofar as the administration of 93761~~

burials was, prior to September 12, 1947, imposed upon the board 93762
of county commissioners and if otherwise required by state law; 93763

~~(4)~~(3) Cooperate with state and federal authorities in any 93764
matter relating to family services and to act as the agent of such 93765
authorities; 93766

~~(5)~~(4) Submit an annual account of its work and expenses to 93767
the board of county commissioners and to the state department of 93768
job and family services and department of medicaid at the close of 93769
each fiscal year; 93770

~~(6)~~(5) Exercise any powers and duties relating to family 93771
services duties or workforce development activities imposed upon 93772
the county department of job and family services by law, by 93773
resolution of the board of county commissioners, or by order of 93774
the governor, when authorized by law, to meet emergencies during 93775
war or peace; 93776

~~(7)~~(6) Enter into a plan of cooperation with the board of 93777
county commissioners under section 307.983, consult with the board 93778
in the development of the transportation work plan developed under 93779
section 307.985, establish with the board procedures under section 93780
307.986 for providing services to children whose families relocate 93781
frequently, and comply with the contracts the board enters into 93782
under sections 307.981 and 307.982 of the Revised Code that affect 93783
the county department; 93784

~~(8)~~(7) For the purpose of complying with a grant agreement 93785
the board of county commissioners enters into under sections 93786
307.98 and 5101.21 of the Revised Code, exercise the powers and 93787
perform the duties the grant agreement assigns to the county 93788
department; 93789

~~(9)~~(8) If the county department is designated as the 93790
workforce development agency, provide the workforce development 93791

activities specified in the contract required by section 330.05 of 93792
the Revised Code. 93793

(B) The powers and duties of a county department of job and 93794
family services are, and shall be exercised and performed, under 93795
the control and direction of the board of county commissioners. 93796
The board may assign to the county department any power or duty of 93797
the board regarding family services duties and workforce 93798
development activities. If the new power or duty necessitates the 93799
state department of job and family services or department of 93800
medicaid changing its federal cost allocation plan, the county 93801
department may not implement the power or duty unless the United 93802
States department of health and human services approves the 93803
changes. 93804

Sec. 2329.66. (A) Every person who is domiciled in this state 93805
may hold property exempt from execution, garnishment, attachment, 93806
or sale to satisfy a judgment or order, as follows: 93807

(1)(a) In the case of a judgment or order regarding money 93808
owed for health care services rendered or health care supplies 93809
provided to the person or a dependent of the person, one parcel or 93810
item of real or personal property that the person or a dependent 93811
of the person uses as a residence. Division (A)(1)(a) of this 93812
section does not preclude, affect, or invalidate the creation 93813
under this chapter of a judgment lien upon the exempted property 93814
but only delays the enforcement of the lien until the property is 93815
sold or otherwise transferred by the owner or in accordance with 93816
other applicable laws to a person or entity other than the 93817
surviving spouse or surviving minor children of the judgment 93818
debtor. Every person who is domiciled in this state may hold 93819
exempt from a judgment lien created pursuant to division (A)(1)(a) 93820
of this section the person's interest, not to exceed one hundred 93821
twenty-five thousand dollars, in the exempted property. 93822

(b) In the case of all other judgments and orders, the 93823
person's interest, not to exceed one hundred twenty-five thousand 93824
dollars, in one parcel or item of real or personal property that 93825
the person or a dependent of the person uses as a residence. 93826

(c) For purposes of divisions (A)(1)(a) and (b) of this 93827
section, "parcel" means a tract of real property as identified on 93828
the records of the auditor of the county in which the real 93829
property is located. 93830

(2) The person's interest, not to exceed three thousand two 93831
hundred twenty-five dollars, in one motor vehicle; 93832

(3) The person's interest, not to exceed four hundred 93833
dollars, in cash on hand, money due and payable, money to become 93834
due within ninety days, tax refunds, and money on deposit with a 93835
bank, savings and loan association, credit union, public utility, 93836
landlord, or other person, other than personal earnings. 93837

(4)(a) The person's interest, not to exceed five hundred 93838
twenty-five dollars in any particular item or ten thousand seven 93839
hundred seventy-five dollars in aggregate value, in household 93840
furnishings, household goods, wearing apparel, appliances, books, 93841
animals, crops, musical instruments, firearms, and hunting and 93842
fishing equipment that are held primarily for the personal, 93843
family, or household use of the person; 93844

(b) The person's aggregate interest in one or more items of 93845
jewelry, not to exceed one thousand three hundred fifty dollars, 93846
held primarily for the personal, family, or household use of the 93847
person or any of the person's dependents. 93848

(5) The person's interest, not to exceed an aggregate of two 93849
thousand twenty-five dollars, in all implements, professional 93850
books, or tools of the person's profession, trade, or business, 93851
including agriculture; 93852

(6)(a) The person's interest in a beneficiary fund set apart, 93853

appropriated, or paid by a benevolent association or society, as	93854
exempted by section 2329.63 of the Revised Code;	93855
(b) The person's interest in contracts of life or endowment	93856
insurance or annuities, as exempted by section 3911.10 of the	93857
Revised Code;	93858
(c) The person's interest in a policy of group insurance or	93859
the proceeds of a policy of group insurance, as exempted by	93860
section 3917.05 of the Revised Code;	93861
(d) The person's interest in money, benefits, charity,	93862
relief, or aid to be paid, provided, or rendered by a fraternal	93863
benefit society, as exempted by section 3921.18 of the Revised	93864
Code;	93865
(e) The person's interest in the portion of benefits under	93866
policies of sickness and accident insurance and in lump sum	93867
payments for dismemberment and other losses insured under those	93868
policies, as exempted by section 3923.19 of the Revised Code.	93869
(7) The person's professionally prescribed or medically	93870
necessary health aids;	93871
(8) The person's interest in a burial lot, including, but not	93872
limited to, exemptions under section 517.09 or 1721.07 of the	93873
Revised Code;	93874
(9) The person's interest in the following:	93875
(a) Moneys paid or payable for living maintenance or rights,	93876
as exempted by section 3304.19 of the Revised Code;	93877
(b) Workers' compensation, as exempted by section 4123.67 of	93878
the Revised Code;	93879
(c) Unemployment compensation benefits, as exempted by	93880
section 4141.32 of the Revised Code;	93881
(d) Cash assistance payments under the Ohio works first	93882
program, as exempted by section 5107.75 of the Revised Code;	93883

(e) Benefits and services under the prevention, retention, 93884
and contingency program, as exempted by section 5108.08 of the 93885
Revised Code; 93886

(f) ~~Disability financial assistance payments, as exempted by~~ 93887
~~section 5115.06 of the Revised Code;~~ 93888

~~(g)~~ Payments under section 24 or 32 of the "Internal Revenue 93889
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 93890

(10)(a) Except in cases in which the person was convicted of 93891
or pleaded guilty to a violation of section 2921.41 of the Revised 93892
Code and in which an order for the withholding of restitution from 93893
payments was issued under division (C)(2)(b) of that section, in 93894
cases in which an order for withholding was issued under section 93895
2907.15 of the Revised Code, in cases in which an order for 93896
forfeiture was issued under division (A) or (B) of section 93897
2929.192 of the Revised Code, and in cases in which an order was 93898
issued under section 2929.193 or 2929.194 of the Revised Code, and 93899
only to the extent provided in the order, and except as provided 93900
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 93901
and 3123.06 of the Revised Code, the person's rights to or 93902
interests in a pension, benefit, annuity, retirement allowance, or 93903
accumulated contributions, the person's rights to or interests in 93904
a participant account in any deferred compensation program offered 93905
by the Ohio public employees deferred compensation board, a 93906
government unit, or a municipal corporation, or the person's other 93907
accrued or accruing rights or interests, as exempted by section 93908
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 93909
5505.22 of the Revised Code, and the person's rights to or 93910
interests in benefits from the Ohio public safety officers death 93911
benefit fund; 93912

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 93913
3121.03, and 3123.06 of the Revised Code, the person's rights to 93914
receive or interests in receiving a payment or other benefits 93915

under any pension, annuity, or similar plan or contract, not 93916
including a payment or benefit from a stock bonus or 93917
profit-sharing plan or a payment included in division (A)(6)(b) or 93918
(10)(a) of this section, on account of illness, disability, death, 93919
age, or length of service, to the extent reasonably necessary for 93920
the support of the person and any of the person's dependents, 93921
except if all the following apply: 93922

(i) The plan or contract was established by or under the 93923
auspices of an insider that employed the person at the time the 93924
person's rights or interests under the plan or contract arose. 93925

(ii) The payment is on account of age or length of service. 93926

(iii) The plan or contract is not qualified under the 93927
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 93928
amended. 93929

(c) Except for any portion of the assets that were deposited 93930
for the purpose of evading the payment of any debt and except as 93931
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 93932
3123.06 of the Revised Code, the person's rights or interests in 93933
the assets held in, or to directly or indirectly receive any 93934
payment or benefit under, any individual retirement account, 93935
individual retirement annuity, "Roth IRA," account opened pursuant 93936
to a program administered by a state under section 529 or 529A of 93937
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 93938
as amended, or education individual retirement account that 93939
provides payments or benefits by reason of illness, disability, 93940
death, retirement, or age or provides payments or benefits for 93941
purposes of education or qualified disability expenses, to the 93942
extent that the assets, payments, or benefits described in 93943
division (A)(10)(c) of this section are attributable to or derived 93944
from any of the following or from any earnings, dividends, 93945
interest, appreciation, or gains on any of the following: 93946

(i) Contributions of the person that were less than or equal 93947
to the applicable limits on deductible contributions to an 93948
individual retirement account or individual retirement annuity in 93949
the year that the contributions were made, whether or not the 93950
person was eligible to deduct the contributions on the person's 93951
federal tax return for the year in which the contributions were 93952
made; 93953

(ii) Contributions of the person that were less than or equal 93954
to the applicable limits on contributions to a Roth IRA or 93955
education individual retirement account in the year that the 93956
contributions were made; 93957

(iii) Contributions of the person that are within the 93958
applicable limits on rollover contributions under subsections 219, 93959
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 93960
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 93961
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 93962

(iv) Contributions by any person into any plan, fund, or 93963
account that is formed, created, or administered pursuant to, or 93964
is otherwise subject to, section 529 or 529A of the "Internal 93965
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 93966

(d) Except for any portion of the assets that were deposited 93967
for the purpose of evading the payment of any debt and except as 93968
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 93969
3123.06 of the Revised Code, the person's rights or interests in 93970
the assets held in, or to receive any payment under, any Keogh or 93971
"H.R. 10" plan that provides benefits by reason of illness, 93972
disability, death, retirement, or age, to the extent reasonably 93973
necessary for the support of the person and any of the person's 93974
dependents. 93975

(e) The person's rights to or interests in any assets held 93976
in, or to directly or indirectly receive any payment or benefit 93977

under, any individual retirement account, individual retirement 93978
annuity, "Roth IRA," account opened pursuant to a program 93979
administered by a state under section 529 or 529A of the "Internal 93980
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 93981
education individual retirement account that a decedent, upon or 93982
by reason of the decedent's death, directly or indirectly left to 93983
or for the benefit of the person, either outright or in trust or 93984
otherwise, including, but not limited to, any of those rights or 93985
interests in assets or to receive payments or benefits that were 93986
transferred, conveyed, or otherwise transmitted by the decedent by 93987
means of a will, trust, exercise of a power of appointment, 93988
beneficiary designation, transfer or payment on death designation, 93989
or any other method or procedure. 93990

(f) The exemptions under divisions (A)(10)(a) to (e) of this 93991
section also shall apply or otherwise be available to an alternate 93992
payee under a qualified domestic relations order (QDRO) or other 93993
similar court order. 93994

(g) A person's interest in any plan, program, instrument, or 93995
device described in divisions (A)(10)(a) to (e) of this section 93996
shall be considered an exempt interest even if the plan, program, 93997
instrument, or device in question, due to an error made in good 93998
faith, failed to satisfy any criteria applicable to that plan, 93999
program, instrument, or device under the "Internal Revenue Code of 94000
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 94001

(11) The person's right to receive spousal support, child 94002
support, an allowance, or other maintenance to the extent 94003
reasonably necessary for the support of the person and any of the 94004
person's dependents; 94005

(12) The person's right to receive, or moneys received during 94006
the preceding twelve calendar months from, any of the following: 94007

(a) An award of reparations under sections 2743.51 to 2743.72 94008

of the Revised Code, to the extent exempted by division (D) of 94009
section 2743.66 of the Revised Code; 94010

(b) A payment on account of the wrongful death of an 94011
individual of whom the person was a dependent on the date of the 94012
individual's death, to the extent reasonably necessary for the 94013
support of the person and any of the person's dependents; 94014

(c) Except in cases in which the person who receives the 94015
payment is an inmate, as defined in section 2969.21 of the Revised 94016
Code, and in which the payment resulted from a civil action or 94017
appeal against a government entity or employee, as defined in 94018
section 2969.21 of the Revised Code, a payment, not to exceed 94019
twenty thousand two hundred dollars, on account of personal bodily 94020
injury, not including pain and suffering or compensation for 94021
actual pecuniary loss, of the person or an individual for whom the 94022
person is a dependent; 94023

(d) A payment in compensation for loss of future earnings of 94024
the person or an individual of whom the person is or was a 94025
dependent, to the extent reasonably necessary for the support of 94026
the debtor and any of the debtor's dependents. 94027

(13) Except as provided in sections 3119.80, 3119.81, 94028
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 94029
earnings of the person owed to the person for services in an 94030
amount equal to the greater of the following amounts: 94031

(a) If paid weekly, thirty times the current federal minimum 94032
hourly wage; if paid biweekly, sixty times the current federal 94033
minimum hourly wage; if paid semimonthly, sixty-five times the 94034
current federal minimum hourly wage; or if paid monthly, one 94035
hundred thirty times the current federal minimum hourly wage that 94036
is in effect at the time the earnings are payable, as prescribed 94037
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 94038
U.S.C. 206(a)(1), as amended; 94039

(b) Seventy-five per cent of the disposable earnings owed to the person. 94040
94041

(14) The person's right in specific partnership property, as 94042
exempted by the person's rights in a partnership pursuant to 94043
section 1776.50 of the Revised Code, except as otherwise set forth 94044
in section 1776.50 of the Revised Code; 94045

(15) A seal and official register of a notary public, as 94046
exempted by section 147.04 of the Revised Code; 94047

(16) The person's interest in a tuition unit or a payment 94048
under section 3334.09 of the Revised Code pursuant to a tuition 94049
payment contract, as exempted by section 3334.15 of the Revised 94050
Code; 94051

(17) Any other property that is specifically exempted from 94052
execution, attachment, garnishment, or sale by federal statutes 94053
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 94054
U.S.C.A. 101, as amended; 94055

(18) The person's aggregate interest in any property, not to 94056
exceed one thousand seventy-five dollars, except that division 94057
(A)(18) of this section applies only in bankruptcy proceedings. 94058

(B) On April 1, 2010, and on the first day of April in each 94059
third calendar year after 2010, the Ohio judicial conference shall 94060
adjust each dollar amount set forth in this section to reflect any 94061
increase in the consumer price index for all urban consumers, as 94062
published by the United States department of labor, or, if that 94063
index is no longer published, a generally available comparable 94064
index, for the three-year period ending on the thirty-first day of 94065
December of the preceding year. Any adjustments required by this 94066
division shall be rounded to the nearest twenty-five dollars. 94067

The Ohio judicial conference shall prepare a memorandum 94068
specifying the adjusted dollar amounts. The judicial conference 94069
shall transmit the memorandum to the director of the legislative 94070

service commission, and the director shall publish the memorandum 94071
in the register of Ohio. (Publication of the memorandum in the 94072
register of Ohio shall continue until the next memorandum 94073
specifying an adjustment is so published.) The judicial conference 94074
also may publish the memorandum in any other manner it concludes 94075
will be reasonably likely to inform persons who are affected by 94076
its adjustment of the dollar amounts. 94077

(C) As used in this section: 94078

(1) "Disposable earnings" means net earnings after the 94079
garnishee has made deductions required by law, excluding the 94080
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 94081
3121.03, or 3123.06 of the Revised Code. 94082

(2) "Insider" means: 94083

(a) If the person who claims an exemption is an individual, a 94084
relative of the individual, a relative of a general partner of the 94085
individual, a partnership in which the individual is a general 94086
partner, a general partner of the individual, or a corporation of 94087
which the individual is a director, officer, or in control; 94088

(b) If the person who claims an exemption is a corporation, a 94089
director or officer of the corporation; a person in control of the 94090
corporation; a partnership in which the corporation is a general 94091
partner; a general partner of the corporation; or a relative of a 94092
general partner, director, officer, or person in control of the 94093
corporation; 94094

(c) If the person who claims an exemption is a partnership, a 94095
general partner in the partnership; a general partner of the 94096
partnership; a person in control of the partnership; a partnership 94097
in which the partnership is a general partner; or a relative in, a 94098
general partner of, or a person in control of the partnership; 94099

(d) An entity or person to which or whom any of the following 94100
applies: 94101

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is 94132
filed with the bankruptcy court commencing a case under Title 11 94133
of the United States Code; 94134

(2) In all cases other than bankruptcy proceedings, as of the 94135
date of an appraisal, if necessary under section 2329.68 of the 94136
Revised Code, or the issuance of a writ of execution. 94137

An interest, as determined under division (D)(1) or (2) of 94138
this section, shall not include the amount of any lien otherwise 94139
valid pursuant to section 2329.661 of the Revised Code. 94140

Section 120.21. That existing sections 329.04 and 2329.66 of 94141
the Revised Code are hereby repealed. 94142

Section 120.22. Sections 120.20 and 120.21 take effect on 94143
December 31, 2017. 94144

Section 120.30. That new section 5124.17 of the Revised Code 94145
be enacted to read as follows: 94146

Sec. 5124.17. (A) For each fiscal year, the department of 94147
developmental disabilities shall determine each ICF/IID's per 94148
medicaid day payment rate for capital. An ICF/IID's rate for a 94149
fiscal year shall equal the ICF/IID's fair rental value per diem 94150
for the fiscal year determined under this section. Except as 94151
otherwise provided in this chapter, an ICF/IID's rate for a fiscal 94152
year shall be determined prospectively and based on the ICF/IID's 94153
fair rental value survey information reported on the cost report 94154
filed for the ICF/IID under section 5124.10 of the Revised Code 94155
for the calendar year immediately preceding the calendar year in 94156
which the fiscal year begins. 94157

(B) An ICF/IID's fair rental value per diem for a fiscal year 94158
shall be determined as follows: 94159

<u>(1) Determine the sum of the following:</u>	94160
<u>(a) The ICF/IID's land value for the fiscal year as</u>	94161
<u>determined under division (C) of this section;</u>	94162
<u>(b) The ICF/IID's depreciated current asset value for the</u>	94163
<u>fiscal year as determined under division (D) of this section.</u>	94164
<u>(2) To reflect the rental rate, determine the product of the</u>	94165
<u>following:</u>	94166
<u>(a) The sum determined under division (B)(1) of this section;</u>	94167
<u>(b) Nine per cent.</u>	94168
<u>(3) Divide the product determined under division (B)(2) of</u>	94169
<u>this section by the greater of the following:</u>	94170
<u>(a) The number of inpatient days the ICF/IID had, as reported</u>	94171
<u>on its cost report, for the calendar year immediately preceding</u>	94172
<u>the calendar year in which the fiscal year for which the per diem</u>	94173
<u>is determined begins;</u>	94174
<u>(b) The number of inpatient days the ICF/IID would have had</u>	94175
<u>for that calendar year if its occupancy rate had been ninety-five</u>	94176
<u>per cent that calendar year.</u>	94177
<u>(C) An ICF/IID's land value for a fiscal year shall equal ten</u>	94178
<u>per cent of the ICF/IID's current asset value for the fiscal year</u>	94179
<u>as determined under division (E) of this section.</u>	94180
<u>(D) An ICF/IID's depreciated current asset value for a fiscal</u>	94181
<u>year shall be determined as follows:</u>	94182
<u>(1) Determine the product of the following:</u>	94183
<u>(a) One and one half per cent;</u>	94184
<u>(b) The lesser of the following:</u>	94185
<u>(i) The ICF/IID's effective age as determined under division</u>	94186
<u>(H) of this section;</u>	94187

<u>(ii) Forty.</u>	94188
<u>(2) Determine the product of the following:</u>	94189
<u>(a) The ICF/IID's current asset value for the fiscal year as determined in accordance with division (E) of this section;</u>	94190 94191
<u>(b) The product determined under division (D)(1) of this section.</u>	94192 94193
<u>(E)(1) An ICF/IID's current asset value for a fiscal year shall be determined as follows:</u>	94194 94195
<u>(a) Determine the product of the following:</u>	94196
<u>(i) Subject to division (E)(2) of this section, the ICF/IID's total square footage as reported in the fair value survey information included in its cost report for the calendar year immediately preceding the calendar year in which the fiscal year begins;</u>	94197 94198 94199 94200 94201
<u>(ii) The ICF/IID's value per square foot for the fiscal year as determined under division (F) of this section.</u>	94202 94203
<u>(b) Determine the sum of the following:</u>	94204
<u>(i) The product determined under division (E)(1)(a) of this section;</u>	94205 94206
<u>(ii) The ICF/IID's total equipment value for the fiscal year as determined under division (G) of this section.</u>	94207 94208
<u>(2) For the purpose of division (E)(1)(a)(i) of this section, all of the following apply:</u>	94209 94210
<u>(a) An ICF/IID's bedrooms and common space shall be included in determining the ICF/IID's total square footage.</u>	94211 94212
<u>(b) An ICF/IID shall be treated as if its total square footage is two hundred per medicaid-certified bed if its actual total square footage is less than two hundred per medicaid-certified bed.</u>	94213 94214 94215 94216

<u>(c) An ICF/IID that is not a downsized ICF/IID shall be</u>	94217
<u>treated as if its total square footage is eight hundred per</u>	94218
<u>medicaid-certified bed if its actual total square footage is more</u>	94219
<u>than eight hundred per medicaid-certified bed.</u>	94220
<u>(d) An ICF/IID that is a downsized ICF/IID shall be treated</u>	94221
<u>as if its total square footage is one thousand per</u>	94222
<u>medicaid-certified bed if its actual total square footage is more</u>	94223
<u>than one thousand per medicaid-certified bed.</u>	94224
<u>(F)(1) An ICF/IID's value per square foot for a fiscal year</u>	94225
<u>shall be determined by using the following data published by RS</u>	94226
<u>Means for the calendar year in which the fiscal year begins:</u>	94227
<u>(a) If the ICF/IID is in peer group 1 or peer group 2, the RS</u>	94228
<u>Means data for assisted-senior living facility construction costs;</u>	94229
<u>(b) If the ICF/IID is in peer group 3, peer group 4, or peer</u>	94230
<u>group 5, the RS Means data for nursing home construction costs.</u>	94231
<u>(2) The RS Means data to be used for an ICF/IID shall be the</u>	94232
<u>data applicable to the county in which the ICF/IID is located. The</u>	94233
<u>data that applies to a county shall be determined as follows:</u>	94234
<u>(a) The data that RS Means specifies for the city of Akron</u>	94235
<u>shall be used for Summit county.</u>	94236
<u>(b) The data that RS Means specifies for the city of Athens</u>	94237
<u>shall be used for Athens county.</u>	94238
<u>(c) The data that RS Means specifies for the city of Canton</u>	94239
<u>shall be used for the following counties: Ashtabula, Geauga, Lake,</u>	94240
<u>Mahoning, Medina, Portage, Stark, and Wayne.</u>	94241
<u>(d) The data that RS Means specifies for the city of</u>	94242
<u>Chillicothe shall be used for Ross county.</u>	94243
<u>(e) The data that RS Means specifies for the city of</u>	94244
<u>Cincinnati shall be used for Hamilton county.</u>	94245
<u>(f) The data that RS Means specifies for the city of</u>	94246

<u>Cleveland shall be used for Cuyahoga county.</u>	94247
<u>(g) The data that RS Means specifies for the city of Columbus shall be used for Franklin county.</u>	94248 94249
<u>(h) The data that RS Means specifies for the city of Dayton shall be used for Montgomery county.</u>	94250 94251
<u>(i) The data that RS Means specifies for the city of Hamilton shall be used for the following counties: Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, and Warren.</u>	94252 94253 94254 94255
<u>(j) The data that RS Means specifies for the city of Lima shall be used for the following counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, and Wood.</u>	94256 94257 94258 94259
<u>(k) The data that RS Means specifies for the city of Lorain shall be used for Lorain county.</u>	94260 94261
<u>(l) The data that RS Means specifies for the city of Mansfield shall be used for the following counties: Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, and Wyandot.</u>	94262 94263 94264 94265
<u>(m) The data that RS Means specifies for the city of Marion shall be used for Marion county.</u>	94266 94267
<u>(n) The data that RS Means specifies for the city of Springfield shall be used for Clark county.</u>	94268 94269
<u>(o) The data that RS Means specifies for the city of Steubenville shall be used for Jefferson county.</u>	94270 94271
<u>(p) The data that RS Means specifies for the city of Toledo shall be used for Lucas county.</u>	94272 94273
<u>(q) The data that RS Means specifies for Youngstown shall be used for Trumbull county.</u>	94274 94275

(r) The data that RS Means specifies for the city of 94276
Zanesville shall be used for the following counties: Adams, 94277
Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, 94278
Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, 94279
Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, 94280
Vinton, and Washington. 94281

(G) An ICF/IID's total equipment value for a fiscal year 94282
shall be the product of the following: 94283

(1) The ICF/IID's medicaid-certified capacity as of the first 94284
day of the fiscal year; 94285

(2) Four thousand dollars. 94286

(H) An ICF/IID's effective age for a fiscal year shall be 94287
determined as follows: 94288

(1) For each renovation of the ICF/IID that cost at least 94289
five hundred dollars and is listed in the ICF/IID's fair rental 94290
value survey information reported on the cost report filed for the 94291
ICF/IID under section 5124.10 of the Revised Code for the calendar 94292
year immediately preceding the calendar year in which the fiscal 94293
year begins, do all of the following: 94294

(a) Determine the quotient of the following: 94295

(i) The cost of the renovation; 94296

(ii) The product determined under division (E)(1)(a) of this 94297
section. 94298

(b) Determine the difference of the following: 94299

(i) The calendar year covered by the cost report in which the 94300
renovation is listed; 94301

(ii) The calendar year in which the ICF/IID's initial 94302
construction was completed or, if that calendar year is unknown, 94303
the calendar year in which the ICF/IID was initially licensed to 94304
operate. 94305

<u>(c) Determine the product of the following:</u>	94306
<u>(i) The quotient determined under division (H)(1)(a) of this section;</u>	94307
	94308
<u>(ii) The difference determined under division (H)(1)(b) of this section.</u>	94309
	94310
<u>(2) Determine the sum of all products determined under division (H)(1)(c) of this section for the ICF/IID for the fiscal year.</u>	94311
	94312
	94313
<u>(3) Determine the difference of the following:</u>	94314
<u>(a) The calendar year in which the fiscal year begins;</u>	94315
<u>(b) The calendar year in which the ICF/IID's initial construction was completed or, if that calendar year is unknown, the calendar year in which the ICF/IID was initially licensed to operate.</u>	94316
	94317
	94318
	94319
<u>(4) Determine the difference of the following:</u>	94320
<u>(a) The difference determined under division (H)(3) of this section;</u>	94321
	94322
<u>(b) The sum determined under division (H)(2) of this section.</u>	94323
 Section 120.31. That section 5124.17 of the Revised Code is hereby repealed.	94324
	94325
 Section 120.32. Sections 120.30 and 120.31 take effect on July 1, 2018.	94326
	94327
 Section 125.10. That section 5166.35 of the Revised Code is hereby repealed on January 1, 2019.	94328
	94329
 Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that	94330
	94331
	94332

are not otherwise appropriated. For all appropriations made in 94333
this act, the amounts in the first column are for fiscal year 2018 94334
and the amounts in the second column are for fiscal year 2019. 94335

94336

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

94337

Dedicated Purpose Fund Group

94338

4J80 889601	CPA Education	\$	325,000	\$	325,000	94339

Assistance

4K90 889609	Operating Expenses	\$	1,141,957	\$	1,236,965	94340

TOTAL DPF Dedicated Purpose Fund						94341

Group						\$	1,466,957	\$	1,561,965	94342

TOTAL ALL BUDGET FUND GROUPS						\$	1,466,957	\$	1,561,965	94343

Section 205.10. ADJ ADJUTANT GENERAL

94345

General Revenue Fund

94346

GRF 745401	Ohio Military Reserve	\$	12,308	\$	12,308	94347

GRF 745404	Air National Guard	\$	1,839,664	\$	1,839,664	94348

GRF 745407	National Guard	\$	400,000	\$	400,000	94349

Benefits

GRF 745409	Central	\$	2,810,550	\$	2,810,550	94350

Administration

GRF 745499	Army National Guard	\$	3,743,733	\$	3,743,733	94351

TOTAL GRF General Revenue Fund						\$	8,806,255	\$	8,806,255	94352

Dedicated Purpose Fund Group

94353

5340 745612	Property Operations	\$	900,000	\$	900,000	94354

Management

5360 745605	Marksmanship	\$	128,600	\$	128,600	94355

Activities

5360 745620	Camp Perry and	\$	871,400	\$	871,400	94356

Buckeye Inn

Operations

5370	745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000	94357
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	94358
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	94359
TOTAL DPF Dedicated Purpose Fund Group			\$	2,445,000	\$	2,445,000	94360
Federal Fund Group							94361
3420	745616	Army National Guard Service Agreement	\$	26,202,215	\$	26,202,215	94362
3E80	745628	Air National Guard Operations and Maintenance	\$	16,107,196	\$	16,107,196	94363
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	94364
TOTAL FED Federal Fund Group			\$	42,324,411	\$	42,324,411	94365
TOTAL ALL BUDGET FUND GROUPS			\$	53,575,666	\$	53,575,666	94366

Section 205.20. NATIONAL GUARD BENEFITS 94368

The foregoing appropriation item 745407, National Guard 94369
Benefits, shall be used for purposes of sections 5919.31 and 94370
5919.33 of the Revised Code, and for administrative costs of the 94371
associated programs. 94372

If necessary, in order to pay benefits in a timely manner 94373
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 94374
Adjutant General may request the Director of Budget and Management 94375
transfer appropriation from any appropriation item used by the 94376
Adjutant General to appropriation item 745407, National Guard 94377
Benefits. Such amounts are hereby appropriated. The Adjutant 94378
General may subsequently seek Controlling Board approval to 94379

restore the appropriation in the appropriation item from which 94380
such a transfer was made. 94381

For active duty members of the Ohio National Guard who died 94382
after October 7, 2001, while performing active duty, the death 94383
benefit, pursuant to section 5919.33 of the Revised Code, shall be 94384
paid to the beneficiary or beneficiaries designated on the 94385
member's Servicemembers' Group Life Insurance Policy. 94386

STATE ACTIVE DUTY COSTS 94387

Of the foregoing appropriation item 745409, Central 94388
Administration, \$50,000 in each fiscal year shall be used for the 94389
purpose of paying expenses related to state active duty of members 94390
of the Ohio organized militia, in accordance with a proclamation 94391
of the Governor. Expenses include, but are not limited to, the 94392
cost of equipment, supplies, and services, as determined by the 94393
Adjutant General's Department. On June 1 of each fiscal year, if 94394
it is determined by the Adjutant General that any portion of this 94395
\$50,000 in that fiscal year will not be used for state active duty 94396
expenses, those amounts may be encumbered by the Adjutant General 94397
for maintenance expenses. If before the end of that fiscal year, 94398
state active duty expenses occur, these encumbrances should be 94399
canceled by the Adjutant General to pay for expenses related to 94400
state active duty. 94401

CYBER RANGE 94402

The Adjutant General's Department, in conjunction and 94403
collaboration with the Department of Administrative Services, the 94404
Department of Public Safety, the Department of Higher Education, 94405
and the Department of Education shall establish and maintain a 94406
cyber range. The Adjutant General's Department may work with 94407
federal agencies to assist in accomplishing this objective. The 94408
cyber range shall: (1) provide cyber training and education to 94409
K-12 students, higher education students, Ohio National Guardsmen, 94410

federal employees, and state and local government employees, and 94411
(2) provide for emergency preparedness exercises and training. The 94412
state agencies identified in this paragraph may procure any 94413
necessary goods and services including, but not limited to, 94414
contracted services, hardware, networking services, maintenance 94415
costs, and the training and management costs of a cyber range. 94416
These state agencies shall determine the amount of funds each 94417
agency will contribute from available funds and appropriations 94418
enacted herein in order to establish and maintain a cyber range. 94419

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 94420

General Revenue Fund 94421

GRF 100413 Enterprise Data Center \$ 7,564,900 \$ 7,564,300 94422
Solutions Lease Rental
Payments

GRF 100414 MARCS Lease Rental \$ 6,764,700 \$ 6,766,800 94423
Payments

GRF 100415 OAKS Lease Rental \$ 15,251,600 \$ 15,344,800 94424
Payments

GRF 100416 STARS Lease Rental \$ 8,664,100 \$ 8,628,500 94425
Payments

GRF 100447 Administrative \$ 98,017,500 \$ 91,862,900 94426
Buildings Lease Rental
Bond Payments

GRF 100452 Lean Ohio \$ 1,130,393 \$ 1,130,393 94427

GRF 100456 State IT Services \$ 1,797,702 \$ 1,797,702 94428

GRF 100457 Equal Opportunity \$ 2,246,087 \$ 2,246,087 94429
Services

GRF 100459 Ohio Business Gateway \$ 4,049,094 \$ 4,049,094 94430

GRF 100469 Aronoff Center \$ 540,000 \$ 540,000 94431
Building Maintenance

GRF 130321 State Agency Support \$ 20,785,209 \$ 20,785,209 94432

Services

TOTAL GRF General Revenue Fund	\$	166,811,285	\$	160,715,785	94433
Dedicated Purpose Fund Group					94434
5L70 100610 Professional Development	\$	2,100,121	\$	2,100,121	94435
5MV0 100662 Theater Equipment Maintenance	\$	80,891	\$	80,891	94436
5NM0 100663 911 Program	\$	505,421	\$	505,421	94437
5V60 100619 Employee Educational Development	\$	1,000,000	\$	1,000,000	94438
TOTAL DPF Dedicated Purpose Fund Group	\$	3,686,433	\$	3,686,433	94439
Internal Service Activity Fund Group					94440
1120 100616 DAS Administration	\$	8,378,265	\$	8,501,526	94441
1150 100632 Central Service Agency	\$	1,227,255	\$	975,025	94442
1170 100644 General Services Division - Operating	\$	12,871,957	\$	12,871,957	94443
1220 100637 Fleet Management	\$	11,603,461	\$	12,781,321	94444
1250 100622 Human Resources Division - Operating	\$	16,820,154	\$	16,820,154	94445
1250 100657 Benefits Communication	\$	615,521	\$	615,521	94446
1280 100620 Office of Collective Bargaining	\$	4,417,508	\$	4,439,908	94447
1300 100606 Risk Management Reserve	\$	12,763,978	\$	12,763,978	94448
1320 100631 DAS Building Management	\$	51,384,799	\$	51,384,799	94449
1330 100607 IT Services Delivery	\$	127,132,306	\$	126,732,306	94450
1880 100649 Equal Opportunity Division - Operating	\$	1,219,082	\$	1,264,515	94451
2100 100612 State Printing	\$	27,534,182	\$	28,090,941	94452
2290 100630 IT Governance	\$	33,457,000	\$	31,977,000	94453

2290 100640	Consolidated IT Purchases	\$	15,078,000	\$	15,348,000	94454
4270 100602	Investment Recovery	\$	1,662,341	\$	1,662,341	94455
4N60 100617	Major IT Purchases	\$	130,069,345	\$	130,069,345	94456
5C20 100605	MARCS Administration	\$	20,015,704	\$	21,319,640	94457
5EB0 100635	OAKS Support Organization	\$	33,000,000	\$	37,000,000	94458
5EB0 100656	OAKS Updates and Developments	\$	6,357,000	\$	6,357,000	94459
5JQ0 100658	Professionals Licensing System	\$	990,000	\$	4,234,482	94460
5KZ0 100659	Building Improvement	\$	4,391,700	\$	2,558,281	94461
5LJ0 100661	IT Development	\$	9,000,000	\$	9,000,000	94462
5PC0 100665	Enterprise Applications	\$	83,436,960	\$	85,391,790	94463
TOTAL ISA Internal Service Activity						94464
Fund Group		\$	613,426,518	\$	622,159,830	94465
Federal Fund Group						94466
3AJ0 100623	Information Technology Grants	\$	2,487,909	\$	740,493	94467
TOTAL FED Federal Fund Group		\$	2,487,909	\$	740,493	94468
TOTAL ALL BUDGET FUND GROUPS		\$	786,412,145	\$	787,302,541	94469

Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 94471
PAYMENTS 94472

The foregoing appropriation item 100413, Enterprise Data 94473
Center Solutions Lease Rental Payments, shall be used for payments 94474
during the period from July 1, 2017, through June 30, 2019, 94475
pursuant to leases and agreements entered into under Chapter 125. 94476
of the Revised Code, as supplemented by Section 701.10 of S.B. 310 94477
of the 131st General Assembly, with respect to financing the costs 94478
associated with the acquisition, development, installation, and 94479
implementation of the Enterprise Data Center Solutions information 94480

technology initiative. If it is determined that additional 94481
appropriations are necessary for this purpose, the amounts are 94482
hereby appropriated. 94483

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 94484

The foregoing appropriation item 100414, MARCS Lease Rental 94485
Payments, shall be used for payments during the period from July 94486
1, 2017, through June 30, 2019, pursuant to leases and agreements 94487
entered into under Chapter 125. of the Revised Code, as 94488
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 94489
General Assembly, with respect to financing the costs associated 94490
with the acquisition, development, installation, and 94491
implementation of the Multi-Agency Radio Communications System 94492
(MARCS) upgrade. If it is determined that additional 94493
appropriations are necessary for this purpose, the amounts are 94494
hereby appropriated. 94495

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 94496

The foregoing appropriation item 100415, OAKS Lease Rental 94497
Payments, shall be used for payments during the period from July 94498
1, 2017, through June 30, 2019, pursuant to leases and agreements 94499
entered into under Chapter 125. of the Revised Code, as 94500
supplemented by Section 701.20 of S.B. 310 of the 131st General 94501
Assembly and other prior acts of the General Assembly, with 94502
respect to financing the costs associated with the acquisition, 94503
development, installation, and implementation of the Ohio 94504
Administrative Knowledge System. If it is determined that 94505
additional appropriations are necessary for this purpose, the 94506
amounts are hereby appropriated. 94507

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 94508
PAYMENTS 94509

The foregoing appropriation item 100416, STARS Lease Rental 94510
Payments, shall be used for payments during the period from July 94511

1, 2017, through June 30, 2019, pursuant to leases and agreements 94512
entered into under Chapter 125. of the Revised Code, as 94513
supplemented by Section 701.30 of S.B. 310 of the 131st General 94514
Assembly and other prior acts of the General Assembly, with 94515
respect to financing the costs associated with the acquisition, 94516
development, installation, and implementation of the State 94517
Taxation Accounting and Revenue System (STARS). If it is 94518
determined that additional appropriations are necessary for this 94519
purpose, the amounts are hereby appropriated. 94520

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 94521

The foregoing appropriation item 100447, Administrative 94522
Buildings Lease Rental Bond Payments, shall be used to meet all 94523
payments during the period from July 1, 2017, through June 30, 94524
2019, by the Department of Administrative Services pursuant to 94525
leases and agreements under Chapters 152. and 154. of the Revised 94526
Code. These appropriations are the source of funds pledged for 94527
bond service charges on related obligations issued under Chapters 94528
152. and 154. of the Revised Code. 94529

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 94530

The Director of Administrative Services, in consultation with 94531
the Multi-Agency Radio Communication System (MARCS) Steering 94532
Committee and the Director of Budget and Management, shall 94533
determine the share of debt service payments attributable to 94534
spending for MARCS components that are not specific to any one 94535
agency and that shall be charged to the Highway Safety Fund (Fund 94536
7036). Such share of debt service payments shall be calculated for 94537
MARCS capital disbursements made beginning July 1, 1997. Within 94538
thirty days of any payment made from appropriation item 100447, 94539
Administrative Buildings Lease Rental Bond Payments, the Director 94540
of Administrative Services shall certify to the Director of Budget 94541
and Management the amount of this share. The Director of Budget 94542
and Management shall transfer such amounts to the General Revenue 94543

Fund from the State Highway Safety Fund (Fund 7036) established in 94544
section 4501.06 of the Revised Code. 94545

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 94546
FUND 94547

Following the conveyance of the Michael V. DiSalle Government 94548
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 94549
General Assembly, the Director of Budget and Management may adjust 94550
FY 2018 and FY 2019 General Revenue Fund appropriations of the 94551
Department of Administrative Services and other state agencies to 94552
reflect accurately the rental amounts agencies will pay the lessor 94553
of the Michael V. DiSalle Government Center for space that is 94554
supported by the General Revenue Fund and that heretofor was paid 94555
by the Department of Administrative Services. Total General 94556
Revenue Fund appropriations may decrease but may not increase as a 94557
result of the appropriation adjustments made under this section. 94558

The foregoing appropriation item 130321, State Agency Support 94559
Services, also may be used to provide funding for the cost of 94560
property appraisals or building studies that the Department of 94561
Administrative Services may be required to obtain for property 94562
that is being sold by the state or property under consideration to 94563
be renovated or purchased by the state. 94564

Notwithstanding section 125.28 of the Revised Code, the 94565
foregoing appropriation item 130321, State Agency Support 94566
Services, also may be used to pay the operating expenses of state 94567
facilities maintained by the Department of Administrative Services 94568
that are not billed to building tenants, or other costs associated 94569
with the Voinovich Center in Youngstown, Ohio. These expenses may 94570
include, but are not limited to, the costs for vacant space and 94571
space undergoing renovation, and the rent expenses of tenants that 94572
are relocated because of building renovations. These payments may 94573
be processed by the Department of Administrative Services through 94574
intrastate transfer vouchers and placed into the Building 94575

Management Fund (Fund 1320). 94576

At least once per year, the portion of appropriation item 94577
130321, State Agency Support Services, that is not used for the 94578
regular expenses of the appropriation item may be processed by the 94579
Department of Administrative Services through intrastate transfer 94580
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 94581

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 94582

Upon the request of the Director of Administrative Services, 94583
the Director of Budget and Management may transfer unobligated 94584
cash in the MARCS Administration Fund (Fund 5C20) to the General 94585
Revenue Fund to reimburse the General Revenue Fund for lease 94586
rental payments made on behalf of the MARCS upgrade. 94587

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 94588

The foregoing appropriation item 100610, Professional 94589
Development, shall be used to make payments from the Professional 94590
Development Fund (Fund 5L70) under section 124.182 of the Revised 94591
Code. If it is determined by the Director of Budget and Management 94592
that additional amounts are necessary, the amounts are hereby 94593
appropriated. 94594

911 PROGRAM 94595

The foregoing appropriation item 100663, 911 Program, shall 94596
be used by the Department of Administrative Services to pay the 94597
administrative and marketing and educational costs of the 94598
Statewide Emergency Services Internet Protocol Network program. 94599

EMPLOYEE EDUCATIONAL DEVELOPMENT 94600

The foregoing appropriation item 100619, Employee Educational 94601
Development, shall be used to make payments from the Employee 94602
Educational Development Fund (Fund 5V60) under section 124.86 of 94603
the Revised Code. The fund shall be used to pay the costs of 94604
administering educational programs under existing collective 94605

bargaining agreements with District 1199, the Health Care and 94606
Social Service Union, Service Employees International Union; State 94607
Council of Professional Educators; Ohio Education Association and 94608
National Education Association; the Fraternal Order of Police Ohio 94609
Labor Council, Unit 2; and the Ohio State Troopers Association, 94610
Units 1 and 15. 94611

If it is determined by the Director of Budget and Management 94612
that additional amounts are necessary, the amounts are hereby 94613
appropriated. 94614

Section 207.40. CENTRAL SERVICE AGENCY FUND 94615

The foregoing appropriation item 100632, Central Service 94616
Agency, shall be used to purchase the equipment, products, and 94617
services that are needed to maintain existing automated 94618
applications for the professional licensing boards and the Casino 94619
Control Commission to support board licensing functions in fiscal 94620
year 2018 until these functions are replaced by the Ohio 94621
Professionals Licensing System. The Department of Administrative 94622
Services shall establish charges for recovering the costs of 94623
carrying out these functions. The charges shall be billed to the 94624
professional licensing boards and the Casino Control Commission, 94625
and deposited via intrastate transfer vouchers to the credit of 94626
the Central Service Agency Fund (Fund 1150). 94627

Upon implementation of the replacement Ohio Professionals 94628
Licensing System and the decommissioning of the existing automated 94629
applications, the Director of Budget and Management may transfer 94630
any cash balances that remain in the Central Service Agency Fund 94631
(Fund 1150) and that are attributable to the operation of the 94632
existing automated applications to the Professions Licensing 94633
System Fund (Fund 5JQ0). 94634

GENERAL SERVICE CHARGES 94635

The Department of Administrative Services, with the approval 94636
of the Director of Budget and Management, shall establish charges 94637
for recovering the costs of administering the programs funded by 94638
the General Services Fund (Fund 1170) and the State Printing Fund 94639
(Fund 2100). 94640

COLLECTIVE BARGAINING ARBITRATION EXPENSES 94641

The Department of Administrative Services may seek 94642
reimbursement from state agencies for the actual costs and 94643
expenses the Department incurs in the collective bargaining 94644
arbitration process. The reimbursements shall be processed through 94645
intrastate transfer vouchers and credited to the Collective 94646
Bargaining Fund (Fund 1280). 94647

EQUAL OPPORTUNITY PROGRAM 94648

The Department of Administrative Services, with the approval 94649
of the Director of Budget and Management, shall establish charges 94650
for recovering the costs of administering the activities supported 94651
by the State EEO Fund (Fund 1880). These charges shall be 94652
deposited to the credit of Fund 1880 upon payment made by state 94653
agencies, state-supported or state-assisted institutions of higher 94654
education, and tax-supported agencies, municipal corporations, and 94655
other political subdivisions of the state, for services rendered. 94656

CONSOLIDATED IT PURCHASES 94657

The foregoing appropriation item 100640, Consolidated IT 94658
Purchases, shall be used by the Department of Administrative 94659
Services acting as the purchasing agent for one or more government 94660
entities under the authority of division (G) of section 125.18 of 94661
the Revised Code to make information technology purchases at a 94662
lower aggregate cost than each individual government entity could 94663
have obtained independently for that information technology 94664
purchase. 94665

INVESTMENT RECOVERY FUND 94666

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to develop and maintain a replacement automated licensing system for the professional licensing boards.

Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to \$14,000,000 in cash during the FY 2018-FY 2019 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission - Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0). The amount transferred from each fund shall be in proportion to the number of current licenses issued by the licensing boards and commissions that use each fund, and for the Casino Control Commission, the number of current and anticipated licenses. The transferred amounts shall be used by the Director of Administrative Services for the initial acquisition and

development of the Professions Licensing System. The transferred 94698
amounts are hereby appropriated to appropriation item 100658, 94699
Professionals Licensing System. The unobligated, unexpended amount 94700
of the cash transferred in FY 2018 is hereby reappropriated for 94701
the same purpose in FY 2019. 94702

Effective with the implementation of the replacement 94703
licensing system, the Department of Administrative Services shall 94704
establish charges for recovering the costs of ongoing maintenance 94705
of the system that are not otherwise recovered under section 94706
125.18 of the Revised Code. The charges shall be billed to state 94707
agencies, boards, and commissions using the state's enterprise 94708
electronic licensing system and deposited via intrastate transfer 94709
vouchers to the credit of the Professions Licensing System Fund 94710
(Fund 5JQ0), which is hereby created in the state treasury. 94711

Notwithstanding any provision of the Revised Code to the 94712
contrary, the Department of Administrative Services may assess a 94713
transaction fee to an individual who uses the state's enterprise 94714
electronic licensing system operated by the Department to apply 94715
for or renew a license or registration in an amount determined by 94716
the Department not to exceed three dollars and fifty cents. The 94717
Director of Administrative Services may collect the fee or require 94718
a state agency for which the system is being operated to collect 94719
the fee. Amounts received under this division shall be deposited 94720
in the Professions Licensing System Fund (Fund 5JQ0) and used to 94721
operate the electronic licensing system. 94722

BUILDING IMPROVEMENT FUND 94723

The foregoing appropriation item 100659, Building 94724
Improvement, shall be used to make payments from the Building 94725
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 94726
required in facilities maintained by the Department of 94727
Administrative Services. The Department of Administrative Services 94728
shall conduct or contract for regular assessments of these 94729

buildings and shall maintain a cash balance in Fund 5KZ0 equal to 94730
the cost of the repairs and improvements that are recommended to 94731
occur within the next five years, with the following exception 94732
described below. 94733

Upon request of the Director of Administrative Services, the 94734
Director of Budget and Management may permit a cash transfer from 94735
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 94736
of operating and maintaining facilities managed by the Department 94737
of Administrative Services that are not charged to tenants during 94738
the same fiscal year. 94739

Should the cash balance in Fund 1320 be determined to be 94740
sufficient, the Director of Administrative Services may request 94741
that the Director of Budget and Management transfer cash from Fund 94742
1320 to 5KZ0 in an amount equal to the initial cash transfer made 94743
under this section plus applicable interest. 94744

INFORMATION TECHNOLOGY DEVELOPMENT 94745

The foregoing appropriation item 100661, IT Development, 94746
shall be used by the Department of Administrative Services to pay 94747
the costs of modernizing the state's information technology 94748
management and investment practices away from a limited, 94749
agency-specific focus in favor of a statewide methodology 94750
supporting development of enterprise solutions. 94751

Notwithstanding any provision of law to the contrary, the 94752
Department of Administrative Services, with the approval of the 94753
Director of Budget and Management, may charge state agencies an 94754
information technology development assessment based on state 94755
agencies' information technology expenditures or other 94756
methodology. The revenue from this assessment shall be deposited 94757
into the Information Technology Development Fund (Fund 5LJ0), 94758
which is hereby created. 94759

ENTERPRISE APPLICATIONS 94760

The foregoing appropriation item 100665, Enterprise 94761
Applications, shall be used for the operation and management of 94762
information technology applications that support state agencies' 94763
objectives. Charges billed to benefiting agencies shall be 94764
deposited to the credit of the Enterprise Application Fund (Fund 94765
5PC0), which is hereby created in the state treasury. 94766

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 94767

The Director of Administrative Services shall determine and 94768
implement strategies that benefit the enterprise by improving 94769
efficiency, reducing costs or enhancing capacity of information 94770
technology (IT) services. Such improvements and efficiencies may 94771
result in the consolidation and transfer of such services. As 94772
determined to be necessary for successful implementation of this 94773
section and notwithstanding any provision of law to the contrary, 94774
the Director of Administrative Services may request the Director 94775
of Budget and Management to consolidate or transfer IT-specific 94776
budget authority between agencies or within an agency as necessary 94777
to implement enterprise IT cost containment strategies and related 94778
efficiencies. Once the Director of Budget and Management is 94779
satisfied that the proposed initiative is cost advantageous to the 94780
enterprise, the Director of Budget and Management may transfer 94781
appropriations, funds and cash as needed to implement the proposed 94782
initiative. The establishment of any new fund or additional 94783
appropriation as a result of this section will be subject to 94784
Controlling Board approval. 94785

The Director of Budget and Management and the Director of 94786
Administrative Services may transfer any employees, assets, and 94787
liabilities, including, but not limited to, records, contracts, 94788
and agreements in order to facilitate the improvements determined 94789
in accordance with this section. 94790

Section 209.10. AGE DEPARTMENT OF AGING					94791
General Revenue Fund					94792
GRF	490321	Operating Expenses	\$	1,573,121	\$ 1,573,121 94793
GRF	490410	Long-Term Care	\$	477,448	\$ 477,448 94794
Ombudsman					
GRF	490411	Senior Community	\$	7,103,592	\$ 7,103,592 94795
Services					
GRF	490414	Alzheimer's Respite	\$	2,495,245	\$ 2,495,245 94796
GRF	490506	National Senior	\$	241,413	\$ 241,413 94797
Service Corps					
GRF	656423	Long-Term Care Budget	\$	3,660,649	\$ 3,660,649 94798
- State					
TOTAL GRF General Revenue Fund			\$	15,551,468	\$ 15,551,468 94799
Dedicated Purpose Fund Group					94800
4800	490606	Senior Community	\$	372,523	\$ 372,523 94801
Outreach and					
Education					
4C40	490609	Regional Long-Term	\$	1,000,000	\$ 1,000,000 94802
Care Ombudsman					
Program					
5BA0	490620	Ombudsman Support	\$	2,050,000	\$ 2,050,000 94803
5K90	490613	Long-Term Care	\$	1,350,000	\$ 1,350,000 94804
Consumers Guide					
5MT0	490627	Board of Executives	\$	800,000	\$ 800,000 94805
of Long-Term Services					
and Supports					
5T40	656625	Health Care Grants -	\$	500,000	\$ 500,000 94806
State					
5TI0	656624	Provider	\$	120,000	\$ 120,000 94807
Certification					
5W10	490616	Resident Services	\$	344,700	\$ 344,700 94808

Coordinator Program

TOTAL DPF Dedicated Purpose					94809
Fund Group		\$	6,537,223	\$	6,537,223 94810
Federal Fund Group					94811
3220 490618 Federal Aging Grants		\$	8,700,000	\$	8,700,000 94812
3C40 656623 Long Term Care Budget		\$	3,808,337	\$	3,808,337 94813
- Federal					
3M40 490612 Federal Independence		\$	58,655,080	\$	58,655,080 94814
Services					
TOTAL FED Federal Fund Group		\$	71,163,417	\$	71,163,417 94815
TOTAL ALL BUDGET FUND GROUPS		\$	93,252,108	\$	93,252,108 94816

Section 209.20. LONG-TERM CARE 94818

Pursuant to an interagency agreement, the Department of 94819
Medicaid may designate the Department of Aging to perform 94820
assessments under section 5165.04 of the Revised Code. The 94821
Department of Aging shall provide long-term care consultations 94822
under section 173.42 of the Revised Code to assist individuals in 94823
planning for their long-term health care needs. 94824

The Department of Aging shall administer the Medicaid 94825
waiver-funded PASSPORT Home Care Program, the Assisted Living 94826
Program, and PACE as delegated by the Department of Medicaid in an 94827
interagency agreement. 94828

PERFORMANCE-BASED REIMBURSEMENT 94829

The Department of Aging may design and utilize a payment 94830
method for PASSPORT administrative agency operations that includes 94831
a pay-for-performance incentive component that is earned by a 94832
PASSPORT administrative agency when defined consumer and policy 94833
outcomes are achieved. 94834

Section 209.30. MYCARE OHIO 94835

The authority of the Office of the State Long Term Care 94836

Ombudsman as described in sections 173.14 to 173.28 of the Revised 94837
Code extends to MyCare Ohio during the period of the federal 94838
financial alignment demonstration program. 94839

SENIOR COMMUNITY SERVICES 94840

The foregoing appropriation item 490411, Senior Community 94841
Services, may be used for programs, services, and activities 94842
designated by the Department of Aging, including, but not limited 94843
to, home-delivered and congregate meals, transportation services, 94844
personal care services, respite services, adult day services, home 94845
repair, care coordination, prevention and disease self-management, 94846
and decision support systems. The Department may also use these 94847
funds to provide grants to community organizations to support and 94848
expand evidence-based/informed programming. Service priority shall 94849
be given to low income, frail, and/or cognitively impaired persons 94850
60 years of age and over. 94851

NATIONAL SENIOR SERVICE CORPS 94852

The foregoing appropriation item 490506, National Senior 94853
Service Corps, may be used by the Department of Aging to fund 94854
grants to organizations that receive federal funds from the 94855
Corporation for National and Community Service to support the 94856
following Senior Corps programs: the Foster Grandparents Program, 94857
the Senior Companion Program, and the Retired Senior Volunteer 94858
Program. A recipient of these grant funds shall use the funds to 94859
support priorities established by the Department and the Ohio 94860
State Office of the Corporation for National and Community 94861
Service. Neither the Department nor any area agencies on aging 94862
that are involved in the distribution of these funds to 94863
lower-tiered grant recipients may use any portion of these funds 94864
to cover administrative costs. 94865

Section 209.40. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 94866
SUPPORTS 94867

The foregoing appropriation item 490627, Board of Executives 94868
of Long-Term Services and Supports, may be used by the Board of 94869
Executives of Long-Term Services and Supports to administer and 94870
enforce Chapter 4751. of the Revised Code and rules adopted under 94871
it. 94872

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 94873

General Revenue Fund 94874

GRF 700401	Animal Health Programs	\$	3,690,744	\$	3,790,297	94875
GRF 700403	Dairy Division	\$	1,204,917	\$	1,204,917	94876
GRF 700404	Ohio Proud	\$	20,000	\$	50,000	94877
GRF 700406	Consumer Protection	\$	1,211,976	\$	1,346,976	94878
	Lab					
GRF 700407	Food Safety	\$	1,325,582	\$	1,325,582	94879
GRF 700409	Farmland Preservation	\$	76,172	\$	76,172	94880
GRF 700410	Plant Industry	\$	150,000	\$	150,000	94881
GRF 700412	Weights and Measures	\$	215,097	\$	615,097	94882
GRF 700415	Poultry Inspection	\$	605,471	\$	605,471	94883
GRF 700418	Livestock Regulation	\$	769,291	\$	1,169,291	94884
	Program					
GRF 700424	Livestock Testing and	\$	92,493	\$	92,493	94885
	Inspections					
GRF 700426	Dangerous and	\$	821,227	\$	821,227	94886
	Restricted Animals					
GRF 700427	High Volume Breeder	\$	922,510	\$	1,272,510	94887
	Kennel Control					
GRF 700428	Soil and Water	\$	3,619,000	\$	3,619,000	94888
	Division					
GRF 700499	Meat Inspection	\$	4,567,547	\$	4,567,547	94889
	Program - State Share					
GRF 700501	County Agricultural	\$	391,415	\$	391,415	94890
	Societies					

GRF 700509	Soil and Water	\$	2,632,929	\$	3,432,929	94891
	District Support					
TOTAL GRF General Revenue Fund		\$	22,316,371	\$	24,530,924	94892
	Dedicated Purpose Fund Group					94893
4900 700651	License Plates -	\$	17,500	\$	17,500	94894
	Sustainable					
	Agriculture					
4940 700612	Agricultural	\$	253,000	\$	253,000	94895
	Commodity Marketing					
	Program					
4960 700626	Ohio Grape Industries	\$	1,200,000	\$	1,200,000	94896
4970 700627	Grain Warehouse	\$	450,000	\$	450,000	94897
	Program					
4C90 700605	Commercial Feed and	\$	2,075,751	\$	2,076,251	94898
	Seed					
4D20 700609	Auction Education	\$	50,000	\$	50,000	94899
4E40 700606	Utility Radiological	\$	140,176	\$	140,176	94900
	Safety					
4P70 700610	Food Safety	\$	993,743	\$	993,743	94901
	Inspection					
4R00 700636	Ohio Proud Marketing	\$	60,500	\$	30,500	94902
4R20 700637	Dairy Industry	\$	1,852,950	\$	1,852,950	94903
	Inspection					
4T60 700611	Poultry and Meat	\$	160,000	\$	160,000	94904
	Inspection					
5780 700620	Ride Inspection	\$	1,426,974	\$	1,426,974	94905
5B80 700629	Auctioneers	\$	361,450	\$	361,450	94906
5BV0 700660	Heidelberg Water	\$	250,000	\$	250,000	94907
	Quality Lab					
5BV0 700661	Soil and Water	\$	8,800,000	\$	8,000,000	94908
	Districts					
5FC0 700648	Plant Pest Program	\$	1,515,298	\$	1,515,298	94909
5H20 700608	Metrology Lab and	\$	1,325,000	\$	925,000	94910

		Scale Certification					
5L80	700604	Livestock Management	\$	732,000	\$	332,000	94911
		Program					
5MA0	700657	Dangerous and	\$	19,000	\$	19,000	94912
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	626,415	\$	320,000	94913
		and Kennels					
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	94914
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	94915
6520	700634	Animal, Consumer, and	\$	5,305,734	\$	5,066,896	94916
		ATL Labs					
6690	700635	Pesticide,	\$	5,574,048	\$	5,574,048	94917
		Fertilizer, and Lime					
		Inspection Program					
TOTAL DPF Dedicated Purpose							94918
Fund Group			\$	33,744,539	\$	31,569,786	94919
Internal Service Activity Fund Group							94920
5DA0	700644	Laboratory	\$	1,204,626	\$	1,204,626	94921
		Administration					
		Support					
5GH0	700655	Administrative	\$	6,318,841	\$	6,318,841	94922
		Support					
TOTAL ISA Internal Service Activity							94923
Fund Group			\$	7,523,467		7,523,467	94924
Capital Projects Fund Group							94925
7057	700632	Clean Ohio	\$	610,000	\$	610,000	94926
		Agricultural Easement					
		Operating					
TOTAL CPF Capital Projects Fund			\$	610,000	\$	610,000	94927
Group							
Federal Fund Group							94928
3260	700618	Meat Inspection	\$	5,194,424	\$	5,194,424	94929

	Program - Federal				
	Share				
3360 700617	Ohio Farm Loan -	\$	360,000	\$	360,000 94930
	Revolving				
3820 700601	Federal Cooperative	\$	7,749,089	\$	7,749,089 94931
	Contracts				
3AB0 700641	Agricultural Easement	\$	350,000	\$	350,000 94932
3J40 700607	Federal	\$	1,209,234	\$	1,209,234 94933
	Administrative				
	Programs				
3R20 700614	Federal Plant	\$	6,095,972	\$	6,095,972 94934
	Industry				
TOTAL FED	Federal Fund Group	\$	20,958,719	\$	20,958,719 94935
TOTAL ALL	BUDGET FUND GROUPS	\$	85,153,096	\$	85,192,896 94936

Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS 94938

The foregoing appropriation item 700426, Dangerous and 94939
Restricted Animals, shall be used to administer the Dangerous and 94940
Restricted Wild Animal Permitting Program. 94941

COUNTY AGRICULTURAL SOCIETIES 94942

The foregoing appropriation item 700501, County Agricultural 94943
Societies, shall be used to reimburse county and independent 94944
agricultural societies for expenses related to Junior Fair 94945
activities. 94946

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 94947
BASIN 94948

Of the foregoing appropriation item 700509, Soil and Water 94949
District Support, \$350,000 in each fiscal year shall be used by 94950
the Department of Agriculture for a program to support soil and 94951
water conservation districts in the Western Lake Erie Basin in 94952
complying with provisions of Sub. S.B. 1 of the 131st General 94953
Assembly. The Department shall approve a soil and water district's 94954

application for funding under the program if the application 94955
demonstrates that funding will be used for, but not limited to, 94956
providing technical assistance, developing applicable nutrient or 94957
manure management plans, hiring and training of soil and water 94958
conservation district staff on best conservation practices, or 94959
other activities the Director determines appropriate to assist 94960
farmers in the Western Lake Erie Basin in complying with the 94961
provisions of Sub. S.B. 1 of the 131st General Assembly. 94962

SOIL AND WATER DISTRICTS 94963

In addition to state payments to soil and water conservation 94964
districts authorized by section 940.08 of the Revised Code, the 94965
Department of Agriculture may use appropriation item 700661, Soil 94966
and Water Districts, to pay any soil and water conservation 94967
district an annual amount not to exceed \$40,000 upon receipt of a 94968
request and justification from the district and approval by the 94969
Ohio Soil and Water Conservation Commission. The county auditor 94970
shall credit the payments to the special fund established under 94971
section 940.08 of the Revised Code for use by the local soil and 94972
water conservation district. The amounts received by each district 94973
shall be expended for the purposes of the district. 94974

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 94975

The foregoing appropriation item 700632, Clean Ohio 94976
Agricultural Easement Operating, shall be used by the Department 94977
of Agriculture in administering Ohio Agricultural Easement Fund 94978
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 94979
5301.67 to 5301.70 of the Revised Code. 94980

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 94981

Dedicated Purpose Fund Group 94982

4Z90 898602	Small Business	\$	487,054	\$	486,554	94983
	Ombudsman					

5700 898601	Operating Expenses	\$	242,759	\$	243,259	94984
5A00 898603	Small Business	\$	450,000	\$	450,000	94985
	Assistance					
TOTAL DPF Dedicated Purpose Fund		\$	1,179,813	\$	1,179,813	94986
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,179,813	\$	1,179,813	94987

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 94989
AUTHORITY TRUST ACCOUNT 94990

Notwithstanding any other provision of law to the contrary, 94991
the Air Quality Development Authority may reimburse the Air 94992
Quality Development Authority trust account established under 94993
section 3706.10 of the Revised Code from all operating funds of 94994
the agency for expenses pertaining to the administration and 94995
shared costs incurred by the Air Quality Development Authority in 94996
the execution of responsibilities as prescribed in Chapter 3706. 94997
of the Revised Code. The reimbursement shall be made by voucher 94998
and completed in accordance with the administrative indirect costs 94999
allocation plan approved by the Office of Budget and Management. 95000

Section 215.10. ARC ARCHITECTS BOARDS 95001
Dedicated Purpose Fund Group 95002
4K90 891609 Operating \$ 576,916 \$ 604,765 95003
TOTAL DPF Dedicated Purpose Fund 95004
Group \$ 576,916 \$ 604,765 95005
TOTAL ALL BUDGET FUND GROUPS \$ 576,916 \$ 604,765 95006

Section 217.10. ART OHIO ARTS COUNCIL 95008
General Revenue Fund 95009
GRF 370321 Operating Expenses \$ 1,848,129 \$ 1,848,129 95010
GRF 370502 State Program \$ 12,950,000 \$ 12,950,000 95011
Subsidies

TOTAL GRF General Revenue Fund	\$	14,798,129	\$	14,798,129	95012
Dedicated Purpose Fund Group					95013
4600 370602 Art Council Program	\$	325,000	\$	325,000	95014
Support					
4B70 370603 Percent for Art	\$	225,000	\$	225,000	95015
Acquisitions					
TOTAL DPF Dedicated Purpose Fund	\$	550,000	\$	550,000	95016
Group					
Federal Fund Group					95017
3140 370601 Federal Support	\$	1,250,000	\$	1,250,000	95018
TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	95019
TOTAL ALL BUDGET FUND GROUPS	\$	16,598,129	\$	16,598,129	95020
FEDERAL SUPPORT					95021
Notwithstanding any provision of law to the contrary, the					95022
foregoing appropriation item 370601, Federal Support, shall be					95023
used by the Ohio Arts Council for subsidies only, and not for its					95024
administrative costs, unless the Council is required to use a					95025
portion of the funds for administrative costs under conditions of					95026
the federal grant.					95027
Section 219.10. ATH ATHLETIC COMMISSION					95028
Dedicated Purpose Fund Group					95029
4K90 175609 Operating Expenses	\$	326,525	\$	326,525	95030
TOTAL DPF Dedicated Purpose Fund	\$	326,525	\$	326,525	95031
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	326,525	\$	326,525	95032
Section 221.10. AGO ATTORNEY GENERAL					95034
General Revenue Fund					95035
GRF 055321 Operating Expenses	\$	43,114,169	\$	43,114,169	95036
GRF 055405 Law-Related Education	\$	70,000	\$	70,000	95037

GRF	055406	BCIRS Lease Rental Payments	\$	3,255,800	\$	3,161,000	95038
GRF	055411	County Sheriffs' Pay Supplement	\$	903,000	\$	949,000	95039
GRF	055415	County Prosecutors' Pay Supplement	\$	1,078,000	\$	1,132,000	95040
GRF	055501	Rape Crisis Centers	\$	1,500,000	\$	1,500,000	95041
TOTAL GRF		General Revenue Fund	\$	49,920,969	\$	49,926,169	95042
		Dedicated Purpose Fund Group					95043
1060	055612	Attorney General Operating	\$	61,818,182	\$	61,818,182	95044
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	95045
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	95046
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	95047
4190	055623	Claims Section	\$	57,439,892	\$	57,439,892	95048
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	95049
4210	055617	Police Officers' Training Academy Fee	\$	2,944,355	\$	1,500,000	95050
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	95051
4Y70	055608	Title Defect Recision	\$	613,751	\$	613,751	95052
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	95053
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	95054
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	95055
5L50	055619	Law Enforcement Assistance Program	\$	9,377,803	\$	0	95056
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	95057

		Training - Casino					
5MP0	055657	Peace Officer	\$	325,000	\$	325,000	95058
		Training Commission					
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	95059
		Enforcement Trust					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	95060
		Enforcement					
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728	95061
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000	95062
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					95063
Group			\$	187,290,950	\$	176,468,792	95064
Internal Service Activity Fund Group							95065
1950	055660	Workers' Compensation	\$	8,778,072	\$	8,778,072	95066
		Section					
TOTAL ISA		Internal Service Activity	\$	8,778,072	\$	8,778,072	95067
Fund Group							
Holding Account Fund Group							95068
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	95069
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	95070
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	95071
R042	055601	Organized Crime	\$	750,000	\$	750,000	95072
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	95073
		Redistribution					
TOTAL HLD		Holding Account					95074

Fund Group	\$	8,250,000	\$	8,250,000	95075
Federal Fund Group					95076
3060 055620 Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	95077
3830 055634 Crime Victims Assistance	\$	70,000,000	\$	70,000,000	95078
3E50 055638 Attorney General Pass-Through Funds	\$	2,320,999	\$	2,320,999	95079
3FV0 055656 Crime Victim Compensation	\$	3,155,000	\$	3,155,000	95080
3R60 055613 Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	95081
TOTAL FED Federal Fund Group	\$	87,237,417	\$	87,237,417	95082
TOTAL ALL BUDGET FUND GROUPS	\$	341,477,408	\$	330,660,450	95083

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 95085
95086

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 95087
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COUNTY SHERIFFS' PAY SUPPLEMENT 95094

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 95095
95096
95097
95098

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation 95099
95100
95101

item 055411, County Sheriffs' Pay Supplement. Any appropriation so 95102
transferred shall be used to supplement the annual compensation of 95103
county sheriffs as required by section 325.06 of the Revised Code. 95104

COUNTY PROSECUTORS' PAY SUPPLEMENT 95105

The foregoing appropriation item 055415, County Prosecutors' 95106
Pay Supplement, shall be used for the purpose of supplementing the 95107
annual compensation of certain county prosecutors as required by 95108
section 325.111 of the Revised Code. 95109

At the request of the Attorney General, the Director of 95110
Budget and Management may transfer appropriation from 95111
appropriation item 055321, Operating Expenses, to appropriation 95112
item 055415, County Prosecutors' Pay Supplement. Any appropriation 95113
so transferred shall be used to supplement the annual compensation 95114
of county prosecutors as required by section 325.111 of the 95115
Revised Code. 95116

WORKERS' COMPENSATION SECTION 95117

The Workers' Compensation Fund (Fund 1950) is entitled to 95118
receive quarterly payments from the Bureau of Workers' 95119
Compensation and the Ohio Industrial Commission to fund legal 95120
services provided to the Bureau of Workers' Compensation and the 95121
Ohio Industrial Commission during the fiscal year. 95122

In addition, the Bureau of Workers' Compensation shall 95123
transfer payments for the support of the Workers' Compensation 95124
Fraud Unit. 95125

All amounts shall be mutually agreed upon by the Attorney 95126
General, the Bureau of Workers' Compensation, and the Ohio 95127
Industrial Commission. 95128

GENERAL HOLDING ACCOUNT 95129

The foregoing appropriation item 055631, General Holding 95130
Account, shall be used to distribute moneys under the terms of 95131

relevant court orders or other settlements received in a variety 95132
of cases involving the Office of the Attorney General. If it is 95133
determined that additional amounts are necessary for this purpose, 95134
the amounts are hereby appropriated. 95135

ANTITRUST SETTLEMENTS 95136

The foregoing appropriation item 055632, Antitrust 95137
Settlements, shall be used to distribute moneys under the terms of 95138
relevant court orders or other out of court settlements in 95139
antitrust cases or antitrust matters involving the Office of the 95140
Attorney General. If it is determined that additional amounts are 95141
necessary for this purpose, the amounts are hereby appropriated. 95142

CONSUMER FRAUDS 95143

The foregoing appropriation item 055630, Consumer Frauds, 95144
shall be used for distribution of moneys from court-ordered 95145
judgments against sellers in actions brought by the Office of the 95146
Attorney General under sections 1334.08 and 4549.48 and division 95147
(B) of section 1345.07 of the Revised Code. These moneys shall be 95148
used to provide restitution to consumers victimized by the fraud 95149
that generated the court-ordered judgments. If it is determined 95150
that additional amounts are necessary for this purpose, the 95151
amounts are hereby appropriated. 95152

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 95153

The foregoing appropriation item 055601, Organized Crime 95154
Commission Distributions, shall be used by the Organized Crime 95155
Investigations Commission, as provided by section 177.011 of the 95156
Revised Code, to reimburse political subdivisions for the expenses 95157
the political subdivisions incur when their law enforcement 95158
officers participate in an organized crime task force. If it is 95159
determined that additional amounts are necessary for this purpose, 95160
the amounts are hereby appropriated. 95161

COLLECTION PAYMENT REDISTRIBUTION 95162

The foregoing appropriation item 055650, Collection Payment 95163
Redistribution, shall be used for the purpose of allocating the 95164
revenue where debtors mistakenly paid the client agencies instead 95165
of the Attorney General's Collections Enforcement Section. If it 95166
is determined that additional amounts are necessary for this 95167
purpose, the amounts are hereby appropriated. 95168

Section 223.10. AUD AUDITOR OF STATE 95169

General Revenue Fund 95170

GRF 070321 Operating Expenses \$ 29,728,875 \$ 29,728,875 95171

GRF 070403 Fiscal \$ 821,905 \$ 821,905 95172

Watch/Emergency

Technical Assistance

GRF 070409 School District \$ 1,000,000 \$ 1,000,000 95173

Performance Audits

TOTAL GRF General Revenue Fund \$ 31,550,780 \$ 31,550,780 95174

Dedicated Purpose Fund Group 95175

1090 070601 Public Audit Expense \$ 10,803,057 \$ 10,803,057 95176

- Intrastate

4220 070602 Public Audit Expense \$ 37,306,649 \$ 38,806,649 95177

- Local Government

5840 070603 Training Program \$ 483,564 \$ 483,564 95178

5JZ0 070606 LEAP Revolving Loans \$ 410,952 \$ 410,952 95179

6750 070605 Uniform Accounting \$ 3,398,351 \$ 3,398,351 95180

Network

TOTAL DPF Dedicated Purpose Fund 95181

Group \$ 52,402,573 \$ 53,902,573 95182

TOTAL ALL BUDGET FUND GROUPS \$ 83,953,353 \$ 85,453,353 95183

SCHOOL DISTRICT PERFORMANCE AUDITS 95184

The foregoing appropriation item 070409, School District 95185

Performance Audits, shall be used by the Auditor of State, in 95186

consultation with the Department of Education and the Office of 95187

Budget and Management, for expenses incurred in the Auditor of	95188
State's role relating to fiscal caution, fiscal watch, and fiscal	95189
emergency activities pursuant to section 3316.042 of the Revised	95190
Code.	95191

Section 225.10. BRB BOARD OF BARBER EXAMINERS	95192

Dedicated Purpose Fund Group	95193
4K90 877609 Operating Expenses \$ 433,805 \$ 0	95194
TOTAL DPF Dedicated Purpose Fund \$ 433,805 \$ 0	95195
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 433,805 \$ 0	95196

Section 227.10. BHP STATE BEHAVIORAL HEALTH AND SOCIAL WORK	95198
BOARD	95199

Dedicated Purpose Fund Group	95200
4K90 126609 Operating Expenses \$ 1,107,279 \$ 2,593,861	95201
TOTAL DPF Dedicated Purpose Fund \$ 1,107,279 \$ 2,593,861	95202
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 1,107,279 \$ 2,593,861	95203

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT	95205

General Revenue Fund	95206
GRF 042321 Budget Development \$ 3,201,221 \$ 3,242,213	95207
and Implementation	
GRF 042416 Office of Health \$ 414,422 \$ 428,430	95208
Transformation	
GRF 042420 Ohio Institute of \$ 750,000 \$ 750,000	95209
Technology	
GRF 042425 Shared Services \$ 1,380,000 \$ 1,325,000	95210
Development	
GRF 042435 Gubernatorial \$ 0 \$ 225,000	95211
Transition	

TOTAL GRF General Revenue Fund	\$	5,745,643	\$	5,970,643	95212
Internal Service Activity Fund Group					95213
1050 042603 Financial Management	\$	15,624,379	\$	16,044,968	95214
1050 042620 Shared Services	\$	7,326,179	\$	7,493,986	95215
Operating					
TOTAL ISA Internal Service Activity					95216
Fund Group	\$	22,950,558	\$	23,538,954	95217
Fiduciary Fund Group					95218
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	95219
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	95220
Federal Fund Group					95221
3CM0 042606 Office of Health	\$	414,422	\$	428,430	95222
Transformation -					
Federal					
TOTAL FED Federal Fund Group	\$	414,422	\$	428,430	95223
TOTAL ALL BUDGET FUND GROUPS	\$	29,140,623	\$	29,968,027	95224

Section 229.20. AUDIT COSTS 95226

All centralized audit costs associated with either Single 95227
Audit Schedules or financial statements prepared in conformance 95228
with generally accepted accounting principles for the state shall 95229
be paid from the foregoing appropriation item 042603, Financial 95230
Management. 95231

Costs associated with the audit of the Auditor of State shall 95232
be paid from the foregoing appropriation item 042321, Budget 95233
Development and Implementation. 95234

SHARED SERVICES 95235

The foregoing appropriation items 042425, Shared Services 95236
Development, and 042620, Shared Services Operating, shall be used 95237
by the Director of Budget and Management to support the Shared 95238
Services program pursuant to division (D) of section 126.21 of the 95239

Revised Code. 95240

The Director of Budget and Management shall include the 95241
recovery of costs to operate the Shared Services program in the 95242
accounting and budgeting services payroll rate and through direct 95243
charges using intrastate transfer vouchers billed to agencies for 95244
services rendered using a methodology determined by the Director 95245
of Budget and Management. Such cost recovery revenues shall be 95246
deposited to the credit of the Accounting and Budgeting Fund (Fund 95247
1050). 95248

INTERNAL AUDIT 95249

The Director of Budget and Management shall include the 95250
recovery of costs to operate the Internal Audit Program pursuant 95251
to section 126.45 of the Revised Code in the accounting and 95252
budgeting services payroll rate and through direct charges using 95253
intrastate transfer vouchers billed to agencies reviewed by the 95254
program using a methodology determined by the Director of Budget 95255
and Management. Such cost recovery revenues shall be deposited to 95256
the credit of Fund 1050. 95257

FORGERY RECOVERY 95258

The foregoing appropriation item 042604, Forgery Recovery, 95259
shall be used to reissue warrants that have been certified as 95260
forgeries by the rightful recipient as determined by the Bureau of 95261
Criminal Identification and Investigation and the Treasurer of 95262
State. Upon receipt of funds to cover the reissuance of the 95263
warrant, the Director of Budget and Management shall reissue a 95264
state warrant of the same amount. Any additional amounts needed to 95265
reissue warrants backed by the receipt of funds are hereby 95266
appropriated. 95267

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 95268

General Revenue Fund 95269

GRF	874100	Personal Services	\$	2,803,326	\$	2,803,326	95270
GRF	874320	Maintenance and	\$	1,411,098	\$	1,411,098	95271
		Equipment					
TOTAL GRF	General Revenue Fund		\$	4,214,424	\$	4,214,424	95272
	Dedicated Purpose Fund Group						95273
2080	874601	Underground Parking	\$	3,805,165	\$	3,940,446	95274
		Garage Operations					
4G50	874603	Capitol Square	\$	6,000	\$	6,000	95275
		Education Center and					
		Arts					
TOTAL DPF	Dedicated Purpose						95276
Fund Group			\$	3,811,165	\$	3,946,446	95277
	Internal Service Activity Fund Group						95278
4S70	874602	Statehouse Gift	\$	775,000	\$	775,000	95279
		Shop/Events					
TOTAL ISA	Internal Service Activity						95280
Fund Group			\$	775,000	\$	775,000	95281
TOTAL ALL BUDGET FUND GROUPS			\$	8,800,589	\$	8,935,870	95282

OPERATING EXPENSES 95283

On July 1, 2017, or as soon as possible thereafter, the 95284
Executive Director of the Capitol Square Review and Advisory Board 95285
may certify to the Director of Budget and Management an amount up 95286
to the unexpended, unencumbered balance of the foregoing 95287
appropriation item 874320, Operating Expenses, at the end of 95288
fiscal year 2017 to be reappropriated to fiscal year 2018. The 95289
amount certified is hereby appropriated to the same appropriation 95290
item for fiscal year 2018. 95291

On July 1, 2018, or as soon as possible thereafter, the 95292
Executive Director of the Capitol Square Review and Advisory Board 95293
may certify to the Director of Budget and Management an amount up 95294
to the unexpended, unencumbered balance of the foregoing 95295
appropriation item 874320, Operating Expenses, at the end of 95296

fiscal year 2018 to be reappropriated to fiscal year 2019. The 95297
amount certified is hereby appropriated to the same appropriation 95298
item for fiscal year 2019. 95299

UNDERGROUND PARKING GARAGE FUND 95300

Notwithstanding division (G) of section 105.41 of the Revised 95301
Code and any other provision to the contrary, moneys in the 95302
Underground Parking Garage Fund (Fund 2080) may be used for 95303
personnel and operating costs related to the operations of the 95304
Statehouse and the Statehouse Underground Parking Garage. 95305

HOUSE AND SENATE PARKING REIMBURSEMENT 95306

On July 1 of each fiscal year, or as soon as possible 95307
thereafter, the Director of Budget and Management shall transfer 95308
\$500,000 cash from the General Revenue Fund to the Underground 95309
Parking Garage Fund (Fund 2080). The amounts transferred under 95310
this section shall be used to reimburse the Capitol Square Review 95311
and Advisory Board for legislative parking costs. 95312

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 95313
SCHOOLS 95314

Dedicated Purpose Fund Group 95315

4K90 233601 Operating Expenses	\$	540,260	\$	540,260	95316

TOTAL DPF Dedicated Purpose Fund	\$	540,260	\$	540,260	95317

Group

TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	95318

Section 235.10. CAC CASINO CONTROL COMMISSION 95320

Dedicated Purpose Fund Group 95321

5HS0 955321 Operating Expenses	\$	15,327,155	\$	15,659,745	95322

5NU0 955601 Casino Commission	\$	250,000	\$	250,000	95323

Enforcement

TOTAL DPF Dedicated Purpose Fund	\$	15,577,155	\$	15,909,745	95324

Group

TOTAL ALL BUDGET FUND GROUPS	\$	15,577,155	\$	15,909,745	95325

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD	95327

Dedicated Purpose Fund Group	95328

4K90 930609 Operating Expenses	\$	337,238	\$	0	95329

TOTAL DPF Dedicated Purpose Fund	\$	337,238	\$	0	95330

Group

TOTAL ALL BUDGET FUND GROUPS	\$	337,238	\$	0	95331

Section 239.10. CHR STATE CHIROPRACTIC BOARD	95333

Dedicated Purpose Fund Group	95334

4K90 878609 Operating Expenses	\$	646,000	\$	646,700	95335

TOTAL DPF Dedicated Purpose Fund	\$	646,000	\$	646,700	95336

Group

TOTAL ALL BUDGET FUND GROUPS	\$	646,000	\$	646,700	95337

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION	95339

General Revenue Fund	95340

GRF 876321 Operating Expenses	\$	5,116,100	\$	5,684,556	95341

TOTAL GRF General Revenue Fund	\$	5,116,100	\$	5,684,556	95342

Internal Service Activity Fund Group	95343

2170 876604 Operations Support	\$	4,000	\$	4,000	95344

TOTAL ISA Internal Service Activity	95345

Fund Group	\$	4,000	\$	4,000	95346

Federal Fund Group	95347

3340 876601 Federal Programs	\$	3,581,649	\$	3,319,965	95348

TOTAL FED Federal Special Revenue	95349

Fund Group	\$	3,581,649	\$	3,319,965	95350

TOTAL ALL BUDGET FUND GROUPS	\$	8,701,749	\$	9,008,521	95351

Section 243.10. COM DEPARTMENT OF COMMERCE	95353

Dedicated Purpose Fund Group				95354
4B20	800631	Real Estate Appraisal	\$ 35,000 \$ 35,000	95355
Recovery				
4H90	800608	Cemeteries	\$ 343,249 \$ 295,244	95356
4X20	800619	Financial Institutions	\$ 1,717,044 \$ 1,717,044	95357
5430	800602	Unclaimed	\$ 7,984,977 \$ 7,984,977	95358
Funds-Operating				
5430	800625	Unclaimed Funds-Claims	\$ 77,000,000 \$ 77,000,000	95359
5440	800612	Banks	\$ 9,677,471 \$ 9,677,471	95360
5460	800610	Fire Marshal	\$ 17,297,687 \$ 17,297,687	95361
5460	800639	Fire Department Grants	\$ 5,200,000 \$ 5,200,000	95362
5470	800603	Real Estate	\$ 69,655 \$ 69,655	95363
Education/Research				
5480	800611	Real Estate Recovery	\$ 50,000 \$ 50,000	95364
5490	800614	Real Estate	\$ 3,980,724 \$ 3,584,329	95365
5500	800617	Securities	\$ 5,216,985 \$ 5,284,994	95366
5520	800604	Credit Union	\$ 3,683,281 \$ 3,752,014	95367
5530	800607	Consumer Finance	\$ 4,548,563 \$ 4,628,963	95368
5560	800615	Industrial Compliance	\$ 31,522,832 \$ 30,860,908	95369
5F10	800635	Small Government Fire	\$ 300,000 \$ 300,000	95370
Departments				
5FW0	800616	Financial Literacy	\$ 190,000 \$ 190,000	95371
Education				
5GK0	800609	Securities Investor	\$ 682,150 \$ 682,150	95372
Education/Enforcement				
5HV0	800641	Cigarette Enforcement	\$ 27,324 \$ 27,324	95373
5LC0	800644	Liquor JobsOhio	\$ 276,817 \$ 276,817	95374
Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$ 8,810,087 \$ 8,352,353	95375
Services				
5LP0	800646	Liquor Regulatory	\$ 9,562,022 \$ 9,067,080	95376
Operating Expenses				
5SJ0	800648	Volunteer Peace	\$ 50,000 \$ 50,000	95377

		Officers' Dependent				
		Fund				
5SU0	800649	Manufactured Homes	\$	141,969	\$	413,748 95378
		Regulation				
5SY0	800650	Medical Marijuana	\$	1,121,279	\$	1,135,692 95379
		Control Program				
5X60	800623	Video Service	\$	412,693	\$	412,693 95380
6530	800629	UST Registration/Permit	\$	2,301,714	\$	2,301,714 95381
		Fee				
6A40	800630	Real Estate	\$	778,175	\$	722,672 95382
		Appraiser-Operating				
TOTAL DPF Dedicated Purpose						95383
Fund Group			\$	192,981,698	\$	191,370,529 95384
Internal Service Activity Fund Group						95385
1630	800620	Division of	\$	8,577,384	\$	8,043,364 95386
		Administration				
1630	800637	Information Technology	\$	9,780,626	\$	9,540,704 95387
TOTAL ISA Internal Service Activity						95388
Fund Group			\$	18,358,010	\$	17,584,068 95389
Federal Fund Group						95390
3480	800622	Underground Storage	\$	1,186,180	\$	1,186,180 95391
		Tanks				
3480	800624	Leaking Underground	\$	1,950,000	\$	1,950,000 95392
		Storage Tanks				
TOTAL FED Federal Fund Group			\$	3,136,180	\$	3,136,180 95393
TOTAL ALL BUDGET FUND GROUPS			\$	214,475,888	\$	212,090,777 95394

Section 243.20. UNCLAIMED FUNDS PAYMENTS 95396

The foregoing appropriation item 800625, Unclaimed 95397
Funds-Claims, shall be used to pay claims under section 169.08 of 95398
the Revised Code. If it is determined by the Director of Commerce 95399
that additional appropriation amounts are necessary to make such 95400

payments, the Director of Commerce may request that the Director 95401
of Budget and Management increase such amounts. Such amounts are 95402
hereby appropriated. 95403

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 95404

The foregoing appropriation item 800631, Real Estate 95405
Appraiser Recovery, shall be used to pay settlements, judgments, 95406
and court orders under section 4763.16 of the Revised Code. If it 95407
is determined by the Director of Commerce that additional 95408
appropriation amounts are necessary to make such payments, the 95409
Director of Commerce may request that the Director of Budget and 95410
Management increase such amounts. Such amounts are hereby 95411
appropriated. 95412

The foregoing appropriation item 800611, Real Estate 95413
Recovery, shall be used to pay settlements, judgments, and court 95414
orders under section 4735.12 of the Revised Code. If it is 95415
determined by the Director of Commerce that additional 95416
appropriation amounts are necessary to make such payments, the 95417
Director of Commerce may request that the Director of Budget and 95418
Management increase such amounts. Such amounts are hereby 95419
appropriated. 95420

FIRE DEPARTMENT GRANTS 95421

(A) The foregoing appropriation item 800639, Fire Department 95422
Grants, shall be used to make annual grants to the following 95423
eligible recipients: volunteer fire departments, fire departments 95424
that serve one or more small municipalities or small townships, 95425
joint fire districts comprised of fire departments that primarily 95426
serve small municipalities or small townships, local units of 95427
government responsible for such fire departments, and local units 95428
of government responsible for the provision of fire protection 95429
services for small municipalities or small townships. For the 95430
purposes of these grants, a private fire company, as that phrase 95431

is defined in section 9.60 of the Revised Code, that is providing 95432
fire protection services under a contract to a political 95433
subdivision of the state, is an additional eligible recipient for 95434
a training grant. 95435

Eligible recipients that consist of small municipalities or 95436
small townships that all intend to contract with the same fire 95437
department or private fire company for fire protection services 95438
may jointly apply and be considered for a grant. If a joint 95439
applicant is awarded a grant, the State Fire Marshal shall, if 95440
feasible, proportionately award the grant and any equipment 95441
purchased with grant funds to each of the joint applicants based 95442
upon each applicant's contribution to and demonstrated need for 95443
fire protection services. For the purpose of this grant program, 95444
an eligible recipient or any firefighting entity that is 95445
contracted to serve an eligible recipient may only file, be listed 95446
as joint applicant, or be designated as a service provider on one 95447
grant application per fiscal year. 95448

If the grant awarded to joint applicants is an equipment 95449
grant and the equipment to be purchased cannot be readily 95450
distributed or possessed by multiple recipients, each of the joint 95451
applicants shall be awarded by the State Fire Marshal an ownership 95452
interest in the equipment so purchased in proportion to each 95453
applicant's contribution to and demonstrated need for fire 95454
protection services. The joint applicants shall then mutually 95455
agree on how the equipment is to be maintained, operated, stored, 95456
or disposed of. If, for any reason, the joint applicants cannot 95457
agree as to how jointly owned equipment is to be maintained, 95458
operated, stored, or disposed of or any of the joint applicants no 95459
longer maintain a contract with the same fire protection service 95460
provider as the other applicants, then the joint applicants shall, 95461
with the assistance of the State Fire Marshal, mutually agree as 95462
to how the jointly owned equipment is to be maintained, operated, 95463

stored, disposed of, or owned. If the joint applicants cannot 95464
agree how the grant equipment is to be maintained, operated, 95465
stored, disposed of, or owned, the State Fire Marshal may, in its 95466
discretion, require all of the equipment acquired by the joint 95467
applicants with grant funds to be returned to the State Fire 95468
Marshal. The State Fire Marshal may then award the returned 95469
equipment to any eligible recipients. For this paragraph only, an 95470
"equipment grant" also includes a MARCS Grant. 95471

(B) Except as otherwise provided in this section, the grants 95472
shall be used by recipients to purchase firefighting or rescue 95473
equipment or gear or similar items, to provide full or partial 95474
reimbursement for the documented costs of firefighter training, 95475
or, at the discretion of the State Fire Marshal, to cover fire 95476
department costs for providing fire protection services in that 95477
grant recipient's jurisdiction. 95478

(1) Of the foregoing appropriation item 800639, Fire 95479
Department Grants, up to \$1,000,000 per fiscal year may be used to 95480
pay for the State Fire Marshal's costs of providing firefighter I 95481
certification classes or other firefighter classes approved by the 95482
State Fire Marshal at no cost to selected students attending the 95483
Ohio Fire Academy or other class providers approved by the State 95484
Fire Marshal. The State Fire Marshal may establish the 95485
qualifications and selection processes for students to attend such 95486
classes by written policy, and such students shall be considered 95487
eligible recipients of fire department grants for the purposes of 95488
this portion of the grant program. 95489

(2) Of the foregoing appropriation item 800639, Fire 95490
Department Grants, up to \$3,000,000 in each fiscal year may be 95491
used for MARCS Grants. MARCS Grants may be used for the payment of 95492
user access fees by the eligible recipient to access MARCS. 95493

For purposes of this section, a MARCS Grant is a grant for 95494
systems, equipment, or services that are a part of, integrated 95495

into, or otherwise interoperable with the Multi-Agency Radio 95496
Communication System (MARCS) operated by the state. 95497

MARCS Grant awards may be up to \$50,000 in each fiscal year 95498
per eligible recipient. Each eligible recipient may only apply, as 95499
a separate entity or as a part of a joint application, for one 95500
MARCS Grant per fiscal year. The State Fire Marshal may give a 95501
preference in the awarding of MARCS Grants to grants that will 95502
enhance the overall interoperability and effectiveness of 95503
emergency communication networks in the geographic region that 95504
includes and that is adjacent to the applicant. Eligible 95505
recipients that are or were awarded fire department grants that 95506
are not MARCS Grants may also apply for and receive MARCS Grants 95507
in accordance with criteria for the awarding of grant funds 95508
established by the State Fire Marshal. 95509

(3) Grant awards for firefighting or rescue equipment or gear 95510
or for fire department costs of providing fire protection services 95511
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 95512
fiscal year if an eligible entity serves a jurisdiction in which 95513
the Governor declared a natural disaster during the preceding or 95514
current fiscal year in which the grant was awarded. In addition to 95515
any grant funds awarded for rescue equipment or gear, or for fire 95516
department costs associated with the provision of fire protection 95517
services, an eligible entity may receive a grant for up to \$15,000 95518
per fiscal year for full or partial reimbursement of the 95519
documented costs of firefighter training. For each fiscal year, 95520
the State Fire Marshal shall determine the total amounts to be 95521
allocated for each eligible purpose. 95522

(C) The grants shall be administered by the State Fire 95523
Marshal in accordance with rules the State Fire Marshal adopts as 95524
part of the state fire code adopted pursuant to section 3737.82 of 95525
the Revised Code that are necessary for the administration and 95526
operation of the grant program. The rules may further define the 95527

entities eligible to receive grants and establish criteria for the 95528
awarding and expenditure of grant funds, including methods the 95529
State Fire Marshal may use to verify the proper use of grant funds 95530
or to obtain reimbursement for or the return of equipment for 95531
improperly used grant funds. To the extent consistent with this 95532
section and until the rules are updated, the existing rules in the 95533
state fire code adopted pursuant to section 3737.82 of the Revised 95534
Code for fire department grants under this section apply to MARCS 95535
Grants. Any amounts in appropriation item 800639, Fire Department 95536
Grants, in excess of the amount allocated for these grants may be 95537
used for the administration of the grant program. 95538

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 95539

Upon the written request of the Director of Commerce, the 95540
Director of Budget and Management may transfer up to \$500,000 in 95541
cash from the Real Estate Recovery Fund (Fund 5480) and up to 95542
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 95543
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 95544
5490) during the biennium ending June 30, 2019. 95545

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 95546
REVOLVING LOAN FUND 95547

Upon the written request of the Director of Commerce, the 95548
Director of Budget and Management may transfer up to \$300,000 in 95549
cash from the State Fire Marshal Fund (Fund 5460) to the Small 95550
Government Fire Department Services Revolving Loan Fund (Fund 95551
5F10) during the biennium ending June 30, 2019. 95552

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 95553

Dedicated Purpose Fund Group 95554

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 95555

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 95556

Group

Section 247.10. CEB CONTROLLING BOARD 95559

5KM0 911614	Controlling Board	\$	10,000,000	\$	10,000,000	95561

TOTAL ISA Internal Service Activity	\$	10,000,000	\$	10,000,000	95562

TOTAL ALL BUDGET FUND GROUPS	\$	10,000,000	\$	10,000,000	95563

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

The Disaster Services Fund (Fund 5E20) shall be used by the	95573
Controlling Board, pursuant to requests submitted by state	95574
agencies, to transfer cash used for the payment of state agency	95575
disaster relief program expenses for disasters that have a written	95576
Governor's authorization, if the Director of Budget and Management	95577
determines that sufficient funds exist.	95578

Pursuant to requests submitted by the Department of Public	95579
Safety, the Controlling Board may approve cash transfers from Fund	95580
5E20 to any fund used by the Department of Public Safety to	95581
provide for assistance to political subdivisions made necessary by	95582
natural disasters or emergencies. These cash transfers may be	95583
requested and approved prior to the occurrence of any specific	95584
natural disasters or emergencies in order to facilitate the	95585
provision of timely assistance. The Emergency Management Agency of	95586

the Department of Public Safety shall use the cash to fund the 95587
State Disaster Relief Program for disasters that qualify for the 95588
program by written authorization of the Governor, and the State 95589
Individual Assistance Program for disasters that been declared by 95590
the federal Small Business Administration and that qualify for the 95591
program by written authorization from the Governor. The Ohio 95592
Emergency Management Agency shall publish and make available 95593
application packets outlining procedures for the State Disaster 95594
Relief Program and the State Individual Assistance Program. 95595

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 95596

Dedicated Purpose Fund Group 95597
4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760 95598
TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760 95599
Group
TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760 95600

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 95602
AND FAMILY THERAPIST BOARD 95603

Dedicated Purpose Fund Group 95604
4K90 899609 Operating Expenses \$ 934,315 \$ 0 95605
TOTAL DPF Dedicated Purpose Fund \$ 934,315 \$ 0 95606
Group
TOTAL ALL BUDGET FUND GROUPS \$ 934,315 \$ 0 95607

Section 253.10. CLA COURT OF CLAIMS 95609

General Revenue Fund 95610
GRF 015321 Operating Expenses \$ 2,671,398 \$ 2,764,696 95611
GRF 015403 Public Records \$ 526,599 \$ 547,492 95612
Adjudication
TOTAL GRF General Revenue Fund \$ 3,197,997 \$ 3,312,188 95613
Dedicated Purpose Fund Group 95614

5K20 015603	CLA Victims of Crime	\$	462,515	\$	480,463	95615
TOTAL DPF Dedicated Purpose Fund		\$	462,515	\$	480,463	95616
Group						

TOTAL ALL BUDGET FUND GROUPS		\$	3,660,512	\$	3,792,651	95617

PUBLIC RECORDS ADJUDICATION						95618

The foregoing appropriation item 015403, Public Records						95619
Adjudication, shall be used by the Court of Claims to perform its						95620
duties and responsibilities as directed by S.B. 321 of the 131st						95621
General Assembly.						95622

Section 255.10. DEN STATE DENTAL BOARD						95623

Dedicated Purpose Fund Group						95624

4K90 880609	Operating Expenses	\$	1,754,868	\$	1,830,082	95625

TOTAL DPF Dedicated Purpose Fund		\$	1,754,868	\$	1,830,082	95626

Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,754,868	\$	1,830,082	95627

Section 257.10. BDP BOARD OF DEPOSIT						95629

Dedicated Purpose Fund Group						95630

4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	95631

TOTAL DPF Dedicated Purpose Fund		\$	1,876,000	\$	1,876,000	95632

Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,876,000	\$	1,876,000	95633

BOARD OF DEPOSIT EXPENSE FUND						95634

Upon receiving certification of expenses from the Treasurer						95635
of State, the Director of Budget and Management shall transfer						95636
cash from the Investment Earnings Redistribution Fund (Fund 6080)						95637
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund						95638
shall be used pursuant to section 135.02 of the Revised Code to						95639
pay for any and all necessary expenses of the Board of Deposit or						95640
for banking charges and fees required for the operation of the						95641
State of Ohio Regular Account.						95642

Section 259.10. DEV DEVELOPMENT SERVICES AGENCY					95643
General Revenue Fund					95644
GRF	195402	Coal Research and Development Program	\$ 234,400	\$ 234,400	95645
GRF	195405	Minority Business Development	\$ 1,722,191	\$ 1,722,191	95646
GRF	195415	Business Development Services	\$ 3,308,187	\$ 3,308,187	95647
GRF	195426	Redevelopment Assistance	\$ 850,000	\$ 1,100,000	95648
GRF	195453	Technology Programs and Grants	\$ 14,024,956	\$ 13,774,956	95649
GRF	195454	Small Business and Export Assistance	\$ 3,807,174	\$ 3,807,174	95650
GRF	195455	Appalachian Assistance	\$ 5,748,749	\$ 5,748,749	95651
GRF	195497	CDBG Operating Match	\$ 1,053,200	\$ 1,053,200	95652
GRF	195537	Ohio-Israel Agricultural Initiative	\$ 200,000	\$ 200,000	95653
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$ 6,319,500	\$ 7,820,600	95654
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$ 87,015,000	\$ 95,039,900	95655
GRF	195912	Job Ready Site Development General Obligation Bond Debt	\$ 11,092,900	\$ 12,380,400	95656

Service				
TOTAL GRF General Revenue Fund	\$	135,376,257	\$	146,189,757 95657
Dedicated Purpose Fund Group				95658
4500 195624 Minority Business	\$	74,905	\$	74,905 95659
Bonding Program				
Administration				
4510 195649 Business Assistance	\$	4,000,000	\$	4,000,000 95660
Programs				
4F20 195639 State Special Projects	\$	102,104	\$	102,104 95661
4F20 195699 Utility Community	\$	500,000	\$	500,000 95662
Assistance				
4W10 195646 Minority Business	\$	4,000,000	\$	4,000,000 95663
Enterprise Loan				
5CG0 195679 Alternative Fuel	\$	3,000,000	\$	3,000,000 95664
Transportation				
5JR0 195635 Tax Incentives	\$	800,000	\$	800,000 95665
Operating				
5KN0 195640 Local Government	\$	5,275,000	\$	5,275,000 95666
Innovation				
5KP0 195645 Historic	\$	1,000,000	\$	1,000,000 95667
Rehabilitation				
Operating				
5M40 195659 Low Income Energy	\$	370,000,000	\$	370,000,000 95668
Assistance (USF)				
5M50 195660 Advanced Energy Loan	\$	10,000,000	\$	10,000,000 95669
Programs				
5MH0 195644 SiteOhio	\$	25,000	\$	25,000 95670
Administration				
5MJ0 195683 TourismOhio	\$	10,000,000	\$	10,000,000 95671
Administration				
5W50 195690 Travel and Tourism	\$	150,000	\$	150,000 95672
Cooperative Projects				
5W60 195691 International Trade	\$	18,000	\$	18,000 95673

		Cooperative Projects				
6170	195654	Volume Cap	\$	32,562	\$	32,562 95674
		Administration				
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000 95675
		Income Housing				
		Programs				
M087	195435	Biomed Research and	\$	500,000	\$	500,000 95676
		Technology Transfer				
TOTAL DPF Dedicated Purpose Fund Group			\$	462,477,571	\$	462,477,571 95677
Internal Service Activity Fund Group						95678
1350	195684	Development Services	\$	10,800,000	\$	10,800,000 95679
		Operations				
6850	195636	Development Services	\$	700,000	\$	700,000 95680
		Reimbursable				
		Expenditures				
TOTAL ISA Internal Service Activity Fund Group			\$	11,500,000	\$	11,500,000 95681
Facilities Establishment Fund Group						95682
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000 95683
		Program				
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000 95684
7010	195665	Research and	\$	10,000,000	\$	10,000,000 95685
		Development				
7037	195615	Facilities	\$	35,000,000	\$	35,000,000 95686
		Establishment				
TOTAL FCE Facilities Establishment Fund Group			\$	58,000,000	\$	58,000,000 95687
Bond Research and Development Fund Group						95688
7011	195686	Third Frontier Tax	\$	750,000	\$	750,000 95689
		Exempt - Operating				
7011	195687	Third Frontier	\$	35,000,000	\$	35,000,000 95690

		Research and Development Projects				
7014	195620	Third Frontier	\$	1,710,000	\$	1,710,000 95691
		Taxable - Operating				
7014	195692	Research and	\$	90,850,250	\$	90,850,250 95692
		Development Taxable				
		Bond Projects				
TOTAL BRD Bond Research and Development Fund Group			\$	128,310,250	\$	128,310,250 95693
Capital Projects Fund Group						95694
7003	195663	Clean Ohio	\$	600,000	\$	0 95695
		Revitalization				
		Operating				
TOTAL CPF Capital Projects Fund Group			\$	600,000	\$	0 95696
Federal Fund Group						95697
3080	195603	Housing Assistance	\$	12,000,000	\$	12,000,000 95698
		Programs				
3080	195609	Small Business	\$	5,271,381	\$	5,271,381 95699
		Administration Grants				
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000 95700
3080	195670	Home Weatherization	\$	20,000,000	\$	20,000,000 95701
		Programs				
3080	195671	Brownfield	\$	3,000,000	\$	3,000,000 95702
		Redevelopment				
3080	195672	Manufacturing	\$	5,500,000	\$	5,500,000 95703
		Extension Partnership				
3080	195675	Procurement Technical	\$	750,000	\$	750,000 95704
		Assistance				
3080	195696	State Trade and	\$	800,000	\$	800,000 95705
		Export Promotion				
3350	195610	Energy Programs	\$	200,000	\$	200,000 95706

3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	95707
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	95708
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	95709
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	95710
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	95711
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	95712
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	95713
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000	95714
TOTAL FED	Federal Fund Group		\$	373,226,779	\$	373,226,779	95715
TOTAL ALL BUDGET FUND GROUPS			\$	1,169,490,857	\$	1,179,704,357	95716

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 95718

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 95719
95720
95721
95722

MINORITY BUSINESS DEVELOPMENT 95723

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation 95724
95725
95726
95727
95728
95729

item 195454, Small Business and Export Assistance.	95730
BUSINESS DEVELOPMENT SERVICES	95731
The foregoing appropriation item 195415, Business Development	95732
Services, shall be used for the operating expenses of the Business	95733
Services Division and the regional economic development offices.	95734
REDEVELOPMENT ASSISTANCE	95735
The foregoing appropriation item 195426, Redevelopment	95736
Assistance, shall be used to fund the costs of administering the	95737
energy, redevelopment, and other revitalization programs that may	95738
be implemented by the Development Services Agency, and may be used	95739
to match federal grant funding.	95740
TECHNOLOGY PROGRAMS AND GRANTS	95741
Of the foregoing appropriation item 195453, Technology	95742
Programs and Grants, up to \$547,341 in each fiscal year shall be	95743
used for operating expenses incurred in administering the Ohio	95744
Third Frontier pursuant to sections 184.10 to 184.20 of the	95745
Revised Code; up to \$10,000,000 in each fiscal year shall be used	95746
pursuant to sections 122.28 to 122.36 of the Revised Code, of	95747
which not more than ten per cent shall be used for operating	95748
expenses incurred in administering the program.	95749
SMALL BUSINESS AND EXPORT ASSISTANCE	95750
The foregoing appropriation item 195454, Small Business and	95751
Export Assistance, may be used to provide a range of business	95752
assistance, including grants to local organizations to support	95753
economic development activities that promote small business	95754
development, entrepreneurship, and exports of Ohio's goods and	95755
services, in conjunction with local organizations funded through	95756
appropriation item 195405, Minority Business Development. The	95757
foregoing appropriation item shall also be used as matching funds	95758
for grants from the United States Small Business Administration	95759

and other federal agencies, pursuant to Public Law No. 96-302 as 95760
amended by Public Law No. 98-395, and regulations and policy 95761
guidelines for the programs pursuant thereto. 95762

APPALACHIAN ASSISTANCE 95763

The foregoing appropriation item 195455, Appalachian 95764
Assistance, may be used for the administrative costs of planning 95765
and liaison activities for the Governor's Office of Appalachia, to 95766
provide financial assistance to projects in Ohio's Appalachian 95767
counties, to support four local development districts, and to pay 95768
dues for the Appalachian Regional Commission. These funds may be 95769
used to match federal funds from the Appalachian Regional 95770
Commission. Programs funded through the foregoing appropriation 95771
item shall be identified and recommended by the local development 95772
districts and approved by the Governor's Office of Appalachia. The 95773
Development Services Agency shall conduct compliance and 95774
regulatory review of the programs recommended by the local 95775
development districts. Moneys allocated under the foregoing 95776
appropriation item may be used to fund projects including, but not 95777
limited to, those designated by the local development districts as 95778
community investment and rapid response projects. 95779

Of the foregoing appropriation item 195455, Appalachian 95780
Assistance, in each fiscal year, \$170,000 shall be allocated to 95781
the Ohio Valley Regional Development Commission, \$170,000 shall be 95782
allocated to the Ohio Mid-Eastern Government Association, \$170,000 95783
shall be allocated to the Buckeye Hills-Hocking Valley Regional 95784
Development District, and \$70,000 shall be allocated to the 95785
Eastgate Regional Council of Governments. Local development 95786
districts receiving funding under this section shall use the funds 95787
for the implementation and administration of programs and duties 95788
under section 107.21 of the Revised Code. 95789

CDBG OPERATING MATCH 95790

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued

under sections 151.01 and 151.11 of the Revised Code. 95821

Section 259.30. MINORITY BUSINESS BONDING FUND 95822

Notwithstanding Chapters 122., 169., and 175. of the Revised 95823
Code, the Director of Development Services may, upon the 95824
recommendation of the Minority Development Financing Advisory 95825
Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal 95826
year 2019 biennium of unclaimed funds administered by the Director 95827
of Commerce and allocated to the Minority Business Bonding Program 95828
under section 169.05 of the Revised Code. 95829

If needed for the payment of losses arising from the Minority 95830
Business Bonding Program, the Director of Budget and Management 95831
may, at the request of the Director of Development Services, 95832
request that the Director of Commerce transfer unclaimed funds 95833
that have been reported by holders of unclaimed funds under 95834
section 169.05 of the Revised Code to the Minority Bonding Fund 95835
(Fund 4490). The transfer of unclaimed funds shall only occur 95836
after proceeds of the initial transfer of \$2,700,000 by the 95837
Controlling Board to the Minority Business Bonding Program have 95838
been used for that purpose. If expenditures are required for 95839
payment of losses arising from the Minority Business Bonding 95840
Program, such expenditures shall be made from appropriation item 95841
195658, Minority Business Bonding Contingency in the Minority 95842
Business Bonding Fund, and such amounts are hereby appropriated. 95843

BUSINESS ASSISTANCE PROGRAMS 95844

The foregoing appropriation item 195649, Business Assistance 95845
Programs, shall be used for administrative expenses associated 95846
with the operation of loan incentives within the Office of 95847
Strategic Business Investments. 95848

STATE SPECIAL PROJECTS 95849

The State Special Projects Fund (Fund 4F20), may be used for 95850

the deposit of private-sector funds from utility companies and for 95851
the deposit of other miscellaneous state funds. State moneys so 95852
deposited may also be used to match federal grants and to support 95853
low-income energy assistance programs. 95854

MINORITY BUSINESS ENTERPRISE LOAN 95855

All repayments from the Minority Development Financing 95856
Advisory Board Loan Program shall be deposited in the State 95857
Treasury to the credit of the Minority Business Enterprise Loan 95858
Fund (Fund 4W10). 95859

TAX INCENTIVES OPERATING 95860

On July 1, 2017, or as soon as possible thereafter, the 95861
Director of Budget and Management shall transfer \$700,000 cash 95862
from Fund 5MK0 to Fund 5JR0. 95863

LOCAL GOVERNMENT INNOVATION FUND 95864

The foregoing appropriation item 195640, Local Government 95865
Innovation, shall be used for the purposes of making loans and 95866
grants to political subdivisions under the Local Government 95867
Innovation Program in accordance with sections 189.01 to 189.10 of 95868
the Revised Code. Of the foregoing appropriation item 195640, 95869
Local Government Innovation, up to \$275,000 in each fiscal year 95870
shall be used for administrative costs. 95871

ADVANCED ENERGY LOAN PROGRAMS 95872

The foregoing appropriation item 195660, Advanced Energy Loan 95873
Programs, shall be used to provide financial assistance to 95874
customers for eligible advanced energy projects for residential, 95875
commercial, and industrial business, local government, educational 95876
institution, nonprofit, and agriculture customers. The 95877
appropriation item may be used to match federal grant funding and 95878
to pay for the program's administrative costs as provided in 95879
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 95880

by the Director of Development Services. 95881

On July 1, 2017, or as soon as possible thereafter, the 95882
Director of Budget and Management shall transfer cash in an amount 95883
equal to the unexpended, unencumbered balance of the Advanced 95884
Energy Research and Development Taxable Fund (Fund 7004), from 95885
Fund 7004 to the Advanced Energy Fund (Fund 5M50). 95886

TRAVEL AND TOURISM COOPERATIVE PROJECTS 95887

The foregoing appropriation item 195690, Travel and Tourism 95888
Cooperative Projects, shall be used for the marketing and 95889
promotion of travel and tourism in Ohio. The Travel and Tourism 95890
Cooperative Projects Fund (Fund 5W50) shall consist solely of 95891
leveraged private sector paid advertising dollars received in 95892
tourism marketing assistance and co-op programs. 95893

VOLUME CAP ADMINISTRATION 95894

The foregoing appropriation item 195654, Volume Cap 95895
Administration, shall be used for expenses related to the 95896
administration of the Volume Cap Program. Revenues received by the 95897
Volume Cap Administration Fund (Fund 6170) shall consist of 95898
application fees, forfeited deposits, and interest earned from the 95899
custodial account held by the Treasurer of State. 95900

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 95901

The Director of Development Services may assess offices of 95902
the agency for the cost of central service operations. An 95903
assessment shall contain the characteristics of administrative 95904
ease and uniform application. A division's payments shall be 95905
credited to the Supportive Services Fund (Fund 1350) using an 95906
intrastate transfer voucher. 95907

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 95908

The foregoing appropriation item 195636, Development Services 95909
Reimbursable Expenditures, shall be used for reimbursable costs 95910

incurred by the agency. Revenues to the General Reimbursement Fund 95911
(Fund 6850) shall consist of moneys charged for administrative 95912
costs that are not central service costs and repayments of loans, 95913
including the interest thereon, made from the Water and Sewer Fund 95914
(Fund 4440). 95915

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 95916

The foregoing appropriation item 195628, Capital Access Loan 95917
Program, shall be used for operating, program, and administrative 95918
expenses of the program. Funds of the Capital Access Loan Program 95919
shall be used to assist participating financial institutions in 95920
making program loans to eligible businesses that face barriers in 95921
accessing working capital and obtaining fixed-asset financing. 95922

The Director of Budget and Management may transfer an amount 95923
not to exceed \$1,000,000 cash in each fiscal year from the 95924
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 95925
Access Loan Fund (Fund 5S90). 95926

INNOVATION OHIO 95927

The foregoing appropriation item 195664, Innovation Ohio, 95928
shall be used to provide for Innovation Ohio purposes, including 95929
loan guarantees and loans under Chapter 166. and particularly 95930
sections 166.12 to 166.16 of the Revised Code. 95931

RESEARCH AND DEVELOPMENT 95932

The foregoing appropriation item 195665, Research and 95933
Development, shall be used to provide for research and development 95934
purposes, including loans, under Chapter 166. and particularly 95935
sections 166.17 to 166.21 of the Revised Code. 95936

FACILITIES ESTABLISHMENT 95937

The foregoing appropriation item 195615, Facilities 95938
Establishment, shall be used for the purposes of the Facilities 95939
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 95940

Code.	95941
TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND	95942
Notwithstanding Chapter 166. of the Revised Code, an amount	95943
not to exceed \$3,500,000 in cash in each fiscal year may be	95944
transferred from the Facilities Establishment Fund (Fund 7037) to	95945
the Business Assistance Fund (Fund 4510). The transfer is subject	95946
to Controlling Board approval under division (B) of section 166.03	95947
of the Revised Code.	95948
Notwithstanding Chapter 166. of the Revised Code, the	95949
Director of Budget and Management may transfer an amount not to	95950
exceed \$2,000,000 in cash in each fiscal year from the Facilities	95951
Establishment Fund (Fund 7037) to the Minority Business Enterprise	95952
Loan Fund (Fund 4W10).	95953
Notwithstanding Chapter 166. of the Revised Code, the	95954
Director of Budget and Management may transfer an amount not to	95955
exceed \$2,000,000 in cash in each fiscal year from the Facilities	95956
Establishment Fund (Fund 7037) to the Capital Access Loan Fund	95957
(Fund 5S90).	95958
Section 259.60. THIRD FRONTIER OPERATING COSTS	95959
The foregoing appropriation items 195686, Third Frontier Tax	95960
Exempt - Operating, and 195620, Third Frontier Taxable -	95961
Operating, shall be used for operating expenses incurred by the	95962
Development Services Agency in administering projects pursuant to	95963
sections 184.10 to 184.20 of the Revised Code. Operating expenses	95964
paid from appropriation item 195686 shall be limited to the	95965
administration of projects funded from the Third Frontier Research	95966
& Development Fund (Fund 7011) and operating expenses paid from	95967
appropriation item 195620 shall be limited to the administration	95968
of projects funded from the Third Frontier Research & Development	95969
Taxable Bond Project Fund (Fund 7014).	95970

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 95971
PROJECTS 95972

The foregoing appropriation items 195687, Third Frontier 95973
Research & Development Projects, and 195692, Research & 95974
Development Taxable Bond Projects, shall be used by the 95975
Development Services Agency to fund selected projects which may 95976
include the Ohio Tech Internship Program. Eligible costs are those 95977
costs of research and development projects to which the proceeds 95978
of the Third Frontier Research & Development Fund (Fund 7011) and 95979
the Research & Development Taxable Bond Project Fund (Fund 7014) 95980
are to be applied. 95981

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 95982

The Director of Budget and Management may approve written 95983
requests from the Director of Development Services for the 95984
transfer of appropriations between appropriation items 195687, 95985
Third Frontier Research & Development Projects, and 195692, 95986
Research & Development Taxable Bond Projects, based upon awards 95987
recommended by the Third Frontier Commission. 95988

In fiscal year 2019, the Director of Development Services may 95989
request that the Director of Budget and Management reappropriate 95990
any unexpended, unencumbered balances of the prior fiscal year's 95991
appropriation to the foregoing appropriation items 195687, Third 95992
Frontier Research & Development Projects, and 195692, Research & 95993
Development Taxable Bond Projects, for fiscal year 2019. The 95994
Director of Budget and Management may request additional 95995
information necessary for evaluating these requests, and the 95996
Director of Development Services shall provide the requested 95997
information to the Director of Budget and Management. Based on the 95998
information provided by the Director of Development Services, the 95999
Director of Budget and Management shall determine the amounts to 96000
be reappropriated, and those amounts are hereby reappropriated for 96001
fiscal year 2019. 96002

Section 259.70. CLEAN OHIO REVITALIZATION OPERATING 96003

The foregoing appropriation item 195663, Clean Ohio 96004
Revitalization Operating, shall be used by the Development 96005
Services Agency in administering Clean Ohio Revitalization Fund 96006
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 96007
Revised Code. 96008

Section 259.80. HEAP WEATHERIZATION 96009

Up to fifteen per cent of the federal funds deposited to the 96010
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 96011
may be expended from appropriation item 195614, HEAP 96012
Weatherization, to provide home weatherization services in the 96013
state as determined by the Director of Development Services. Any 96014
transfers or increases in appropriation for the foregoing 96015
appropriation items 195614, HEAP Weatherization, or 195611, Home 96016
Energy Assistance Block Grant, shall be subject to approval by the 96017
Controlling Board. 96018

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 96019

General Revenue Fund 96020

GRF 320412 Protective Services \$ 2,418,196 \$ 2,418,196 96021

GRF 320415 Developmental \$ 20,323,000 \$ 19,426,900 96022

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322420 Screening & Early \$ 300,999 \$ 300,999 96023

Identification

GRF 322421 Part C Early \$ 11,109,909 \$ 11,109,909 96024

Intervention

GRF 322422 Multi System Youth \$ 2,000,000 \$ 2,000,000 96025

GRF 322451 Family Support \$ 5,932,758 \$ 5,932,758 96026

		Services					
GRF	322501	County Boards	\$	44,149,280	\$	44,149,280	96027
		Subsidies					
GRF	322507	County Board Case	\$	2,500,000	\$	2,500,000	96028
		Management					
GRF	322508	Employment First	\$	2,808,362	\$	2,808,362	96029
		Initiative					
GRF	322509	Community Supports &	\$	750,000	\$	750,000	96030
		Rental Assistance					
GRF	653321	Medicaid Program	\$	7,771,430	\$	7,771,430	96031
		Support - State					
GRF	653407	Medicaid Services	\$	581,525,649	\$	601,525,649	96032
TOTAL GRF		General Revenue Fund	\$	681,589,583	\$	700,693,483	96033
		Dedicated Purpose Fund Group					96034
5GE0	320606	Central Office	\$	14,339,487	\$	14,339,487	96035
		Operating Expenses					
5QM0	320607	System Transformation	\$	1,000,000	\$	0	96036
		Supports					
2210	322620	Supplement Service	\$	500,000	\$	500,000	96037
		Trust					
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000	96038
		Facilities					
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	96039
4890	653632	Developmental Centers	\$	10,718,092	\$	10,718,092	96040
		Direct Care Services					
5EV0	653627	Medicaid Program	\$	1,500,000	\$	1,500,000	96041
		Support					
5GE0	653606	ICF/IID and Waiver	\$	38,406,616	\$	39,614,603	96042
		Match					
5S20	653622	Medicaid	\$	21,000,000	\$	21,000,000	96043
		Administration &					
		Oversight					
5Z10	653624	County Board Waiver	\$	340,210,215	\$	374,726,690	96044

Match					
TOTAL DPF Dedicated Purpose Fund	\$	429,324,410	\$	464,048,872	96045
Group					
Internal Service Activity Fund Group					96046
1520 653609 DC and Residential	\$	17,000,000	\$	9,000,000	96047
Facilities Operating					
Services					
TOTAL ISA Internal Service Activity	\$	17,000,000	\$	9,000,000	96048
Fund Group					
Federal Fund Group					96049
3250 322612 Community Social	\$	27,677,572	\$	27,677,572	96050
Service Programs					
3A40 653654 Medicaid Services	\$	1,683,779,023	\$	1,751,089,044	96051
3A40 653655 Medicaid Support	\$	62,974,750	\$	64,005,945	96052
3A50 320613 Developmental	\$	3,324,187	\$	3,324,187	96053
Disabilities Council					
TOTAL FED Federal Fund Group	\$	1,777,755,532	\$	1,846,096,748	96054
TOTAL ALL BUDGET FUND GROUPS	\$	2,905,669,525	\$	3,019,839,103	96055

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 96057

LEASE-RENTAL BOND PAYMENTS 96058

The foregoing appropriation item 320415, Developmental 96059
Disabilities Facilities Lease Rental Bond Payments, shall be used 96060
to meet all payments during the period from July 1, 2017, through 96061
June 30, 2019, by the Department of Developmental Disabilities 96062
under leases and agreements made under section 154.20 of the 96063
Revised Code. These appropriations are the source of funds pledged 96064
for bond service charges on related obligations issued under 96065
Chapter 154. of the Revised Code. 96066

Section 261.30. SCREENING AND EARLY IDENTIFICATION 96067

At the discretion of the Director of Developmental 96068

Disabilities, the foregoing appropriation item 322420, Screening 96069
and Early Identification, shall be used for professional and 96070
program development related to early identification/screening and 96071
intervention for children with autism and other complex 96072
developmental disabilities and their families. 96073

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 96074

The foregoing appropriation item 322451, Family Support 96075
Services, may be used as follows in fiscal year 2018 and fiscal 96076
year 2019: 96077

(A) The appropriation item may be used to provide a subsidy 96078
to county boards of developmental disabilities for family support 96079
services provided under section 5126.11 of the Revised Code. The 96080
subsidy shall be paid in quarterly installments and allocated to 96081
county boards according to a formula the Director of Developmental 96082
Disabilities shall develop in consultation with representatives of 96083
county boards. A county board shall use not more than seven per 96084
cent of its subsidy for administrative costs. 96085

(B) The appropriation item may be used to distribute funds to 96086
county boards for the purpose of addressing economic hardships and 96087
to promote efficiency of operations. In consultation with 96088
representatives of county boards, the Director shall determine the 96089
amount of funds to distribute for these purposes and the criteria 96090
for distributing the funds. 96091

Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS 96092

(A) Except as provided in the section of this act titled 96093
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 96094
appropriation item 322501, County Boards Subsidies, shall be used 96095
for the following purposes: 96096

(1) To provide a subsidy to county boards of developmental 96097
disabilities in quarterly installments and allocated according to 96098

a formula developed by the Director of Developmental Disabilities 96099
in consultation with representatives of county boards. Except as 96100
provided in section 5126.0511 of the Revised Code or in division 96101
(B) of this section, county boards shall use the subsidy for early 96102
childhood services and adult services provided under section 96103
5126.05 of the Revised Code, service and support administration 96104
provided under section 5126.15 of the Revised Code, or supported 96105
living as defined in section 5126.01 of the Revised Code. 96106

(2) To provide funding, as determined necessary by the 96107
Director, for residential services, including room and board, and 96108
support service programs that enable individuals with 96109
developmental disabilities to live in the community. 96110

(3) To distribute funds to county boards of developmental 96111
disabilities to address economic hardships and promote efficiency 96112
of operations. The Director shall determine, in consultation with 96113
representatives of county boards, the amount of funds to 96114
distribute for these purposes and the criteria for distributing 96115
the funds. 96116

(B) In collaboration with the county's family and children 96117
first council, a county board of developmental disabilities may 96118
transfer portions of funds received under this section, to a 96119
flexible funding pool in accordance with the section of this act 96120
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 96121

Section 261.60. EMPLOYMENT FIRST INITIATIVE 96122

The foregoing appropriation item 322508, Employment First 96123
Initiative, shall be used to increase employment opportunities for 96124
individuals with developmental disabilities through the Employment 96125
First Initiative in accordance with section 5123.022 of the 96126
Revised Code. 96127

Of the foregoing appropriation item, 322508, Employment First 96128

Initiative, the Director of Developmental Disabilities shall 96129
transfer, in each fiscal year, to the Opportunities for Ohioans 96130
with Disabilities Agency an amount agreed upon by the Director of 96131
Developmental Disabilities and the Executive Director of the 96132
Opportunities for Ohioans with Disabilities Agency. The transfer 96133
shall be made via an intrastate transfer voucher. The transferred 96134
funds shall be used to support the Employment First Initiative. 96135
The Opportunities for Ohioans with Disabilities Agency shall use 96136
the funds transferred as state matching funds to obtain available 96137
federal grant dollars for vocational rehabilitation services. Any 96138
federal match dollars received by the Opportunities for Ohioans 96139
with Disabilities Agency shall be used for the initiative. The 96140
Director of Developmental Disabilities and the Executive Director 96141
of the Opportunities for Ohioans with Disabilities Agency shall 96142
enter into an interagency agreement in accordance with section 96143
3304.181 of the Revised Code that will specify the 96144
responsibilities of each agency under the initiative. Under the 96145
interagency agreement, the Opportunities for Ohioans with 96146
Disabilities Agency shall retain responsibility for eligibility 96147
determination, order of selection, plan approval, plan amendment, 96148
and release of vendor payments. 96149

The remainder of appropriation item 322508, Employment First 96150
Initiative, shall be used to develop a long-term, sustainable 96151
system that places individuals with developmental disabilities in 96152
community employment, as defined in section 5123.022 of the 96153
Revised Code. 96154

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 96155

The foregoing appropriation item 322509, Community Supports 96156
and Rental Assistance, may be used by the Director of 96157
Developmental Disabilities to provide funding to county boards of 96158
developmental disabilities for rental assistance to individuals 96159

with developmental disabilities receiving home and community-based 96160
services as defined in section 5123.01 of the Revised Code 96161
pursuant to section 5124.60 of the Revised Code or section 5124.69 96162
of the Revised Code and individuals with developmental 96163
disabilities who enroll in a Medicaid waiver component providing 96164
home and community-based services after receiving preadmission 96165
counseling pursuant to section 5124.68 of the Revised Code. The 96166
Director shall establish the methodology for determining the 96167
amount and distribution of such funding. 96168

Section 261.80. MEDICAID SERVICES 96169

(A) As used in this section: 96170

(1) "Home and community-based services" has the same meaning 96171
as in section 5123.01 of the Revised Code. 96172

(2) "ICF/IID services" has the same meaning as in section 96173
5124.01 of the Revised Code. 96174

(B) Except as provided in section 5123.0416 of the Revised 96175
Code, the purposes for which the foregoing appropriation item 96176
653407, Medicaid Services, shall be used include the following: 96177

(1) Home and community-based services; 96178

(2) Implementation of the requirements of the agreement 96179
settling the consent decree in Sermak v. Manuel, Case No. 96180
C-2-80-220, United States District Court for the Southern District 96181
of Ohio, Eastern Division; 96182

(3) Implementation of the requirements of the agreement 96183
settling the consent decree in the Martin v. Strickland, Case No. 96184
89-CV-00362, United States District Court for the Southern 96185
District of Ohio, Eastern Division; 96186

(4) ICF/IID services; 96187

(5) Up to \$3,000,000 in each fiscal year shall be used to 96188

increase employment opportunities for Medicaid-eligible 96189
individuals with developmental disabilities through the Employment 96190
First Initiative; 96191

(6) Up to \$14,000,000 in each fiscal year may be used to 96192
distribute funds to county boards of developmental disabilities to 96193
address economic hardships and promote efficiency of operations, 96194
notwithstanding section 5126.18 of the Revised Code. The Director 96195
of Developmental Disabilities shall determine, in consultation 96196
with representatives of county boards, the amount of funds to 96197
distribute for these purposes and the criteria for distributing 96198
the funds; and 96199

(7) Other programs as identified by the Director of 96200
Developmental Disabilities. 96201

Section 261.90. CENTRAL OFFICE OPERATING EXPENSES 96202

Of the foregoing appropriation item 320606, Central Office 96203
Operating Expenses, \$100,000 in each fiscal year shall be provided 96204
to the Ohio Center for Autism and Low Incidence to establish a 96205
lifespan autism hub to support families and professionals. 96206

Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT 96207
SERVICES 96208

Any county funds received by the Department of Developmental 96209
Disabilities from county boards of developmental disabilities for 96210
active treatment shall be deposited in the Developmental 96211
Disabilities Operating Fund (Fund 4890). 96212

Section 261.110. SYSTEM TRANSFORMATION SUPPORTS 96213

The foregoing appropriation item 320607 (Fund 5QM0), System 96214
Transformation Supports, may be used by the Director of 96215
Developmental Disabilities as follows: 96216

(A) To purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

(B) To fund other system transformation initiatives identified by the Director.

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS

The foregoing appropriation item 322612, Community Social Service Programs, may be used by the Director of Developmental Disabilities to purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in Ohio. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds which are in a residential facility of sixteen beds or greater. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section.

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES

Developmental centers of the Department of Developmental Disabilities may provide services to persons with developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2018 and fiscal year 2019, the Director of Developmental Disabilities may authorize the continuation or

implementation of one or more innovative pilot projects that, in 96276
the judgment of the Director, are likely to assist in promoting 96277
the objectives of Chapter 5123. or 5126. of the Revised Code. 96278
Subject to division (B) of this section and notwithstanding any 96279
provision of Chapters 5123. and 5126. of the Revised Code and any 96280
rule adopted under either chapter, a pilot project authorized by 96281
the Director may be continued or implemented in a manner 96282
inconsistent with one or more provisions of either chapter or one 96283
or more rules adopted under either chapter. Before authorizing a 96284
pilot program, the Director shall consult with entities interested 96285
in the issue of developmental disabilities, including the Ohio 96286
Provider Resource Association, Ohio Association of County Boards 96287
of Developmental Disabilities, Ohio Health Care Association/Ohio 96288
Centers for Intellectual Disabilities, the Values and Faith 96289
Alliance, and ARC of Ohio. 96290

(B) The Director may not authorize a pilot project to be 96291
implemented in a manner that would cause the state to be out of 96292
compliance with any requirements for a program funded in whole or 96293
in part with federal funds. 96294

Section 261.170. FISCAL YEAR 2018 MEDICAID PAYMENT RATES FOR 96295
ICFs/IID IN PEER GROUPS 1 AND 2 96296

(A) As used in this section: 96297

(1) "Change of operator," "entering operator," "exiting 96298
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 96299
group 1," "peer group 2," "peer group 3," "provider," and 96300
"provider agreement" have the same meanings as in section 5124.01 96301
of the Revised Code. 96302

(2) "Franchise permit fee" means the fee imposed by sections 96303
5168.60 to 5168.71 of the Revised Code. 96304

(B)(1) This section applies to each ICF/IID that is in peer 96305

group 1 or peer group 2 and to which any of the following applies: 96306

(a) The provider of the ICF/IID has a valid Medicaid provider 96307
agreement for the ICF/IID on June 30, 2017, and a valid Medicaid 96308
provider agreement for the ICF/IID during fiscal year 2018. 96309

(b) The ICF/IID undergoes a change of operator that takes 96310
effect during fiscal year 2018, the exiting operator has a valid 96311
Medicaid provider agreement for the ICF/IID on the day immediately 96312
preceding the effective date of the change of operator, and the 96313
entering operator has a valid Medicaid provider agreement for the 96314
ICF/IID during fiscal year 2018. 96315

(c) The ICF/IID is a new ICF/IID for which the provider 96316
obtains an initial provider agreement during fiscal year 2018. 96317

(2) This section does not apply to an ICF/IID in peer group 96318
3. 96319

(3) The Department of Developmental Disabilities shall follow 96320
this section in determining the rate to be paid for ICF/IID 96321
services provided during fiscal year 2018 by ICFs/IID subject to 96322
this section notwithstanding anything to the contrary in Chapter 96323
5124. of the Revised Code. 96324

(C)(1) Except as otherwise provided in this section, the 96325
provider of an ICF/IID to which this section applies shall be 96326
paid, for ICF/IID services the ICF/IID provides during fiscal year 96327
2018, the total per Medicaid day rate determined for the ICF/IID 96328
under division (C)(2) or (3) of this section. 96329

(2) Except in the case of a new ICF/IID, the fiscal year 2018 96330
total per Medicaid day rate for an ICF/IID to which this section 96331
applies shall be the same as the ICF/IID's total per Medicaid day 96332
rate for ICF/IID services provided on June 30, 2017. However, an 96333
ICF/IID provider may seek reconsideration of the ICF/IID's 96334
Medicaid rate, and the Department may increase the Medicaid rate, 96335
through the rate reconsideration process established under section 96336

5124.38 of the Revised Code if the ICF/IID's most recent case-mix score is at least twenty-five per cent greater than the ICF/IID's case-mix score for the immediately preceding calendar quarter as determined under section 5124.192 of the Revised Code.

(3) The fiscal year 2018 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2018 with the following modifications:

(a) In place of the amount determined under division (B)(1) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for capital costs shall be the median rate for the new ICF/IID's peer group as determined under section 5124.17 of the Revised Code for fiscal year 2017.

(b) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group for calendar year 2015;

(ii) Multiply the median determined under division (C)(3)(b)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2015;

(iii) Multiply the product determined under division (C)(3)(b)(ii) of this section by 1.014.

(c) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following:

(i) If the new ICF/IID is in peer group 1, \$68.98; 96367

(ii) If the new ICF/IID is in peer group 2, \$59.60. 96368

(d) In place of the amount determined under division (B)(4) 96369
of section 5124.151 of the Revised Code, the new ICF/IID's initial 96370
per Medicaid day rate for other protected costs shall be 115 per 96371
cent of the product of the following: 96372

(i) The median rate for ICFs/IID determined under section 96373
5124.23 of the Revised Code for fiscal year 2017; 96374

(ii) 1.014. 96375

(D) If the United States Centers for Medicare and Medicaid 96376
Services requires that the franchise permit fee be reduced or 96377
eliminated, the Department shall reduce the amount it pays ICF/IID 96378
providers under this section as necessary to reflect the loss to 96379
the state of the revenue and federal financial participation 96380
generated from the franchise permit fee. 96381

(E) The Director of Developmental Disabilities may adopt 96382
rules in accordance with Chapter 119. of the Revised Code to 96383
revise for fiscal year 2018 the requirements for ICF/IID providers 96384
to compile under section 5124.191 of the Revised Code complete 96385
assessment data for the residents of the providers' ICFs/IID. The 96386
revisions may require that two different types of assessments be 96387
made and may require that the different types be submitted to the 96388
Department at different times. 96389

(F) Of the foregoing appropriation items 653407, Medicaid 96390
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 96391
Services, portions shall be used to pay the Medicaid payment rates 96392
determined in accordance with this section for ICF/IID services 96393
provided during fiscal year 2018. 96394

Section 261.180. FISCAL YEAR 2019 MEDICAID PAYMENT RATES FOR 96395
ICFs/IID IN PEER GROUPS 1, 2, 3, AND 4 96396

(A) As used in this section:	96397
(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "peer group 4," "peer group 5," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.	96398 96399 96400 96401 96402
(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	96403 96404
(B)(1) This section applies to each ICF/IID that is in peer group 1, peer group 2, peer group 3, or peer group 4, and to which any of the following applies:	96405 96406 96407
(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.	96408 96409 96410
(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.	96411 96412 96413 96414 96415 96416
(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019.	96417 96418
(2) This section does not apply to an ICF/IID in peer group 5.	96419 96420
(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.	96421 96422 96423 96424 96425
(C)(1) Except as otherwise provided in this section, the	96426

provider of an ICF/IID to which this section applies shall be 96427
paid, for ICF/IID services the ICF/IID provides during fiscal year 96428
2019, the total per Medicaid day rate determined for the ICF/IID 96429
under division (C)(2) or (3) of this section. 96430

(2) Except in the case of a new ICF/IID, the fiscal year 2019 96431
total per Medicaid day rate for an ICF/IID to which this section 96432
applies shall be the ICF/IID's total per Medicaid day rate 96433
determined for the ICF/IID in accordance with Chapter 5124. of the 96434
Revised Code, except that the rate shall be not less than 96.5 per 96435
cent nor more than 103.5 per cent of the ICF/IID's total per 96436
Medicaid day rate for ICF/IID services provided on June 30, 2018. 96437

(3) The fiscal year 2019 initial total per Medicaid day rate 96438
for a new ICF/IID to which this section applies shall be the 96439
ICF/IID's initial total per Medicaid day rate determined for the 96440
ICF/IID in accordance with section 5124.151 of the Revised Code 96441
for fiscal year 2019. 96442

(D)(1) If the mean total per Medicaid day rate for all 96443
ICFs/IID to which this section applies, weighted by May 2018 96444
Medicaid days and determined under division (C) of this section as 96445
of July 1, 2018, is other than the amount determined under 96446
division (D)(2) of this section, the Department shall adjust, for 96447
fiscal year 2019, the total per Medicaid day rate for each ICF/IID 96448
to which this section applies by a percentage that is equal to the 96449
percentage by which the mean total per Medicaid day rate is 96450
greater or less than the amount determined under division (D)(2) 96451
of this section. 96452

(2) The amount to be used for the purpose of division (D)(1) 96453
of this section shall be either of the following: 96454

(a) \$297.35 if the ICF/IID Medicaid payment methodology based 96455
on the study required by Section 309.30.80 of Am. Sub. H.B. 153 of 96456
the 129th General Assembly and continued by Section 259.230 of Am. 96457

Sub. H.B. 59 of the 130th General Assembly has been fully 96458
implemented not later than July 1, 2018; 96459

(b) \$290.10 if division (D)(2)(a) of this section does not 96460
apply. 96461

(3) The ICF/IID Medicaid payment methodology specified in 96462
division (D)(2)(a) of this section shall be considered to be fully 96463
implemented for the purpose of that division if both of the 96464
following occur: 96465

(a) All of the following take effect on July 1, 2018: 96466

(i) The amendments by this act to sections 5124.01, 5124.101, 96467
5124.151, and 5124.155 of the Revised Code; 96468

(ii) The amendments by this act to section 5124.15 of the 96469
Revised Code, other than the amendments to division (D) of that 96470
section; 96471

(iii) The amendments by this act to section 5124.21 of the 96472
Revised Code, other than the amendments to division (A) of that 96473
section; 96474

(iv) The outright repeal by this act of section 5124.17 of 96475
the Revised Code; 96476

(v) The new enactment by this act of section 5124.17 of the 96477
Revised Code. 96478

(b) The quality incentive payment rate add on authorized by 96479
section 5124.25 of the Revised Code, as enacted by this act, is to 96480
begin to be part of the total Medicaid payment rates for ICF/IID 96481
services provided on or after July 1, 2019. 96482

(E) If the United States Centers for Medicare and Medicaid 96483
Services requires that the franchise permit fee be reduced or 96484
eliminated, the Department shall reduce the amount it pays ICF/IID 96485
providers under this section as necessary to reflect the loss to 96486
the state of the revenue and federal financial participation 96487

generated from the franchise permit fee. 96488

(F) Of the foregoing appropriation items 653407, Medicaid 96489
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 96490
Services, portions shall be used to pay the Medicaid payment rates 96491
determined in accordance with this section for ICF/IID services 96492
provided during fiscal year 2019. 96493

Section 261.190. ICF/IID MEDICAID RATE WORKGROUP 96494

(A) As used in this section, "ICF/IID," "ICF/IID services," 96495
and "Medicaid-certified capacity" have the same meanings as in 96496
section 5124.01 of the Revised Code. 96497

(B) For the purpose of assisting the Department of 96498
Developmental Disabilities during fiscal year 2018 and fiscal year 96499
2019 with an evaluation of revisions to the formula used to 96500
determine Medicaid payment rates for ICF/IID services, the 96501
Department shall reconvene the workgroup that previously was 96502
convened to assist with implementation of the ICF/IID payment 96503
methodology that was based on the study required by Section 96504
309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly. In 96505
conducting the evaluation, the Department and workgroup shall do 96506
both of the following: 96507

(1) Focus primarily on the service needs of individuals with 96508
complex challenges that ICFs/IID are able to meet; 96509

(2) Pursue the goal of reducing the Medicaid-certified 96510
capacity of individual ICFs/IID and the total number of ICF/IID 96511
beds in the state for the purpose of increasing the service 96512
choices and community integration of individuals eligible for 96513
ICF/IID services. 96514

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 96515

(A) As used in this section, "ICF/IID," "ICF/IID services," 96516

and "Medicaid-certified capacity" have the same meanings as in 96517
section 5124.01 of the Revised Code. 96518

(B) The Director of Developmental Disabilities shall pay the 96519
nonfederal share of a claim for ICF/IID services using funds 96520
specified in division (C) of this section if all of the following 96521
apply: 96522

(1) Medicaid covers the ICF/IID services. 96523

(2) The ICF/IID services are provided to a Medicaid recipient 96524
to whom both of the following apply: 96525

(a) The Medicaid recipient is eligible for the ICF/IID 96526
services; 96527

(b) The Medicaid recipient does not occupy a bed in the 96528
ICF/IID that used to be included in the Medicaid-certified 96529
capacity of another ICF/IID certified by the Director of Health 96530
before June 1, 2003. 96531

(3) The ICF/IID services are provided by an ICF/IID whose 96532
Medicaid certification by the Director of Health was initiated or 96533
supported by a county board of developmental disabilities. 96534

(4) The provider of the ICF/IID services has a valid Medicaid 96535
provider agreement for the services for the time that the services 96536
are provided. 96537

(C) When required by division (B) of this section to pay the 96538
nonfederal share of a claim, the Director of Developmental 96539
Disabilities shall use the following funds to pay the claim: 96540

(1) Funds available from appropriation item 322501, County 96541
Boards Subsidies, that the Director allocates to the county board 96542
that initiated or supported the Medicaid certification of the 96543
ICF/IID that provided the ICF/IID services for which the claim is 96544
made; 96545

(2) If the amount of funds used pursuant to division (C)(1) 96546

of this section is insufficient to pay the claim in full, an 96547
amount of funds that are needed to make up the difference and 96548
available from amounts the Director allocates to other county 96549
boards from appropriation item 322501, County Boards Subsidies. 96550

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 96551
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 96552

(A) As used in this section: 96553

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 96554
that converted some or all of its beds to providing home and 96555
community-based services under the IO Waiver pursuant to section 96556
5124.60 of the Revised Code. 96557

(2) "Developmental center" and "ICF/IID" have the same 96558
meanings as in section 5124.01 of the Revised Code. 96559

(3) "IO Waiver" means the Medicaid waiver component, as 96560
defined in section 5166.01 of the Revised Code, known as 96561
Individual Options. 96562

(4) "Medicaid provider" has the same meaning as in section 96563
5164.01 of the Revised Code. 96564

(5) "Public hospital" has the same meaning as in section 96565
5122.01 of the Revised Code. 96566

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 96567
whom all of the following apply: 96568

(a) The enrollee resided in a developmental center, converted 96569
facility, or public hospital immediately before enrolling in the 96570
IO Wavier. 96571

(b) The enrollee did not receive before July 1, 2011, routine 96572
homemaker/personal care services from the Medicaid provider that 96573
is to be paid the Medicaid rate authorized by this section for 96574
providing such services to the enrollee during the period 96575

specified in division (C) of this section. 96576

(c) The Director of Developmental Disabilities has determined 96577
that the enrollee's special circumstances (including the 96578
enrollee's diagnosis, service needs, or length of stay at the 96579
developmental center, converted facility, or public hospital) 96580
warrants paying the Medicaid rate authorized by this section. 96581

(B) The total Medicaid payment rate for each fifteen minutes 96582
of routine homemaker/personal care services that a Medicaid 96583
provider provides to a qualifying IO enrollee during the period 96584
specified in division (C) of this section shall be fifty-two cents 96585
higher than the Medicaid payment rate in effect on the day the 96586
services are provided for each fifteen minutes of routine 96587
homemaker/personal care services that a Medicaid provider provides 96588
to an IO enrollee who is not a qualifying IO enrollee. 96589

(C) Division (B) of this section applies to the first twelve 96590
months, consecutive or otherwise, that a Medicaid provider, during 96591
the period beginning July 1, 2017, and ending June 30, 2019, 96592
provides routine homemaker/personal care services to a qualifying 96593
IO enrollee. 96594

(D) Of the foregoing appropriation items 653407, Medicaid 96595
Services, and 653654, Medicaid Services, portions shall be used to 96596
pay the Medicaid payment rate determined in accordance with this 96597
section for routine homemaker/personal care services provided to 96598
qualifying IO enrollees. 96599

Section 261.220. UPDATING AUTHORIZING STATUTE CITATIONS 96600

As used in this section, "authorizing statute" means a 96601
Revised Code section or provision of a Revised Code section that 96602
is cited in the Ohio Administrative Code as the statute that 96603
authorizes the adoption of a rule. 96604

The Director of Developmental Disabilities is not required to 96605

amend any rule for the sole purpose of updating the citation in 96606
the Ohio Administrative Code to the rule's authorizing statute to 96607
reflect that this act renumbers the authorizing statute or 96608
relocates it to another Revised Code section. Such citations shall 96609
be updated as the Director amends the rules for other purposes. 96610

Section 263.10. OBD OHIO BOARD OF DIETETICS 96611

Dedicated Purpose Fund Group 96612

4K90 860609 Operating Expenses \$ 234,381 \$ 0 96613

TOTAL DPF Dedicated Purpose Fund \$ 234,381 \$ 0 96614

Group

TOTAL ALL BUDGET FUND GROUPS \$ 234,381 \$ 0 96615

Section 265.10. EDU DEPARTMENT OF EDUCATION 96617

General Revenue Fund 96618

GRF 200321 Operating Expenses \$ 14,993,404 \$ 15,037,324 96619

GRF 200408 Early Childhood \$ 70,268,341 \$ 70,268,341 96620

Education

GRF 200420 Information Technology \$ 3,942,581 \$ 3,959,986 96621

Development and
Support

GRF 200421 Alternative Education \$ 5,741,668 \$ 3,295,834 96622

Programs

GRF 200422 School Management \$ 2,152,299 \$ 2,189,385 96623

Assistance

GRF 200424 Policy Analysis \$ 552,523 \$ 462,933 96624

GRF 200426 Ohio Educational \$ 16,200,000 \$ 16,200,000 96625

Computer Network

GRF 200427 Academic Standards \$ 4,036,519 \$ 4,061,912 96626

GRF 200437 Student Assessment \$ 60,060,190 \$ 60,126,946 96627

GRF 200439 Accountability/Report \$ 6,982,351 \$ 7,025,530 96628

Cards

GRF 200442	Child Care Licensing	\$	1,880,406	\$	1,916,612	96629
GRF 200446	Education Management Information System	\$	8,095,804	\$	8,142,552	96630
GRF 200448	Educator Preparation	\$	1,584,146	\$	1,584,146	96631
GRF 200455	Community Schools and Choice Programs	\$	4,604,919	\$	4,685,028	96632
GRF 200465	Education Technology Resources	\$	3,370,976	\$	3,370,976	96633
GRF 200471	Office of Innovation	\$	750,000	\$	750,000	96634
GRF 200502	Pupil Transportation	\$	549,238,753	\$	529,629,809	96635
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	96636
GRF 200511	Auxiliary Services	\$	149,909,112	\$	149,909,112	96637
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	67,719,856	\$	67,719,856	96638
GRF 200540	Special Education Enhancements	\$	152,350,000	\$	152,350,000	96639
GRF 200545	Career-Technical Education Enhancements	\$	10,687,366	\$	9,750,892	96640
GRF 200550	Foundation Funding	\$	6,841,140,554	\$	6,989,524,531	96641
GRF 200566	Literacy Improvement	\$	750,000	\$	1,250,000	96642
GRF 200572	Adult Education Programs	\$	7,647,935	\$	8,835,000	96643
GRF 200573	EdChoice Expansion	\$	38,400,000	\$	47,700,000	96644
GRF 200574	Half-Mill Maintenance Equalization	\$	19,000,000	\$	19,200,000	96645
GRF 200597	Education Program Support	\$	2,000,000	\$	2,000,000	96646
GRF 657401	Medicaid in Schools	\$	300,000	\$	300,000	96647
TOTAL GRF	General Revenue Fund	\$	8,053,459,703	\$	8,190,346,705	96648
	Dedicated Purpose Fund Group					96649
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	96650

4540	200610	High School Equivalency	\$	1,187,065	\$	0	96651
4550	200608	Commodity Foods	\$	16,000,000	\$	16,000,000	96652
4L20	200681	Teacher Certification and Licensure	\$	17,000,000	\$	18,000,000	96653
5980	200659	Auxiliary Services Reimbursement	\$	2,930,000	\$	2,930,000	96654
5H30	200687	School District Solvency Assistance	\$	10,000,000	\$	10,000,000	96655
5KX0	200691	Ohio School Sponsorship Program	\$	828,600	\$	828,600	96656
5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000	96657
5U20	200685	National Education Statistics	\$	150,000	\$	150,000	96658
6200	200615	Educational Improvement Grants	\$	800,000	\$	800,000	96659
TOTAL DPF Dedicated Purpose Fund Group			\$	50,445,665	\$	50,258,600	96660
Internal Service Activity Fund Group							96661
1380	200606	Information Technology Development and Support	\$	7,047,645	\$	7,047,645	96662
4R70	200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	96663
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	96664
TOTAL ISA Internal Service Activity Fund Group			\$	15,404,411	\$	15,404,411	96665
State Lottery Fund Group							96666
7017	200612	Foundation Funding	\$	1,028,000,000	\$	1,028,000,000	96667

7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000	96668
7017	200648	Straight A Fund	\$	15,000,000	\$	15,000,000	96669
7017	200684	Community School	\$	18,000,000	\$	18,000,000	96670
		Facilities					
TOTAL	SLF	State Lottery Fund Group	\$	1,071,000,000	\$	1,071,000,000	96671
		Federal Fund Group					96672
3670	200607	School Food Services	\$	10,080,635	\$	10,280,635	96673
3700	200624	Education of	\$	2,500,000	\$	2,600,000	96674
		Exceptional Children					
3AF0	657601	Schools Medicaid	\$	750,000	\$	750,000	96675
		Administrative Claims					
3AN0	200671	School Improvement	\$	32,400,000	\$	32,400,000	96676
		Grants					
3C50	200661	Early Childhood	\$	12,555,000	\$	12,555,000	96677
		Education					
3D20	200667	Math Science	\$	7,500,000	\$	7,500,000	96678
		Partnerships					
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	96679
3EJ0	200622	Homeless Children	\$	2,600,000	\$	2,600,000	96680
		Education					
3GE0	200674	Summer Food Service	\$	14,856,635	\$	14,856,635	96681
		Program					
3GG0	200676	Fresh Fruit and	\$	4,677,340	\$	4,677,340	96682
		Vegetable Program					
3HF0	200649	Federal Education	\$	6,364,327	\$	6,364,327	96683
		Grants					
3L60	200617	Federal School Lunch	\$	394,612,000	\$	406,450,000	96684
3L70	200618	Federal School	\$	142,688,750	\$	154,103,850	96685
		Breakfast					
3L80	200619	Child/Adult Food	\$	106,913,755	\$	106,913,755	96686
		Programs					
3L90	200621	Career-Technical	\$	44,663,900	\$	44,663,900	96687
		Education Basic Grant					

3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	96688
3M20	200680	Individuals with Disabilities Education Act	\$	445,000,000	\$	445,000,000	96689
3T40	200613	Public Charter Schools	\$	14,200,000	\$	14,200,000	96690
3Y20	200688	21st Century Community Learning Centers	\$	50,000,000	\$	50,000,000	96691
3Y60	200635	Improving Teacher Quality	\$	90,000,000	\$	90,000,000	96692
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411	96693
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	96694
3Z20	200690	State Assessments	\$	11,500,000	\$	11,500,000	96695
3Z30	200645	Consolidated Federal Grant Administration	\$	10,168,964	\$	10,168,964	96696
TOTAL FED Federal Fund Group			\$	2,020,332,717	\$	2,043,885,817	96697
TOTAL ALL BUDGET FUND GROUPS			\$	11,210,642,496	\$	11,370,895,533	96698

Section 265.20. OPERATING EXPENSES 96700

A portion of the foregoing appropriation item 200321, 96701
Operating Expenses, shall be used by the Department of Education 96702
to provide matching funds related to career-technical education 96703
under 20 U.S.C. 2321. 96704

EARLY CHILDHOOD EDUCATION 96705

The Department of Education shall distribute the foregoing 96706
appropriation item 200408, Early Childhood Education, to pay the 96707
costs of early childhood education programs. The Department shall 96708
distribute such funds directly to qualifying providers. 96709

(A) As used in this section: 96710

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means any of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of

the Revised Code and for the performance index score under 96742
division (C)(1)(b) of section 3302.03 of the Revised Code; 96743

(II) If the school does not offer a grade level higher than 96744
three, a grade of "C" or better for making progress in improving 96745
literacy in grades kindergarten through three under division 96746
(C)(1)(g) of section 3302.03 of the Revised Code. 96747

(ii) It offers a child care program in accordance with 96748
sections 3301.50 to 3301.59 of the Revised Code. 96749

(iii) It did not receive state funding for Early Childhood 96750
Education in the previous fiscal year. 96751

(c) A community school established under Chapter 3314. of the 96752
Revised Code that is sponsored by a municipal school district and 96753
operates a program that uses the Montessori method endorsed by the 96754
American Montessori Society, the Montessori Accreditation Council 96755
for Teacher Education, or the Association Montessori 96756
Internationale as its primary method of instruction, as authorized 96757
by division (A) of section 3314.06 of the Revised Code, that did 96758
not receive state funding for Early Childhood Education in the 96759
previous year or demonstrates a need for early childhood programs 96760
as defined in division (D) of this section. 96761

(4) "Eligible child" means a child who is at least four years 96762
of age as of the district entry date for kindergarten, is not of 96763
the age to be eligible for kindergarten, and whose family earns 96764
not more than two hundred per cent of the federal poverty 96765
guidelines as defined in division (A)(3) of section 5101.46 of the 96766
Revised Code. Children with an Individualized Education Program 96767
and where the Early Childhood Education program is the least 96768
restrictive environment may be enrolled on their fourth birthday. 96769

(5) "Early learning program standards" means early learning 96770
program standards for school readiness developed by the Department 96771
to assess the operation of early learning and development 96772

programs. 96773

(6) "Early learning and development programs" has the same 96774
meaning as section 5104.29 of the Revised Code. 96775

(B) In each fiscal year, up to two per cent of the total 96776
appropriation may be used by the Department for program support 96777
and technical assistance. The Department shall distribute the 96778
remainder of the appropriation in each fiscal year to serve 96779
eligible children. 96780

(C) The Department shall provide an annual report to the 96781
Governor, the Speaker of the House of Representatives, and the 96782
President of the Senate and post the report to the Department's 96783
web site, regarding early childhood education programs operated 96784
under this section and the early learning program standards. 96785

(D) After setting aside the amounts to make payments due from 96786
the previous fiscal year, in fiscal year 2018, the Department 96787
shall distribute funds first to recipients of funds for early 96788
childhood education programs under Section 263.20 of Am. Sub. H.B. 96789
64 of the 131st General Assembly in the previous fiscal year and 96790
the balance to new eligible providers of early childhood education 96791
programs or to existing providers to serve more eligible children 96792
pursuant to division (E) of this section or for purposes of 96793
program expansion, improvement, or special projects to promote 96794
quality and innovation. 96795

After setting aside the amounts to make payments due from the 96796
previous fiscal year, in fiscal year 2019, the Department shall 96797
distribute funds first to providers of early childhood education 96798
programs under this section in the previous fiscal year and the 96799
balance to new eligible providers or to existing providers to 96800
serve more eligible children as outlined under division (E) of 96801
this section or for purposes of program expansion, improvement, or 96802
special projects to promote quality and innovation. 96803

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved

provider shall administer and use such property and funds for the 96836
purposes specified. 96837

(G) The Department may examine a provider's financial and 96838
program records. If the financial practices of the program are not 96839
in accordance with standard accounting principles or do not meet 96840
financial standards outlined under division (F) of this section, 96841
or if the program fails to substantially meet the early learning 96842
program standards, meet a quality rating level in the Step Up to 96843
Quality program established pursuant to section 5104.29 of the 96844
Revised Code as prescribed by the Department, or exhibits below 96845
average performance as measured against the standards, the early 96846
childhood education program shall propose and implement a 96847
corrective action plan that has been approved by the Department. 96848
The approved corrective action plan shall be signed by the chief 96849
executive officer and the executive of the official governing body 96850
of the provider. The corrective action plan shall include a 96851
schedule for monitoring by the Department. Such monitoring may 96852
include monthly reports, inspections, a timeline for correction of 96853
deficiencies, and technical assistance to be provided by the 96854
Department or obtained by the early childhood education program. 96855
The Department may withhold funding pending corrective action. If 96856
an early childhood education program fails to satisfactorily 96857
complete a corrective action plan, the Department may deny 96858
expansion funding to the program or withdraw all or part of the 96859
funding to the program and establish a new eligible provider 96860
through a selection process established by the Department. 96861

(H)(1) If the early childhood education program is licensed 96862
by the Department of Education and is not highly rated, as 96863
determined by the Director of Job and Family Services, under the 96864
Step Up to Quality program established pursuant to section 5104.29 96865
of the Revised Code, the program shall do all of the following: 96866

(a) Meet teacher qualification requirements prescribed by 96867

section 3301.311 of the Revised Code;	96868
(b) Align curriculum to the early learning content standards developed by the Department;	96869 96870
(c) Meet any child or program assessment requirements prescribed by the Department;	96871 96872
(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;	96873 96874 96875 96876
(e) Document and report child progress as prescribed by the Department;	96877 96878
(f) Meet and report compliance with the early learning program standards as prescribed by the Department;	96879 96880
(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.	96881 96882
(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.	96883 96884 96885 96886 96887
(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any	96888 96889 96890 96891 96892 96893 96894 96895 96896 96897

provider for which a standard early childhood education schedule 96898
creates a hardship or for which the provider shows evidence that 96899
the provider is working in collaboration with a preschool special 96900
education program, the provider may submit a waiver to the 96901
Department requesting an alternate schedule. If the Department 96902
approves a waiver for an alternate schedule that provides services 96903
for less time than the standard early childhood education 96904
schedule, the Department may reduce the provider's annual 96905
allocation proportionately. Under no circumstances shall an annual 96906
allocation be increased because of the approval of an alternate 96907
schedule. 96908

(J) Each provider shall develop a sliding fee scale based on 96909
family incomes and shall charge families who earn more than two 96910
hundred per cent of the federal poverty guidelines, as defined in 96911
division (A)(3) of section 5101.46 of the Revised Code, for the 96912
early childhood education program. 96913

The Department shall conduct an annual survey of each 96914
provider to determine whether the provider charges families 96915
tuition or fees, the amount families are charged relative to 96916
family income levels, and the number of families and students 96917
charged tuition and fees for the early childhood program. 96918

(K) If an early childhood education program voluntarily 96919
waives its right for funding, or has its funding eliminated for 96920
not meeting financial standards or the early learning program 96921
standards, the provider shall transfer control of title to 96922
property, equipment, and remaining supplies obtained through the 96923
program to providers designated by the Department and return any 96924
unexpended funds to the Department along with any reports 96925
prescribed by the Department. The funding made available from a 96926
program that waives its right for funding or has its funding 96927
eliminated or reduced may be used by the Department for new grant 96928
awards or expansion grants. The Department may award new grants or 96929

expansion grants to eligible providers who apply. The eligible 96930
providers who apply must do so in accordance with the selection 96931
process established by the Department. 96932

(L) Eligible expenditures for the Early Childhood Education 96933
Program shall be claimed each fiscal year to help meet the state's 96934
TANF maintenance of effort requirement. The Superintendent of 96935
Public Instruction and the Director of Job and Family Services 96936
shall enter into an interagency agreement to carry out the 96937
requirements under this division, which shall include developing 96938
reporting guidelines for these expenditures. 96939

(M)(1) The Department of Education and the Department of Job 96940
and Family Services shall continue to work toward establishing the 96941
following in common between early childhood education programs and 96942
publicly funded child care: 96943

- (a) An application; 96944
- (b) Program eligibility; 96945
- (c) Funding; 96946
- (d) An attendance policy; 96947
- (e) An attendance tracking system. 96948

(2) In accordance with section 5104.34 of the Revised Code, 96949
eligible families may receive publicly funded child care beyond 96950
the standard early childhood schedule defined in division (I) of 96951
this section. 96952

(3) All providers, agencies, and school districts 96953
participating in the early childhood education program or 96954
providing care to eligible families beyond the standard early 96955
childhood schedule shall follow the common policies established 96956
under this division. 96957

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 96958
PROGRAM 96959

Of the foregoing appropriation item 200408, Early Childhood Education, a portion in each fiscal year may be used by the Department of Education to establish a pilot program that employs one or more parent choice models to deliver early childhood education to eligible children.

If the Department establishes any such pilot program, the Department shall designate one or more geographical areas within the state in which to operate the pilot program. The Department may consider designating areas with multiple providers of high-quality early childhood education programs that have a capacity to serve additional eligible children for the purpose of identifying potential obstacles to implementing a parent choice model. Each parent participating in the pilot program may choose an early childhood education program from among all providers within the designated area.

The Department shall establish procedures for implementation of the pilot program, including a process for parents to apply for the program. Except as otherwise provided in the Department's procedures, the Department and providers shall operate in accordance with this section in implementing the pilot program. However, the Department may expand the definition of "eligible child" to include in the pilot program a child who is at least three years of age as of the district entry date for kindergarten and has one or more additional risk factors including, but not limited to, "exited Help Me Grow Home Visiting," "exited Early Intervention and not eligible for preschool special education," or currently placed in foster care, so long as the child meets all other eligibility requirements of this section.

The Department of Education shall collaborate with the departments of Job and Family Services, Developmental Disabilities, Health, and Mental Health and Addiction Services, as needed, in establishing any pilot program. The Department of

Education also may select a non-state entity, which may include an 96992
educational service center, a county department of job and family 96993
services, a childcare resource and referral agency, or a county 96994
family and children first council established under section 121.37 96995
of the Revised Code, to partner with the Department on the pilot 96996
program. 96997

As part of the pilot program, the Department may set aside a 96998
portion of the funds for an evaluation of the pilot program. 96999

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 97000
SUPPORT 97001

The foregoing appropriation item 200420, Information 97002
Technology Development and Support, shall be used to support the 97003
development and implementation of information technology solutions 97004
designed to improve the performance and services of the Department 97005
of Education. Funds may be used for personnel, maintenance, and 97006
equipment costs related to the development and implementation of 97007
these technical system projects. Implementation of these systems 97008
shall allow the Department to provide greater levels of assistance 97009
to school districts and to provide more timely information to the 97010
public, including school districts, administrators, and 97011
legislators. Funds may also be used to support data-driven 97012
decision-making and differentiated instruction, as well as to 97013
communicate academic content standards and curriculum models to 97014
schools through web-based applications. 97015

Section 265.40. ALTERNATIVE EDUCATION PROGRAMS 97016

Of the foregoing appropriation item 200421, Alternative 97017
Education Programs, \$500,000 in each fiscal year shall be used to 97018
support Jobs for Ohio's Graduates. 97019

Of the foregoing appropriation item 200421, Alternative 97020
Education Programs, up to \$350,000 in each fiscal year may be used 97021

to support the clearinghouse for the identification of and 97022
intervention for at-risk students required under section 3301.28 97023
of the Revised Code. 97024

The remainder of appropriation item 200421, Alternative 97025
Education Programs, shall be used for implementation grants and 97026
for competitive matching grants to school districts for 97027
alternative educational programs for at-risk and delinquent youth. 97028
Programs shall be focused on youth in one or more of the following 97029
categories: those who have been expelled or suspended, those who 97030
have dropped out of school or who are at risk of dropping out of 97031
school, those who are truant or disruptive, or those on probation 97032
or on parole from a Department of Youth Services facility. Grants 97033
shall be awarded only to programs in which the grant will not 97034
serve as the program's primary source of funding. Grants may be 97035
awarded for one or two years, and the Department of Education may 97036
limit awards to programs that utilize evidence-based strategies 97037
that meet the standard of strong, moderate, or promising evidence, 97038
as defined by the Every Student Succeeds Act. These grants shall 97039
be administered by the Department of Education. 97040

The Department of Education may waive compliance with any 97041
minimum education standard established under section 3301.07 of 97042
the Revised Code for any alternative school that receives a grant 97043
under this section on the grounds that the waiver will enable the 97044
program to more effectively educate students enrolled in the 97045
alternative school. 97046

Of the foregoing appropriation item 200421, Alternative 97047
Education Programs, a portion may be used for program 97048
administration, monitoring, technical assistance, support, 97049
research, and evaluation. 97050

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 97051

The foregoing appropriation item 200422, School Management 97052

Assistance, shall be used by the Department of Education to 97053
provide fiscal technical assistance and inservice education for 97054
school district management personnel and to administer, monitor, 97055
and implement the fiscal caution, fiscal watch, and fiscal 97056
emergency provisions under Chapter 3316. of the Revised Code. 97057

Section 265.60. POLICY ANALYSIS 97058

The foregoing appropriation item 200424, Policy Analysis, 97059
shall be used by the Department of Education to support a system 97060
of administrative, statistical, and legislative education 97061
information to be used for policy analysis. Staff supported by 97062
this appropriation shall administer the development of reports, 97063
analyses, and briefings to inform education policymakers of 97064
current trends in education practice, efficient and effective use 97065
of resources, and evaluation of programs to improve education 97066
results. A portion of these funds shall be used to maintain a 97067
longitudinal database to support the assessment of the impact of 97068
policies and programs on Ohio's education and workforce 97069
development systems. The research efforts supported by this 97070
appropriation item shall be used to supply information and 97071
analysis of data to and in consultation with the General Assembly 97072
and other state policymakers, including the Office of Budget and 97073
Management and the Legislative Service Commission. 97074

Of the foregoing appropriation item, 200424, Policy Analysis, 97075
a portion may be used by the Department to support the development 97076
and implementation of an evidence-based clearinghouse to support 97077
school improvement strategies as part of the Every Student 97078
Succeeds Act. 97079

The Department may use funding from this appropriation item 97080
to purchase or contract for the development of software systems or 97081
contract for policy studies that will assist in the provision and 97082
analysis of policy-related information. Funding from this 97083

appropriation item also may be used to monitor and enhance quality 97084
assurance for research-based policy analysis and program 97085
evaluation to enhance the effective use of education information 97086
to inform education policymakers. 97087

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 97088

The foregoing appropriation item 200426, Ohio Educational 97089
Computer Network, shall be used by the Department of Education to 97090
maintain a system of information technology throughout Ohio and to 97091
provide technical assistance for such a system in support of the 97092
P-16 State Education Technology Plan developed under section 97093
3353.09 of the Revised Code. 97094

Of the foregoing appropriation item 200426, Ohio Educational 97095
Computer Network, up to \$10,000,000 in each fiscal year shall be 97096
used by the Department to support connection of all public school 97097
buildings and participating chartered nonpublic schools to the 97098
state's education network, to each other, and to the Internet. In 97099
each fiscal year, the Department shall use these funds to assist 97100
information technology centers or school districts with the 97101
operational costs associated with this connectivity. The 97102
Department shall develop a formula and guidelines for the 97103
distribution of these funds to information technology centers or 97104
individual school districts. As used in this section, "public 97105
school building" means a school building of any city, local, 97106
exempted village, or joint vocational school district, any 97107
community school established under Chapter 3314. of the Revised 97108
Code, any college preparatory boarding school established under 97109
Chapter 3328. of the Revised Code, any STEM school established 97110
under Chapter 3326. of the Revised Code, any educational service 97111
center building used for instructional purposes, the Ohio School 97112
for the Deaf and the Ohio School for the Blind, high schools 97113
chartered by the Ohio Department of Youth Services, or high 97114

schools operated by Ohio Department of Rehabilitation and 97115
Corrections' Ohio Central School System. 97116

Of the foregoing appropriation item 200426, Ohio Educational 97117
Computer Network, up to \$5,000,000 in each fiscal year shall be 97118
used, through a formula and guidelines devised by the Department, 97119
to support the activities of designated information technology 97120
centers, as defined by State Board of Education rules, to provide 97121
school districts and chartered nonpublic schools with 97122
computer-based student and teacher instructional and 97123
administrative information services, including approved 97124
computerized financial accounting, to ensure the effective 97125
operation of local automated administrative and instructional 97126
systems, and to monitor and support the quality of data submitted 97127
to the Department. 97128

The remainder of appropriation item 200426, Ohio Educational 97129
Computer Network, shall be used to support the work of the 97130
development, maintenance, and operation of a network of uniform 97131
and compatible computer-based information and instructional 97132
systems as well as the teacher student linkage/roster verification 97133
process and the eTranscript/student records exchange initiative. 97134
This technical assistance shall include, but not be restricted to, 97135
development and maintenance of adequate computer software systems 97136
to support network activities. In order to improve the efficiency 97137
of network activities, the Department and information technology 97138
centers may jointly purchase equipment, materials, and services 97139
from funds provided under this appropriation for use by the 97140
network and, when considered practical by the Department, may 97141
utilize the services of appropriate state purchasing agencies. 97142

Section 265.80. ACADEMIC STANDARDS 97143

The foregoing appropriation item 200427, Academic Standards, 97144
shall be used by the Department of Education to develop and 97145

communicate to school districts academic content standards and 97146
curriculum models and to develop professional development programs 97147
and other tools on the new content standards and model curriculum. 97148

Section 265.90. STUDENT ASSESSMENT 97149

Of the foregoing appropriation item 200437, Student 97150
Assessment, up to \$2,760,000 in each fiscal year may be used to 97151
support the assessments required under section 3301.0715 of the 97152
Revised Code. 97153

The remainder of appropriation item 200437, Student 97154
Assessment, shall be used to develop, field test, print, 97155
distribute, score, report results, and support other associated 97156
costs for the tests required under sections 3301.0710, 3301.0711, 97157
and 3301.0712 of the Revised Code and for similar purposes as 97158
required by section 3301.27 of the Revised Code. The funds may 97159
also be used to update and develop diagnostic assessments 97160
administered under sections 3301.079, 3301.0715, and 3313.608 of 97161
the Revised Code. 97162

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 97163
ASSESSMENT 97164

In fiscal year 2018 and fiscal year 2019, if the 97165
Superintendent of Public Instruction determines that additional 97166
funds are needed to fully fund the requirements of sections 97167
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 97168
and this act for assessments of student performance, the 97169
Superintendent may recommend the reallocation of unexpended and 97170
unencumbered General Revenue Fund appropriations within the 97171
Department of Education to appropriation item 200437, Student 97172
Assessment, to the Director of Budget and Management. If the 97173
Director determines that such a reallocation is required, the 97174
Director may transfer unexpended and unencumbered appropriations 97175
within the Department of Education as necessary to appropriation 97176

item 200437, Student Assessment. 97177

Section 265.100. ACCOUNTABILITY/REPORT CARDS 97178

Of the foregoing appropriation item 200439, 97179
Accountability/Report Cards, a portion in each fiscal year may be 97180
used to train district and regional specialists and district 97181
educators in the use of the value-added progress dimension and in 97182
the use of data as it relates to improving student achievement. 97183
This training may include teacher and administrator professional 97184
development in the use of data to improve instruction and student 97185
learning, and teacher and administrator training in understanding 97186
teacher value-added reports and how they can be used as a 97187
component in measuring teacher and administrator effectiveness. A 97188
portion of this funding may be provided to a credible nonprofit 97189
organization with expertise in value-added progress dimensions. 97190

The remainder of appropriation item 200439, 97191
Accountability/Report Cards, shall be used by the Department of 97192
Education to incorporate a statewide value-added progress 97193
dimension into performance ratings for school districts and for 97194
the development of an accountability system that includes the 97195
preparation and distribution of school report cards, funding and 97196
expenditure accountability reports under sections 3302.03 and 97197
3302.031 of the Revised Code, the development and maintenance of 97198
teacher value-added reports, the teacher student linkage/roster 97199
verification process, and the performance management section of 97200
the Department's web site required by section 3302.26 of the 97201
Revised Code. 97202

CHILD CARE LICENSING 97203

The foregoing appropriation item 200442, Child Care 97204
Licensing, shall be used by the Department of Education to license 97205
and to inspect preschool and school-age child care programs under 97206
sections 3301.52 to 3301.59 of the Revised Code. 97207

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 97208

The foregoing appropriation item 200446, Education Management 97209
Information System, shall be used by the Department of Education 97210
to improve the Education Management Information System (EMIS). 97211

Of the foregoing appropriation item 200446, Education 97212
Management Information System, up to \$725,000 in each fiscal year 97213
shall be distributed to designated information technology centers 97214
for costs relating to processing, storing, and transferring data 97215
for the effective operation of the EMIS. These costs may include, 97216
but are not limited to, personnel, hardware, software development, 97217
communications connectivity, professional development, and support 97218
services, and to provide services to participate in the State 97219
Education Technology Plan developed under section 3353.09 of the 97220
Revised Code. 97221

Of the foregoing appropriation item 200446, Education 97222
Management Information System, up to \$400,000 in each fiscal year 97223
shall be used to support grants to information technology centers 97224
to provide professional development opportunities to district and 97225
school personnel related to the EMIS, with a focus placed on data 97226
submission and data quality. 97227

The remainder of appropriation item 200446, Education 97228
Management Information System, shall be used to develop and 97229
support the data definitions and standards adopted by the 97230
Education Management Information System Advisory Board, including 97231
the ongoing development and maintenance of the data dictionary and 97232
data warehouse. In addition, such funds shall be used to support 97233
the development and implementation of data standards; the design, 97234
development, and implementation of a new data exchange system; and 97235
responsibilities related to the school report cards prescribed by 97236
section 3302.03 of the Revised Code and value-added progress 97237
dimension calculations. 97238

Any provider of software meeting the standards approved by 97239
the Education Management Information System Advisory Board shall 97240
be designated as an approved vendor and may enter into contracts 97241
with local school districts, community schools, STEMS schools, 97242
information technology centers, or other educational entities for 97243
the purpose of collecting and managing data required under Ohio's 97244
education management information system (EMIS) laws. On an annual 97245
basis, the Department shall convene an advisory group of school 97246
districts, community schools, and other education-related entities 97247
to review EMIS data definitions and data format standards. The 97248
advisory group shall recommend changes and enhancements based upon 97249
surveys of its members, education agencies in other states, and 97250
current industry practices, to reflect best practices, align with 97251
federal initiatives, and meet the needs of school districts. 97252

School districts, STEM schools, and community schools not 97253
implementing a uniform set of data definitions and data format 97254
standards for EMIS purposes shall have all EMIS funding withheld 97255
until they are in compliance. 97256

Section 265.120. EDUCATOR PREPARATION 97257

Of the foregoing appropriation item 200448, Educator 97258
Preparation, up to \$500,000 in each fiscal year may be used by the 97259
Department of Education to monitor and support Ohio's State System 97260
of Support, as defined by the Every Student Succeeds Act. 97261

Of the foregoing appropriation item 200448, Educator 97262
Preparation, up to \$100,000 in each fiscal year may be used by the 97263
Department to support the Educator Standards Board under section 97264
3319.61 of the Revised Code and reforms under sections 3302.042, 97265
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 97266
3319.58 of the Revised Code. 97267

The remainder of the foregoing appropriation item 200448, 97268
Educator Preparation, may be used for implementation of teacher 97269

and principal evaluation systems, including incorporation of 97270
student growth as a metric in those systems, and teacher 97271
value-added reports. 97272

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 97273

The foregoing appropriation item 200455, Community Schools 97274
and Choice Programs, may be used by the Department of Education 97275
for operation of the school choice programs. 97276

Of the foregoing appropriation item 200455, Community Schools 97277
and Choice Programs, a portion in each fiscal year may be used by 97278
the Department for developing and conducting training sessions for 97279
community schools and sponsors and prospective sponsors of 97280
community schools as prescribed in division (A)(1) of section 97281
3314.015 of the Revised Code, and other schools participating in 97282
school choice programs. 97283

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 97284

Of the foregoing appropriation item 200465, Education 97285
Technology Resources, up to \$1,443,572 in each fiscal year shall 97286
be used for the Union Catalog and InfoOhio Network and to support 97287
the provision of electronic resources with priority given to 97288
resources that support the teaching of state academic content 97289
standards in all public schools. Consideration shall be given by 97290
the Department of Education to coordinating the allocation of 97291
these moneys with the efforts of Libraries Connect Ohio, whose 97292
members include OhioLINK, the Ohio Public Information Network, and 97293
the State Library of Ohio. 97294

Of the foregoing appropriation item 200465, Education 97295
Technology Resources, up to \$1,027,176 in each fiscal year shall 97296
be used by the Department to provide grants to educational 97297
television stations working with partner education technology 97298
centers to provide Ohio public schools with instructional 97299

resources and services, with priority given to resources and 97300
services aligned with state academic content standards. Such 97301
resources and services shall be based upon the advice and approval 97302
of the Department, based on a formula developed in consultation 97303
with Ohio's educational television stations and educational 97304
technology centers. 97305

The remainder of the foregoing appropriation item 200465, 97306
Education Technology Resources, may be used to support the 97307
training, technical support, and guidance to school districts and 97308
public libraries in applying for federal E-Rate funds; for 97309
oversight and guidance of school district technology plans; and 97310
for support to district technology personnel. Funds may also be 97311
used to support the eTranscript/student records exchange 97312
initiative between the Department of Education and the Department 97313
of Higher Education and the internet safety training for students, 97314
teachers, and administrators required under the "Protecting 97315
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 97316
4096 (2008). 97317

Section 265.150. PUPIL TRANSPORTATION 97318

Of the foregoing appropriation item 200502, Pupil 97319
Transportation, up to \$838,930 in each fiscal year may be used by 97320
the Department of Education for training prospective and 97321
experienced school bus drivers in accordance with training 97322
programs prescribed by the Department. 97323

Of the foregoing appropriation item 200502, Pupil 97324
Transportation, up to \$60,469,220 in each fiscal year may be used 97325
by the Department for special education transportation 97326
reimbursements to school districts and county DD boards for 97327
transportation operating costs as provided in divisions (C) and 97328
(F) of section 3317.024 of the Revised Code. 97329

Of the foregoing appropriation item 200502, Pupil 97330

Transportation, up to \$2,500,000 in each fiscal year may be used 97331
by the Department to reimburse school districts that make payments 97332
to parents in lieu of transportation under section 3327.02 of the 97333
Revised Code and whose transportation is not funded under division 97334
(C) of section 3317.024 of the Revised Code. If the parent, 97335
guardian, or other person in charge of a pupil accepts the offer 97336
of payment in lieu of providing transportation, the school 97337
district shall pay that parent, guardian, or other person an 97338
amount that shall be not less than \$250 and not more than the 97339
amount determined by the Department as the average cost of pupil 97340
transportation for the previous school year. Payment may be 97341
prorated if the time period involved is only a part of the school 97342
year. 97343

The remainder of the foregoing appropriation item 200502, 97344
Pupil Transportation, shall be used to distribute the amounts 97345
calculated for transportation aid under divisions (E), (F), and 97346
(G) of section 3317.0212 of the Revised Code and division (D)(2) 97347
of section 3314.091 of the Revised Code. 97348

Section 265.160. SCHOOL LUNCH MATCH 97349

The foregoing appropriation item 200505, School Lunch Match, 97350
shall be used to provide matching funds to obtain federal funds 97351
for the school lunch program. 97352

Any remaining appropriation after providing matching funds 97353
for the school lunch program may be used to partially reimburse 97354
school buildings within school districts that are required to have 97355
a school breakfast program under section 3313.813 of the Revised 97356
Code, at a rate decided by the Department. 97357

Section 265.170. AUXILIARY SERVICES 97358

Of the foregoing appropriation item 200511, Auxiliary 97359
Services, up to \$2,600,000 in each fiscal year may be used for 97360

payment of the College Credit Plus Program for nonpublic secondary 97361
school participants. The Department of Education shall distribute 97362
these funds according to rule 3333-1-65.8 of the Administrative 97363
Code, adopted by the Department of Higher Education pursuant to 97364
division (A) of section 3365.071 of the Revised Code. 97365

The remainder of the foregoing appropriation item 200511, 97366
Auxiliary Services, shall be used by the Department for the 97367
purpose of implementing section 3317.06 of the Revised Code. 97368
Notwithstanding section 3317.024 of the Revised Code, payments 97369
made by the Department for this purpose shall not exceed eight 97370
hundred sixty-two dollars per student for each school year. 97371

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 97372

The foregoing appropriation item 200532, Nonpublic 97373
Administrative Cost Reimbursement, shall be used by the Department 97374
of Education for the purpose of implementing section 3317.063 of 97375
the Revised Code. Notwithstanding section 3317.063 of the Revised 97376
Code, payments made by the Department for this purpose shall not 97377
exceed three hundred ninety-nine dollars per student for each 97378
school year. 97379

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 97380

Of the foregoing appropriation item 200540, Special Education 97381
Enhancements, up to \$33,000,000 in each fiscal year shall be used 97382
to fund special education and related services at county boards of 97383
developmental disabilities for eligible students under section 97384
3317.20 of the Revised Code and at institutions for eligible 97385
students under section 3317.201 of the Revised Code. If necessary, 97386
the Department of Education shall proportionately reduce the 97387
amount calculated for each county board of developmental 97388
disabilities and institution so as not to exceed the amount 97389
appropriated in each fiscal year. 97390

Of the foregoing appropriation item 200540, Special Education 97391
Enhancements, up to \$1,350,000 in each fiscal year shall be used 97392
for parent mentoring programs. 97393

Of the foregoing appropriation item 200540, Special Education 97394
Enhancements, up to \$3,000,000 in each fiscal year may be used for 97395
school psychology interns. 97396

Of the foregoing appropriation item 200540, Special Education 97397
Enhancements, the Department shall transfer \$3,000,000 in each 97398
fiscal year to the Opportunities for Ohioans with Disabilities 97399
Agency. The transfer shall be made via an intrastate transfer 97400
voucher. The transferred funds shall be used by the Opportunities 97401
for Ohioans with Disabilities Agency as state matching funds to 97402
draw down available federal funding for vocational rehabilitation 97403
services. Total project funding shall be used to hire dedicated 97404
vocational rehabilitation counselors who shall work directly with 97405
school districts to provide transition services for students with 97406
disabilities. Services shall include vocational rehabilitation 97407
services such as person-centered career planning, summer work 97408
experiences, job placement, and retention services for mutually 97409
eligible students with disabilities. 97410

The Superintendent of Public Instruction and the Executive 97411
Director of the Opportunities for Ohioans with Disabilities Agency 97412
shall enter into an interagency agreement that shall specify the 97413
responsibilities of each agency under the program. Under the 97414
interagency agreement, the Opportunities for Ohioans with 97415
Disabilities Agency shall retain responsibility for all 97416
nondelegable functions, including eligibility and order of 97417
selection determination, individualized plan for employment (IPE) 97418
approval, IPE amendments, case closure, and release of vendor 97419
payments. 97420

Of the foregoing appropriation item 200540, Special Education 97421
Enhancements, up to \$2,000,000 in each fiscal year shall be used 97422

by the Department of Education to build capacity to deliver a 97423
regional system of training, support, coordination, and direct 97424
service for secondary transition services for students with 97425
disabilities beginning at fourteen years of age. These special 97426
education enhancements shall support all students with 97427
disabilities, regardless of partner agency eligibility 97428
requirements, to provide stand-alone direct secondary transition 97429
services by school districts. Secondary transition services shall 97430
include, but not be limited to, job exploration counseling, 97431
work-based learning experiences, counseling on opportunities for 97432
enrollment in comprehensive transition or post-secondary 97433
educational programs at institutions of higher education, 97434
workplace readiness training to develop occupational skills, 97435
social skills and independent living skills, and instruction in 97436
self-advocacy. Regional training shall support the expansion of 97437
transition to work endorsement opportunities for middle school and 97438
secondary level special education intervention specialists in 97439
order to develop the necessary skills and competencies to meet the 97440
secondary transition needs of students with disabilities beginning 97441
at fourteen years of age. 97442

The remainder of appropriation item 200540, Special Education 97443
Enhancements, shall be distributed by the Department of Education 97444
to school districts and institutions, as defined in section 97445
3323.091 of the Revised Code, for preschool special education 97446
funding under section 3317.0213 of the Revised Code. 97447

The Department may reimburse school districts and 97448
institutions for services provided by instructional assistants, 97449
related services, as defined in rule 3301-51-11 of the 97450
Administrative Code, physical therapy services provided by a 97451
licensed physical therapist or physical therapist assistant under 97452
the supervision of a licensed physical therapist, as required 97453
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 97454

Administrative Code, and occupational therapy services provided by 97455
a licensed occupational therapist or occupational therapy 97456
assistant under the supervision of a licensed occupational 97457
therapist, as required under Chapter 4755. of the Revised Code and 97458
Chapter 4755-7 of the Administrative Code. Nothing in this section 97459
authorizes occupational therapy assistants or physical therapist 97460
assistants to generate or manage their own caseloads. 97461

The Department shall require school districts, educational 97462
service centers, county DD boards, and institutions serving 97463
preschool children with disabilities to adhere to Ohio's early 97464
learning program standards, participate in the Step Up to Quality 97465
program established pursuant to section 5104.29 of the Revised 97466
Code, and document child progress using research-based indicators 97467
prescribed by the Department and report results annually. The 97468
reporting dates and method shall be determined by the Department. 97469
Effective July 1, 2018, all programs shall be rated through the 97470
Step Up to Quality program. 97471

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 97472

Of the foregoing appropriation item 200545, Career-Technical 97473
Education Enhancements, up to \$1,000,000 in each fiscal year shall 97474
be used to support career connections activities. This may 97475
include, but shall not be limited to, development and promotion of 97476
career pathways. 97477

Of the foregoing appropriation item 200545, Career-Technical 97478
Education Enhancements, up to \$2,563,568 in each fiscal year shall 97479
be used to fund secondary career-technical education at 97480
institutions, the Ohio School for the Deaf, and the Ohio State 97481
School for the Blind using a grant-based methodology, 97482
notwithstanding section 3317.05 of the Revised Code. 97483

Of the foregoing appropriation item 200545, Career-Technical 97484
Education Enhancements, up to \$1,872,948 in fiscal year 2018 and 97485

\$936,474 in fiscal year 2019 shall be used by the Department of 97486
Education to fund competitive grants to tech prep consortia that 97487
expand the number of students enrolled in tech prep programs. 97488
These grant funds shall be used to directly support expanded tech 97489
prep programs provided to students enrolled in school districts, 97490
including joint vocational school districts, and affiliated higher 97491
education institutions. This support may include the purchase of 97492
equipment. 97493

Of the foregoing appropriation item 200545, Career-Technical 97494
Education Enhancements, up to \$3,100,850 in each fiscal year shall 97495
be used by the Department to support existing High Schools That 97496
Work (HSTW) sites, develop and support new sites, fund technical 97497
assistance, and support regional centers and middle school 97498
programs. The purpose of HSTW is to combine challenging academic 97499
courses and modern career-technical studies to raise the academic 97500
achievement of students. HSTW provides intensive technical 97501
assistance, focused staff development, targeted assessment 97502
services, and ongoing communications and networking opportunities. 97503

Of the foregoing appropriation item 200545, Career-Technical 97504
Education Enhancements, up to \$600,000 in each fiscal year shall 97505
be used by the Department to enable students in agricultural 97506
programs to enroll in a fifth quarter of instruction based on the 97507
agricultural education model of delivering work-based learning 97508
through supervised agricultural experience. The Department shall 97509
determine eligibility criteria and the reporting process for the 97510
Agriculture 5th Quarter Project and shall fund as many programs as 97511
possible given the set-aside. The eligibility criteria developed 97512
by the Department shall allow these funds to support supervised 97513
agricultural experience that occurs anytime outside of the regular 97514
school day. 97515

Of the foregoing appropriation item 200545, Career-Technical 97516
Education Enhancements, up to \$550,000 in each fiscal year may be 97517

used to support career planning and reporting through the Ohio 97518
Means Jobs web site. 97519

Of the foregoing appropriation item 200545, Career-Technical 97520
Education Enhancements, up to \$1,000,000 in each fiscal year shall 97521
be used to support payments to city, local, and exempted village 97522
school districts, community schools, STEM schools, and joint 97523
vocational school districts whose students earn an 97524
industry-recognized credential or receive a journeyman 97525
certification recognized by the United States Department of Labor. 97526
The educating entity shall be required to inform students enrolled 97527
in career-technical education courses that lead to an 97528
industry-recognized credential about the opportunity to earn these 97529
credentials. The Department of Education shall work with the 97530
Department of Higher Education and the Governor's Office of 97531
Workforce Transformation to develop a schedule for reimbursement 97532
based on the Department of Education's list of industry-recognized 97533
credentials, the time it takes to earn the credential, and the 97534
cost to obtain the credential. The educating entity shall pay for 97535
the cost of the credential for an economically disadvantaged 97536
student and may claim and receive reimbursement. The educating 97537
entity may claim reimbursement based on the Department of 97538
Education's reimbursement schedule up to six months after the 97539
student has graduated from high school. If the amount appropriated 97540
is not sufficient, the Department shall prorate the amounts so 97541
that the aggregate amount appropriated is not exceeded. 97542

Section 265.210. FOUNDATION FUNDING 97543

Of the foregoing appropriation item 200550, Foundation 97544
Funding, up to \$40,000,000 in each fiscal year shall be used to 97545
provide additional state aid to school districts, joint vocational 97546
school districts, community schools, and STEM schools for special 97547
education students under division (C)(3) of section 3314.08, 97548

section 3317.0214, division (B) of section 3317.16, and section 97549
3326.34 of the Revised Code, except that the Controlling Board may 97550
increase these amounts if presented with such a request from the 97551
Department of Education at the final meeting of the fiscal year. 97552

Of the foregoing appropriation item 200550, Foundation 97553
Funding, up to \$3,800,000 in each fiscal year shall be used to 97554
fund gifted education at educational service centers. The 97555
Department shall distribute the funding through the unit-based 97556
funding methodology in place under division (L) of section 97557
3317.024, division (E) of section 3317.05, and divisions (A), (B), 97558
and (C) of section 3317.053 of the Revised Code as they existed 97559
prior to fiscal year 2010. 97560

Of the foregoing appropriation item 200550, Foundation 97561
Funding, up to \$31,000,000 in each fiscal year shall be reserved 97562
to fund the state reimbursement of educational service centers 97563
under the section of this act entitled "EDUCATIONAL SERVICE 97564
CENTERS FUNDING." 97565

Of the foregoing appropriation item 200550, Foundation 97566
Funding, up to \$10,000,000 in each fiscal year shall be 97567
distributed to educational service centers for School Improvement 97568
Initiatives and for the provision of technical assistance to 97569
schools and districts. The Department may distribute these funds 97570
through a competitive grant process. 97571

Of the foregoing appropriation item 200550, Foundation 97572
Funding, up to \$10,000,000 in each fiscal year shall be reserved 97573
for payments under section 3317.028 of the Revised Code. If this 97574
amount is not sufficient, the Department shall prorate the payment 97575
amounts so that the aggregate amount allocated in this paragraph 97576
is not exceeded. 97577

Of the foregoing appropriation item 200550, Foundation 97578
Funding, up to \$28,600,000 in fiscal year 2018 and up to 97579

\$26,400,000 in fiscal year 2019 shall be used to support school 97580
choice programs. 97581

Of the portion of the funds distributed to the Cleveland 97582
Municipal School District under this section, up to \$15,400,000 in 97583
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 97584
to operate the school choice program in the Cleveland Municipal 97585
School District under sections 3313.974 to 3313.979 of the Revised 97586
Code. Notwithstanding divisions (B) and (C) of section 3313.978 97587
and division (C) of section 3313.979 of the Revised Code, up to 97588
\$1,000,000 in each fiscal year of this amount shall be used by the 97589
Cleveland Municipal School District to provide tutorial assistance 97590
as provided in division (H) of section 3313.974 of the Revised 97591
Code. The Cleveland Municipal School District shall report the use 97592
of these funds in the district's three-year continuous improvement 97593
plan as described in section 3302.04 of the Revised Code in a 97594
manner approved by the Department. 97595

Of the foregoing appropriation item 200550, Foundation 97596
Funding, up to \$1,500,000 in each fiscal year may be used for 97597
payment of the College Credit Plus Program for students instructed 97598
at home pursuant to section 3321.04 of the Revised Code. 97599

Of the foregoing appropriation item 200550, Foundation 97600
Funding, an amount shall be available in each fiscal year to be 97601
paid to joint vocational school districts in accordance with 97602
division (A) of section 3317.16 of the Revised Code, and the 97603
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 97604
VOCATIONAL SCHOOL DISTRICTS." 97605

Of the foregoing appropriation item 200550, Foundation 97606
Funding, up to \$700,000 in each fiscal year shall be used by the 97607
Department for a program to pay for educational services for youth 97608
who have been assigned by a juvenile court or other authorized 97609
agency to any of the facilities described in division (A) of the 97610
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 97611

Of the foregoing appropriation item 200550, Foundation 97612
Funding, a portion may be used to pay college-preparatory boarding 97613
schools the per pupil boarding amount pursuant to section 3328.34 97614
of the Revised Code. 97615

Of the foregoing appropriation item 200550, Foundation 97616
Funding, up to \$2,000,000 in each fiscal year shall be used for 97617
the Bright New Leaders for Ohio Schools Program created and 97618
implemented by the nonprofit corporation incorporated pursuant to 97619
section 3319.271 of the Revised Code, to provide an alternative 97620
path for individuals to receive training and development in the 97621
administration of primary and secondary education and leadership, 97622
enable those individuals to earn degrees and obtain licenses in 97623
public school administration, and promote the placement of those 97624
individuals in public schools that have a poverty percentage 97625
greater than fifty per cent. 97626

Of the foregoing appropriation item 200550, Foundation 97627
Funding, a portion in each fiscal year shall be used to pay 97628
community schools and STEM schools the amounts calculated for the 97629
graduation and third-grade reading bonuses under sections 3314.085 97630
and 3326.41 of the Revised Code. 97631

Of the foregoing appropriation item 200550, Foundation 97632
Funding, up to \$2,000,000 in each fiscal year may be used by the 97633
Department for duties and activities related to the establishment 97634
of academic distress commissions under section 3302.10 of the 97635
Revised Code. A portion of the funds may be used as matching funds 97636
for any monetary contributions made by a school district for which 97637
an academic distress commission is established or by the 97638
district's local community to support innovative education 97639
programs or a high-quality school accelerator as provided for in 97640
section 3302.10 of the Revised Code. 97641

The remainder of appropriation item 200550, Foundation 97642
Funding, shall be used to distribute the amounts calculated for 97643

formula aid under section 3317.022 of the Revised Code and the 97644
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 97645
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 97646

Appropriation items 200502, Pupil Transportation, 200540, 97647
Special Education Enhancements, and 200550, Foundation Funding, 97648
other than specific set-asides, are collectively used in each 97649
fiscal year to pay state formula aid obligations for school 97650
districts, community schools, STEM schools, college preparatory 97651
boarding schools, and joint vocational school districts under this 97652
act. The first priority of these appropriation items, with the 97653
exception of specific set-asides, is to fund state formula aid 97654
obligations. It may be necessary to reallocate funds among these 97655
appropriation items or use excess funds from other general revenue 97656
fund appropriation items in the Department of Education's budget 97657
in each fiscal year in order to meet state formula aid 97658
obligations. If it is determined that it is necessary to transfer 97659
funds among these appropriation items or to transfer funds from 97660
other General Revenue Fund appropriations in the Department's 97661
budget to meet state formula aid obligations, the Superintendent 97662
of Public Instruction shall seek approval from the Director of 97663
Budget and Management to transfer funds as needed. 97664

The Superintendent of Public Instruction shall make payments, 97665
transfers, and deductions, as authorized by Title XXXIII of the 97666
Revised Code in amounts substantially equal to those made in the 97667
prior year, or otherwise, at the discretion of the Superintendent, 97668
until at least the effective date of the amendments and enactments 97669
made to Title XXXIII by this act. Any funds paid to districts or 97670
schools under this section shall be credited toward the annual 97671
funds calculated for the district or school after the changes made 97672
to Title XXXIII in this act are effective. Upon the effective date 97673
of changes made to Title XXXIII in this act, funds shall be 97674
calculated as an annual amount. 97675

Section 265.220. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 97676
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 97677

(A) The Department of Education shall distribute funds within 97678
appropriation item 200550, Foundation Funding, for temporary 97679
transitional aid in each fiscal year to each qualifying city, 97680
local, and exempted village school district. 97681

(1) For fiscal years 2018 and 2019, the Department shall pay 97682
temporary transitional aid to each city, local, and exempted 97683
village school district according to the following formula: 97684

(The district's transitional aid guarantee base x the district's 97685
transitional aid guarantee base percentage) - the district's 97686
foundation funding for the guarantee 97687

If the computation made under this division results in a 97688
negative number, the district's funding under this division shall 97689
be zero. 97690

(2) As used in this section, "foundation funding for the 97691
guarantee" for each city, local, and exempted village school 97692
district, for fiscal year 2018, equals the sum of the following 97693
amounts for that fiscal year: 97694

(a) The opportunity grant under division (A)(1) of section 97695
3317.022 of the Revised Code; 97696

(b) Targeted assistance funds under division (A)(2) of 97697
section 3317.022 of the Revised Code; 97698

(c) Additional state aid for special education and related 97699
services under division (A)(3) of section 3317.022 of the Revised 97700
Code; 97701

(d) Kindergarten through third grade literacy funds under 97702
division (A)(4) of section 3317.022 of the Revised Code; 97703

(e) Economically disadvantaged funds under division (A)(5) of 97704
section 3317.022 of the Revised Code; 97705

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97706 97707
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97708 97709
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97710 97711
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97712 97713 97714
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	97715 97716
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	97717 97718 97719 97720
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	97721 97722
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	97723 97724
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97725 97726 97727
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97728 97729
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97730 97731
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97732 97733
(g) Gifted identification and unit funds under division	97734

(A)(7) of section 3317.022 of the Revised Code;	97735
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97736 97737
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97738 97739 97740
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	97741 97742
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	97743 97744 97745 97746 97747 97748
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	97749 97750
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	97751 97752
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97753 97754 97755
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97756 97757
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97758 97759
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97760 97761
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97762 97763

(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code; 97764
97765

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code; 97766
97767
97768

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 97769
97770

(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly. 97771
97772

(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. 97773
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(6) The "transitional aid guarantee base percentage" for each city, local, and exempted village school district, for fiscal years 2018 and 2019, shall be computed as follows: 97778
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97780

(a) Calculate each district's total ADM percentage change in accordance with the following formula: 97781
97782

(The district's total ADM for fiscal year 2016 / the district's total ADM for fiscal year 2011) - 1 97783
97784

(b) Determine the district's transitional aid guarantee base percentage as follows: 97785
97786

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 97787
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97790

(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's 97791
97792
97793

transitional aid guarantee base percentage shall be equal to the 97794
district's total ADM percentage change calculated in division 97795
(A)(6)(a) of this section plus one hundred five per cent. 97796

(iii) If the district's total ADM percentage change 97797
calculated in division (A)(6)(a) of this section equals a decrease 97798
of five per cent or less, no change, or an increase of any amount, 97799
then the district's transitional aid guarantee base percentage 97800
shall be equal to one hundred per cent. 97801

(7) The Department of Education shall adjust, as necessary, 97802
the transitional aid guarantee base of any local school district 97803
that participates in the establishment of a joint vocational 97804
school district that begins receiving payments under section 97805
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 97806
2019 but does not receive payments for the prior fiscal year. The 97807
Department shall adjust any such local school district's guarantee 97808
base according to the amounts received by the district in the 97809
prior fiscal year for career-technical education students who 97810
attend the newly established joint vocational school district. 97811

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 97812
in fiscal years 2018 and 2019, no city, local, or exempted village 97813
school district shall be allocated foundation funding subject to 97814
the limitation for the current fiscal year that is greater than 97815
1.05 times the district's limitation base for the current fiscal 97816
year. 97817

(2) As used in this section, "foundation funding subject to 97818
the limitation" for each city, local, and exempted village school 97819
district, for fiscal year 2018, equals the sum of the following 97820
amounts for that fiscal year: 97821

(a) The opportunity grant under division (A)(1) of section 97822
3317.022 of the Revised Code; 97823

(b) Targeted assistance funds under division (A)(2) of 97824

section 3317.022 of the Revised Code;	97825
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97826 97827 97828
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97829 97830
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97831 97832
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97833 97834
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97835 97836
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97837 97838
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97839 97840 97841
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	97842 97843
(k) Temporary transitional aid under division (A) of this section.	97844 97845
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	97846 97847 97848 97849
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	97850 97851
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	97852 97853

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97854 97855 97856
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97857 97858
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97859 97860
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97861 97862
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97863 97864
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97865 97866
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97867 97868 97869
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	97870 97871
(k) Temporary transitional aid under division (A) of this section.	97872 97873
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly:	97874 97875 97876 97877 97878 97879
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	97880 97881
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	97882 97883

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97884 97885 97886
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97887 97888
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97889 97890
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97891 97892
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97893 97894
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97895 97896
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97897 97898 97899
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	97900 97901
(k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.	97902 97903
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section:	97904 97905 97906 97907 97908
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	97909 97910
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	97911 97912

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	97913 97914 97915
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	97916 97917
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	97918 97919
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	97920 97921
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	97922 97923
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	97924 97925
(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;	97926 97927 97928
(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;	97929 97930
(k) Temporary transitional aid under division (A) of this section.	97931 97932
(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district.	97933 97934 97935 97936 97937 97938 97939 97940 97941 97942

(7) For fiscal year 2018 and fiscal year 2019, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), (7), and (10) of section 3317.022 of the Revised Code proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under division (A)(3) of section 3317.022 of the Revised Code and divisions (E), (F), and (G) of section 3317.0212 of the Revised Code.

Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(1) For fiscal years 2018 and 2019, the Department shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's transitional aid guarantee base x the district's transitional aid guarantee base percentage) - the district's foundation funding for the guarantee

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related

services under division (A)(2) of section 3317.16 of the Revised Code;	97973 97974
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	97975 97976
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code.	97977 97978
(3) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:	97979 97980 97981 97982
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	97983 97984
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	97985 97986 97987
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	97988 97989
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code.	97990 97991
(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly:	97992 97993 97994 97995 97996 97997
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	97998 97999
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	98000 98001 98002

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 98003
98004

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 98005
98006

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 98007
98008

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. 98009
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98012
98013

(6) The "transitional aid guarantee base percentage" for a joint vocational school district, for fiscal year 2018 and fiscal year 2019, shall be computed as follows: 98014
98015
98016

(a) Calculate each district's formula ADM percentage change in accordance with the following formula: 98017
98018

(The district's formula ADM for fiscal year 2016 / the district's formula ADM for fiscal year 2011) - 1 98019
98020

(b) Determine the district's transitional aid guarantee base percentage as follows: 98021
98022

(i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 98023
98024
98025
98026

(ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's formula ADM percentage change calculated in division (A)(6)(a) of this section plus one hundred five per 98027
98028
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cent. 98033

(iii) If the district's formula ADM percentage change 98034
calculated in division (A)(6)(a) of this section equals a decrease 98035
of five per cent or less, no change, or an increase of any amount, 98036
then the district's transitional aid guarantee base percentage 98037
shall be equal to one hundred per cent. 98038

(7) The Department of Education shall establish, as 98039
necessary, the transitional aid guarantee base of any joint 98040
vocational school district that begins receiving payments under 98041
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 98042
year 2019 but does not receive such payments for the prior fiscal 98043
year. The Department shall establish any such joint vocational 98044
school district's guarantee base as an amount equal to the 98045
absolute value of the sum of the associated adjustments of any 98046
local school district's guarantee bases under division (A)(7) of 98047
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 98048
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98049

(B)(1) Notwithstanding division (A) of section 3317.16 of the 98050
Revised Code in fiscal years 2018 and 2019, no joint vocational 98051
school district shall be allocated foundation funding subject to 98052
the limitation for the current fiscal year that is greater than 98053
1.05 times the district's limitation base for the current fiscal 98054
year. 98055

(2) As used in this section, "foundation funding subject to 98056
the limitation" for each joint vocational school district, for 98057
fiscal year 2018, equals the sum of the following amounts for that 98058
fiscal year: 98059

(a) The opportunity grant under division (A)(1) of section 98060
3317.16 of the Revised Code; 98061

(b) Additional state aid for special education and related 98062
services under division (A)(2) of section 3317.16 of the Revised 98063

Code;	98064
(c) Economically disadvantaged funds under division (A)(3) of	98065
section 3317.16 of the Revised Code;	98066
(d) Limited English proficiency funds under division (A)(4)	98067
of section 3317.16 of the Revised Code;	98068
(e) Temporary transitional aid under division (A) of this	98069
section.	98070
(3) As used in this section, "foundation funding subject to	98071
the limitation" for each joint vocational school district, for	98072
fiscal year 2019, equals the sum of the following amounts for that	98073
fiscal year:	98074
(a) The opportunity grant under division (A)(1) of section	98075
3317.16 of the Revised Code;	98076
(b) Additional state aid for special education and related	98077
services under division (A)(2) of section 3317.16 of the Revised	98078
Code;	98079
(c) Economically disadvantaged funds under division (A)(3) of	98080
section 3317.16 of the Revised Code;	98081
(d) Limited English proficiency funds under division (A)(4)	98082
of section 3317.16 of the Revised Code;	98083
(e) Temporary transitional aid under division (A) of this	98084
section.	98085
(4) As used in this section, the "limitation base" for each	98086
joint vocational school district, for fiscal year 2018, equals the	98087
sum of the following amounts computed for the district for fiscal	98088
year 2017 after any reductions made for fiscal year 2017 under	98089
division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st	98090
General Assembly:	98091
(a) The opportunity grant under division (A)(1) of section	98092
3317.16 of the Revised Code;	98093

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 98094
98095
98096

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 98097
98098

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 98099
98100

(e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 98101
98102

(5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: 98103
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98105
98106
98107

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 98108
98109

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 98110
98111
98112

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 98113
98114

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 98115
98116

(e) Temporary transitional aid under division (A) of this section. 98117
98118

(6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive such payments for the prior fiscal year. The 98119
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98121
98122
98123

Department shall establish any such joint vocational school 98124
district's limitation base as an amount equal to the absolute 98125
value of the sum of the associated adjustments of any local school 98126
district's limitation base under division (B)(6) of the section of 98127
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 98128
EXEMPTED VILLAGE SCHOOL DISTRICTS." 98129

(7) For fiscal year 2018 and fiscal year 2019, the Department 98130
shall reduce a district's payments under divisions (A)(1), (3), 98131
and (4) of section 3317.16 of the Revised Code proportionately as 98132
necessary in order to comply with this division. If those amounts 98133
are insufficient, the Department shall proportionately reduce a 98134
district's payments under division (A)(2) of section 3317.16 of 98135
the Revised Code. 98136

Section 265.240. LITERACY IMPROVEMENT 98137

The foregoing appropriation item 200566, Literacy 98138
Improvement, shall be used by the Department of Education to 98139
support early literacy activities to align state, local, and 98140
federal efforts in order to bolster all students' reading success. 98141
Funds shall be distributed to educational service centers to 98142
establish and support regional literacy professional development 98143
teams. A portion of the funds may be used by the Department for 98144
program administration, monitoring, technical assistance, support, 98145
research, and evaluation. 98146

Section 265.250. ADULT EDUCATION PROGRAMS 98147

The foregoing appropriation item 200572, Adult Education 98148
Programs, shall be used in each fiscal year to make payments to 98149
institutions participating in the Adult Diploma Pilot Program 98150
under section 3313.902 of the Revised Code; to make payments under 98151
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98152
Code; and to pay career-technical planning districts for the 98153

amounts reimbursed to students, as prescribed in this section. 98154

Each career-technical planning district shall reimburse 98155
individuals taking a nationally recognized high school equivalency 98156
examination approved by the Department of Education for the first 98157
time for application fees, examination fees, or both, in excess of 98158
\$40, up to a maximum reimbursement per individual of \$80. Each 98159
career-technical planning district shall designate a site or sites 98160
where individuals may register and take an approved examination. 98161
For each individual who registers for an approved examination, the 98162
career-technical planning district shall make available and offer 98163
career counseling services, including information on adult 98164
education programs that are available. A portion of the 98165
appropriation item may be reimbursed to the Department of Youth 98166
Services and the Department of Rehabilitation and Correction for 98167
individuals in these facilities who have taken an approved 98168
examination for the first time. The amounts reimbursed shall not 98169
exceed the per-individual amounts reimbursed to other individuals 98170
under this section for an approved examination. 98171

Notwithstanding any provision of law to the contrary, the 98172
unexpended balance of appropriations for payments under section 98173
3313.902 of the Revised Code at the end of each fiscal year may be 98174
encumbered by the Department of Education and remain available for 98175
payment for a period not to exceed two years from the end of each 98176
fiscal year in which the funds were originally appropriated, in 98177
accordance with guidelines established by the Superintendent of 98178
Public Instruction. 98179

Of the foregoing appropriation item 200572, Adult Education 98180
Programs, a portion may be used for program administration, 98181
technical assistance, support, research, and evaluation of adult 98182
education programs, including high school equivalency examinations 98183
approved by the Department of Education. 98184

Section 265.260. EDCHOICE EXPANSION 98185

The foregoing appropriation item 200573, EdChoice Expansion, 98186
shall be used to provide for the scholarships awarded under the 98187
expansion of the educational choice program established under 98188
section 3310.032 of the Revised Code. The number of scholarships 98189
awarded under the expansion of the educational choice program 98190
shall not exceed the number that can be funded with the 98191
appropriations made by the General Assembly for this purpose. 98192

Notwithstanding section 3310.16 of the Revised Code, as it 98193
existed prior to the amendment of that section by this act, if the 98194
scholarships awarded under section 3310.032 of the Revised Code in 98195
the first application period for the 2017-2018 school year use the 98196
entirety of the amount appropriated by the General Assembly for 98197
such scholarships for that school year, the Department of 98198
Education need not conduct a second application period for 98199
scholarships under that section. If, after the first application 98200
period, there are funds remaining to award scholarships under 98201
section 3310.032 of the Revised Code, the Department shall conduct 98202
a second application period in accordance with section 3310.16 of 98203
the Revised Code. 98204

HALF-MILL MAINTENANCE EQUALIZATION 98205

The foregoing appropriation item 200574, Half-Mill 98206
Maintenance Equalization, shall be used to make payments pursuant 98207
to section 3318.18 of the Revised Code. 98208

Section 265.270. EDUCATION PROGRAM SUPPORT 98209

The foregoing appropriation item 200597, Education Program 98210
Support, shall be distributed to Teach For America to increase 98211
recruitment of potential corps members at select Ohio 98212
universities, train and develop first-year and second-year 98213
teachers in the Teach for America program in Ohio, and expand 98214

alumni support and networking within the state. 98215

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 98216

The foregoing appropriation item, 657401, Medicaid in Schools 98217
Program, shall be used by the Department of Education to support 98218
the Medicaid in Schools Program. 98219

Section 265.290. HIGH SCHOOL EQUIVALENCY 98220

The foregoing appropriation item 200610, High School 98221
Equivalency, shall be used in conjunction with appropriation item 98222
200572, Adult Education Programs. 98223

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 98224

The foregoing appropriation item 200681, Teacher 98225
Certification and Licensure, shall be used by the Department of 98226
Education in each year of the biennium to administer and support 98227
teacher certification and licensure activities. Notwithstanding 98228
section 3319.51 of the Revised Code, a portion of the foregoing 98229
appropriation may also be used for implementation of teacher and 98230
principal evaluation systems, including incorporation of student 98231
growth as a metric in those systems, and teacher value-added 98232
reports. 98233

Section 265.310. AUXILIARY SERVICES REIMBURSEMENT 98234

Notwithstanding section 3317.064 of the Revised Code, if the 98235
unexpended, unencumbered cash balance is sufficient, the Treasurer 98236
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 98237
days after the effective date of this section, and \$1,500,000 in 98238
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 98239
Personnel Unemployment Compensation Fund to the Auxiliary Services 98240
Reimbursement Fund (Fund 5980) used by the Department of 98241
Education. 98242

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 98243

(A) Of the foregoing appropriation item 200687, School 98244
District Solvency Assistance, \$5,000,000 in each fiscal year shall 98245
be allocated to the School District Shared Resource Account and 98246
\$5,000,000 in each fiscal year shall be allocated to the 98247
Catastrophic Expenditures Account. These funds shall be used to 98248
provide assistance and grants to school districts to enable them 98249
to remain solvent under section 3316.20 of the Revised Code. 98250
Assistance and grants shall be subject to approval by the 98251
Controlling Board. Except as provided under division (C) of this 98252
section, any required reimbursements from school districts for 98253
solvency assistance shall be made to the appropriate account in 98254
the School District Solvency Assistance Fund (Fund 5H30). 98255

(B) Notwithstanding any provision of law to the contrary, 98256
upon the request of the Superintendent of Public Instruction, the 98257
Director of Budget and Management may make transfers to the School 98258
District Solvency Assistance Fund (Fund 5H30) from any fund used 98259
by the Department of Education or the General Revenue Fund to 98260
maintain sufficient cash balances in Fund 5H30 in fiscal years 98261
2018 and 2019. Any cash transferred is hereby appropriated. The 98262
transferred cash may be used by the Department to provide 98263
assistance and grants to school districts to enable them to remain 98264
solvent and to pay unforeseeable expenses of a temporary or 98265
emergency nature that the school district is unable to pay from 98266
existing resources. The Director shall notify the members of the 98267
Controlling Board of any such transfers. 98268

(C) If the cash balance of the School District Solvency 98269
Assistance Fund (Fund 5H30) is insufficient to pay solvency 98270
assistance in fiscal years 2018 and 2019, at the request of the 98271
Superintendent of Public Instruction, and with the approval of the 98272
Controlling Board, the Director of Budget and Management may 98273

transfer cash from the Lottery Profits Education Reserve Fund 98274
(Fund 7018) to Fund 5H30 to provide assistance and grants to 98275
school districts to enable them to remain solvent and to pay 98276
unforeseeable expenses of a temporary nature that they are unable 98277
to pay from existing resources under section 3316.20 of the 98278
Revised Code. Such transfers are hereby appropriated to 98279
appropriation item 200670, School District Solvency Assistance - 98280
Lottery. Any required reimbursements from school districts for 98281
solvency assistance granted from appropriation item 200670, School 98282
District Solvency Assistance - Lottery, shall be made to Fund 98283
7018. 98284

Section 265.330. LOTTERY PROFITS EDUCATION FUND 98285

Appropriation item 200612, Foundation Funding (Fund 7017), 98286
shall be used in conjunction with appropriation item 200550, 98287
Foundation Funding (GRF), to provide state foundation payments to 98288
school districts. 98289

The Department of Education, with the approval of the 98290
Director of Budget and Management, shall determine the monthly 98291
distribution schedules of appropriation item 200550, Foundation 98292
Funding (GRF), and appropriation item 200612, Foundation Funding 98293
(Fund 7017). If adjustments to the monthly distribution schedule 98294
are necessary, the Department shall make such adjustments with the 98295
approval of the Director. 98296

COMMUNITY CONNECTORS PROGRAM 98297

The foregoing appropriation item 200629, Community 98298
Connectors, shall be used by the Superintendent of Public 98299
Instruction to create the Community Connectors Grant Program. The 98300
Superintendent shall develop guidelines for the grants. The 98301
program shall award competitive matching grants to provide funding 98302
for local networks of volunteers and organizations to sponsor 98303
career advising and mentoring for students in eligible school 98304

districts. Each grant award shall match up to three times the 98305
funds allocated to the project by the local network. Eligible 98306
school districts are those with a high percentage of students in 98307
poverty, a high number of students not graduating on time, and 98308
other criteria as determined by the Superintendent. Eligible 98309
school districts shall partner with members of the business 98310
community, civic organizations, or the faith-based community to 98311
provide sustainable career advising and mentoring services. Upon 98312
the request of the Superintendent of Public Instruction and the 98313
approval of the Director of Budget and Management, an amount equal 98314
to the unexpended, unencumbered portion of the foregoing 98315
appropriation item 200629, Community Connectors, at the end of 98316
fiscal year 2018 is hereby reappropriated to the Department for 98317
the same purpose for fiscal year 2019. 98318

Notwithstanding any provision of law to the contrary, grants 98319
awarded under this section may be used by grant recipients for 98320
grant-related expenses for a period not to exceed three years from 98321
the date of the award, according to guidelines established by the 98322
Superintendent. 98323

STRAIGHT A FUND 98324

The foregoing appropriation item 200648, Straight A Fund, 98325
shall be used by the Department to make competitive grants in 98326
accordance with the section of this act entitled "STRAIGHT A 98327
PROGRAM." 98328

COMMUNITY SCHOOL FACILITIES 98329

The foregoing appropriation item 200684, Community School 98330
Facilities, shall be used to pay each community school established 98331
under Chapter 3314. of the Revised Code and each STEM school 98332
established under Chapter 3326. of the Revised Code an amount 98333
equal to \$25 in each fiscal year for each full-time equivalent 98334
pupil in an internet- or computer-based community school and \$200 98335

in each fiscal year for each full-time equivalent pupil in all 98336
other community or STEM schools for assistance with the cost 98337
associated with facilities. If the amount appropriated is not 98338
sufficient, the Department shall prorate the amounts so that the 98339
aggregate amount appropriated is not exceeded. 98340

Section 265.340. STRAIGHT A PROGRAM 98341

(A) The Straight A Program is hereby created for fiscal years 98342
2018 and 2019 to provide grants to city, local, exempted village, 98343
and joint vocational school districts, educational service 98344
centers, community schools established under Chapter 3314., STEM 98345
schools established under Chapter 3326., college-preparatory 98346
boarding schools established under Chapter 3328. of the Revised 98347
Code, individual school buildings, education consortia (which may 98348
represent a partnership among school districts, school buildings, 98349
community schools, STEM schools, educational service centers, 98350
county boards of developmental disabilities that provide special 98351
education and related services to children with disabilities, 98352
businesses, nonprofit organizations, or innovation incubators), 98353
institutions of higher education, and private or governmental 98354
entities partnering with one or more of the educational entities 98355
identified in this division for projects that aim to achieve 98356
significant advancement in one or more of the following goals: 98357

(1) Increased student achievement or, in the case of an 98358
educational service center, increased student achievement in the 98359
educational service center's client school districts or other 98360
schools or school districts that are members of the consortium; 98361

(2) Spending reduction in the five-year fiscal forecast 98362
required under section 5705.391 of the Revised Code or positive 98363
performance on other fiscal measures established by the governing 98364
board created under division (B)(1) of this section for the 98365
purpose of redirecting the cost savings to support educational 98366

programming; 98367

(3) Use of a shared services delivery model that demonstrates 98368
increased efficiency and effectiveness, long-term sustainability, 98369
and scalability. 98370

(B)(1) Grants shall be awarded by a nine-member governing 98371
board consisting of the Superintendent of Public Instruction, or 98372
the Superintendent's designee, four members appointed by the 98373
Governor, two members appointed by the Speaker of the House of 98374
Representatives, and two members appointed by the President of the 98375
Senate. The Department of Education shall provide administrative 98376
support to the board. No member shall be compensated for the 98377
member's service on the board. 98378

(2) The board shall select grant advisors with fiscal 98379
expertise and education expertise. These advisors shall evaluate 98380
proposals from grant applicants and advise the staff administering 98381
the program. No advisor shall be compensated for this service. 98382

(3) The board shall issue an annual report to the Governor, 98383
the Speaker of the House of Representatives, the President of the 98384
Senate, and the chairpersons of the House and Senate committees 98385
that primarily deal with education regarding the types of grants 98386
awarded, the grant recipients, and the effectiveness of the grant 98387
program. 98388

(4) The board shall create a grant application and publish on 98389
the Department's web site the application and timeline for the 98390
submission, review, notification, and awarding of grant proposals. 98391
The board may establish any additional guidelines for applications 98392
it considers necessary. The board also shall designate allowable 98393
uses of grant funds. 98394

(5) With the approval of the board, the Department of 98395
Education shall establish a system for evaluating and scoring the 98396
grant applications received under this section. 98397

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings.

(C) The board may award the following types of grants to achieve one or more of the goals specified in division (A) of this section:

(1) Innovation grants, which shall be used to implement a new idea or modification to existing processes;

(2) Replication grants, which shall be used to replicate a project implemented by an existing or previous grantee that the board has designated as successful and suitable for replication, in accordance with criteria established by the board.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

(4) If the project is aimed at achieving the goal described in division (A)(2) of this section, a description of the educational programming that the cost savings obtained from the project will be used to support.

(5) If grant funds will be used to purchase technology, 98428
equipment, or other capital assets, an explanation of how the 98429
purchase will benefit students and promote their educational 98430
success. 98431

If an education consortium described in division (A) of this 98432
section applies for a grant, the lead applicant shall be the 98433
school district, school building, community school, STEM school, 98434
or educational service center that is a member of the consortium 98435
and shall so indicate on the grant application. In order for an 98436
educational service center to be the lead applicant on a grant 98437
application, at least one of the educational service center's 98438
client school districts shall also be included on the grant 98439
application as a member of the consortium. 98440

(E)(1) The board shall issue a timely decision of "yes," 98441
"no," "hold," or "edit" for each application. In making its 98442
decision, the board shall consider whether the project has the 98443
capability of being replicated in other school districts and 98444
schools or creates something that can be used in other districts 98445
and schools. A grant awarded under this section shall not exceed 98446
\$1,000,000. 98447

(2) If the board issues a "hold" or "edit" decision for an 98448
application, it shall, upon returning the application to the 98449
applicant, specify the process for reconsideration of the 98450
application. An applicant may work with the grant advisors and 98451
staff to modify or improve a grant application. 98452

(F) Upon deciding to award a grant to an applicant, the board 98453
shall enter into a grant agreement with the applicant that 98454
includes all of the following: 98455

(1) The content of the applicant's proposal as outlined under 98456
division (C) of this section; 98457

(2) The project's deliverables and a timetable for their 98458

completion; 98459

(3) Conditions for receiving grant funding, which may include 98460
authority for the applicant to use the first year of the grant for 98461
planning purposes; 98462

(4) Conditions for receiving funding in future years if the 98463
contract is a multi-year contract; 98464

(5) A provision specifying that funding will be returned to 98465
the board if the applicant fails to implement the agreement. 98466

(6) A provision specifying that the agreement may be amended 98467
by mutual agreement between the board and the applicant; 98468

(7) If determined beneficial by the board, designation of an 98469
existing or previous grantee to act as a mentor for the applicant 98470
during the first year of the grant. If so designated, the 98471
agreement shall require the applicant to pay a portion of the 98472
grant to the grantee for serving as a mentor. 98473

(G) Each grant awarded under this section shall be subject to 98474
approval by the Controlling Board prior to execution of the grant 98475
agreement. 98476

(H) As used in this section, "client school district" has the 98477
same meaning as in section 3311.0510 of the Revised Code. 98478

(I) At the discretion of the board, a portion of 98479
appropriation item 200648, Straight A Fund, may be used by the 98480
Department of Education to administer the Straight A Program. 98481

(J) Notwithstanding any provision of law to the contrary, 98482
grants awarded under this section may be used by grant recipients 98483
for grant-related expenses incurred for a period not to exceed two 98484
years from the date of the award according to guidelines 98485
established by the Straight A Fund governing board. 98486

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 98487

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2018 and fiscal year 2019.

(C) On July 15, 2017, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,030,000,000 in fiscal year 2017.

(D) On July 15, 2018, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,045,000,000 in fiscal year 2018.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING

As used in this section, "high-performing educational service center" means an educational service center designated as such pursuant to rule 3301-105-01 of the Administrative Code.

As used in this section, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

In each fiscal year, the Department of Education shall pay

the governing board of each high-performing educational service 98518
center state funds equal to twenty dollars times its student 98519
count, and to the governing board of each other center, state 98520
funds equal to eighteen dollars times its student count. The 98521
Superintendent of Public Instruction shall establish criteria and 98522
guidelines regarding the use of funds. Funds shall be used to 98523
reduce client school district expenditures and support improvement 98524
of student achievement at schools and districts identified by the 98525
Department. 98526

If the amount earmarked for the state reimbursement of 98527
educational service centers in appropriation item 200550, 98528
Foundation Funding, is not sufficient, the Department shall 98529
prorate the payment amounts so that the appropriation is not 98530
exceeded. 98531

Section 265.370. On July 1, 2017, or as soon as possible 98532
thereafter, the Superintendent of Public Instruction shall certify 98533
to the Director of Budget and Management the unexpended, 98534
unencumbered cash balances of the Neglected and Delinquent 98535
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 98536
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 98537
School Climate Transformation Fund (Fund 3GP0), the Project Aware 98538
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 98539
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 98540
3H90). Upon receipt of certification from the Superintendent, the 98541
Director may transfer the cash balances of those funds to the 98542
Department of Education Federal Education Grants Fund (Fund 3HF0). 98543

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 98544
ASSESSMENT OF EDUCATION PROGRESS 98545

The General Assembly intends for the Superintendent of Public 98546
Instruction to provide for school district participation in the 98547

administration of the National Assessment of Education Progress in 98548
accordance with section 3301.27 of the Revised Code. Each school 98549
and school district selected for participation by the 98550
Superintendent shall participate. 98551

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 98552
STUDENTS 98553

(A) As used in this section: 98554

(1) "IEP" has the same meaning as in section 3323.01 of the 98555
Revised Code. 98556

(2) "SBH student" means a student receiving special education 98557
and related services for severe behavior disabilities pursuant to 98558
an IEP. 98559

(B) This section applies only to a community school 98560
established under Chapter 3314. of the Revised Code that in each 98561
of fiscal years 2018 and 2019 enrolls a number of SBH students 98562
equal to at least fifty per cent of the total number of students 98563
enrolled in the school in the applicable fiscal year. 98564

(C) In addition to any state foundation payments made, in 98565
each of fiscal years 2018 and 2019, the Department of Education 98566
shall pay to a community school to which this section applies a 98567
subsidy equal to the difference between the aggregate amount 98568
calculated and paid in that fiscal year to the community school 98569
for special education and related services additional weighted 98570
costs for the SBH students enrolled in the school and the 98571
aggregate amount that would have been calculated for the school 98572
for special education and related services additional weighted 98573
costs for those same students in fiscal year 2001. If the 98574
difference is a negative number, the amount of the subsidy shall 98575
be zero. 98576

(D) The amount of any subsidy paid to a community school 98577

under this section shall not be deducted from the school district 98578
in which any of the students enrolled in the community school are 98579
entitled to attend school under section 3313.64 or 3313.65 of the 98580
Revised Code. The amount of any subsidy paid to a community school 98581
under this section shall be paid from funds appropriated to the 98582
Department in appropriation item 200550, Foundation Funding. 98583

Section 265.400. EARMARK ACCOUNTABILITY 98584

At the request of the Superintendent of Public Instruction, 98585
any entity that receives a budget earmark under the Department of 98586
Education shall submit annually to the chairpersons of the 98587
committees of the House of Representatives and the Senate 98588
primarily concerned with education and education funding and to 98589
the Department a report that includes a description of the 98590
services supported by the funds, a description of the results 98591
achieved by those services, an analysis of the effectiveness of 98592
the program, and an opinion as to the program's applicability to 98593
other school districts. For an earmarked entity that received 98594
state funds from an earmark in the prior fiscal year, no funds 98595
shall be provided by the Department to an earmarked entity for a 98596
fiscal year until its report for the prior fiscal year has been 98597
submitted. 98598

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 98599

A community school established under Chapter 3314. of the 98600
Revised Code that was open for operation as a community school as 98601
of May 1, 2005, may operate from or in any home, as defined in 98602
section 3313.64 of the Revised Code, located in the state, 98603
regardless of when the community school's operations from or in a 98604
particular home began. 98605

Section 265.420. USE OF VOLUNTEERS 98606

The Department of Education may utilize the services of 98607
volunteers to accomplish any of the purposes of the Department. 98608
The Superintendent of Public Instruction shall approve for what 98609
purposes volunteers may be used and for these purposes may 98610
recruit, train, and oversee the services of volunteers. The 98611
Superintendent may reimburse volunteers for necessary and 98612
appropriate expenses in accordance with state guidelines and may 98613
designate volunteers as state employees for the purpose of motor 98614
vehicle accident liability insurance under section 9.83 of the 98615
Revised Code, for immunity under section 9.86 of the Revised Code, 98616
and for indemnification from liability incurred in the performance 98617
of their duties under section 9.87 of the Revised Code. 98618

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 98619
REIMBURSEMENTS 98620

(A) Except as expressly required under a court judgment not 98621
subject to further appeals, or a settlement agreement with a 98622
school district executed on or before June 1, 2009, in the case of 98623
a school district for which the formula ADM for fiscal year 2005, 98624
as reported for that fiscal year under division (A) of section 98625
3317.03 of the Revised Code, was reduced based on enrollment 98626
reports for community schools, made under section 3314.08 of the 98627
Revised Code, regarding students entitled to attend school in the 98628
district, which reduction of formula ADM resulted in a reduction 98629
of foundation funding or transitional aid funding for fiscal year 98630
2005, 2006, or 2007, no school district, except a district named 98631
in the court's judgment or the settlement agreement, shall have a 98632
legal claim for reimbursement of the amount of such reduction in 98633
foundation funding or transitional aid funding, and the state 98634
shall not have liability for reimbursement of the amount of such 98635
reduction in foundation funding or transitional aid funding. 98636

(B) As used in this section: 98637

(1) "Community school" means a community school established 98638
under Chapter 3314. of the Revised Code. 98639

(2) "Entitled to attend school" means entitled to attend 98640
school in a school district under section 3313.64 or 3313.65 of 98641
the Revised Code. 98642

(3) "Foundation funding" means payments calculated for the 98643
respective fiscal year under Chapter 3317. of the Revised Code. 98644

(4) "Transitional aid funding" means payments calculated for 98645
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 98646
of the 125th General Assembly, as subsequently amended; Section 98647
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 98648
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 98649
of the 127th General Assembly. 98650

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 98651

In collaboration with the County Family and Children First 98652
Council, a city, local, or exempted village school district, 98653
community school, STEM school, joint vocational school district, 98654
educational service center, or county board of developmental 98655
disabilities that receives allocations from the Department of 98656
Education from appropriation item 200550, Foundation Funding, or 98657
appropriation item 200540, Special Education Enhancements, may 98658
transfer portions of those allocations to a flexible funding pool 98659
authorized by the Section of this act entitled "FAMILY AND 98660
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 98661
maintenance of effort or for federal or state funding matching 98662
requirements shall not be transferred unless the allocation may 98663
still be used to meet such requirements. 98664

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 98665

(A) As used in this section: 98666

(1) The following are "participating residential treatment centers": 98667
98668

(a) Private residential treatment facilities that have 98669
entered into a contract with the Department of Youth Services to 98670
provide services to children placed at the facility by the 98671
Department and which, in fiscal year 2018 or fiscal year 2019 or 98672
both, the Department pays through appropriation item 470401, 98673
RECLAIM Ohio; 98674

(b) Abraxas, in Shelby; 98675

(c) Paint Creek, in Bainbridge; 98676

(d) F.I.R.S.T., in Mansfield. 98677

(2) "Education program" means an elementary or secondary 98678
education program or a special education program and related 98679
services. 98680

(3) "Served child" means any child receiving an education 98681
program pursuant to division (B) of this section. 98682

(4) "School district responsible for tuition" means a city, 98683
exempted village, or local school district that, if tuition 98684
payment for a child by a school district is required under law 98685
that existed in fiscal year 1998, is the school district required 98686
to pay that tuition. 98687

(5) "Residential child" means a child who resides in a 98688
participating residential treatment center and who is receiving an 98689
educational program under division (B) of this section. 98690

(B) A youth who is a resident of the state and has been 98691
assigned by a juvenile court or other authorized agency to a 98692
residential treatment facility specified in division (A) of this 98693
section shall be enrolled in an approved educational program 98694
located in or near the facility. Approval of the educational 98695
program shall be contingent upon compliance with the criteria 98696

established for such programs by the Department of Education. The 98697
educational program shall be provided by a school district or 98698
educational service center, or by the residential facility itself. 98699
Maximum flexibility shall be given to the residential treatment 98700
facility to determine the provider. In the event that a voluntary 98701
agreement cannot be reached and the residential facility does not 98702
choose to provide the educational program, the educational service 98703
center in the county in which the facility is located shall 98704
provide the educational program at the treatment center to 98705
children under twenty-two years of age residing in the treatment 98706
center. 98707

(C) Any school district responsible for tuition for a 98708
residential child shall, notwithstanding any conflicting provision 98709
of the Revised Code regarding tuition payment, pay tuition for the 98710
child for fiscal year 2018 and fiscal year 2019 to the education 98711
program provider and in the amount specified in this division. If 98712
there is no school district responsible for tuition for a 98713
residential child and if the participating residential treatment 98714
center to which the child is assigned is located in the city, 98715
exempted village, or local school district that, if the child were 98716
not a resident of that treatment center, would be the school 98717
district where the child is entitled to attend school under 98718
sections 3313.64 and 3313.65 of the Revised Code, that school 98719
district, notwithstanding any conflicting provision of the Revised 98720
Code, shall pay tuition for the child for fiscal year 2018 and 98721
fiscal year 2019 under this division unless that school district 98722
is providing the educational program to the child under division 98723
(B) of this section. 98724

A tuition payment under this division shall be made to the 98725
school district, educational service center, or residential 98726
treatment facility providing the educational program to the child. 98727

The amount of tuition paid shall be: 98728

(1) The amount of tuition determined for the district under 98729
division (A) of section 3317.08 of the Revised Code; 98730

(2) In addition, for any student receiving special education 98731
pursuant to an individualized education program as defined in 98732
section 3323.01 of the Revised Code, a payment for excess costs. 98733
This payment shall equal the actual cost to the school district, 98734
educational service center, or residential treatment facility of 98735
providing special education and related services to the student 98736
pursuant to the student's individualized education program, minus 98737
the tuition paid for the child under division (C)(1) of this 98738
section. 98739

A school district paying tuition under this division shall 98740
not include the child for whom tuition is paid in the district's 98741
average daily membership certified under division (A) of section 98742
3317.03 of the Revised Code. 98743

(D) In each of fiscal years 2018 and 2019, the Department of 98744
Education shall reimburse, from appropriations made for the 98745
purpose, a school district, educational service center, or 98746
residential treatment facility, whichever is providing the 98747
service, that has demonstrated that it is in compliance with the 98748
funding criteria for each served child for whom a school district 98749
must pay tuition under division (C) of this section. The amount of 98750
the reimbursement shall be the amount appropriated for this 98751
purpose divided by the full-time equivalent number of children for 98752
whom reimbursement is to be made. 98753

(E) Funds provided to a school district, educational service 98754
center, or residential treatment facility under this section shall 98755
be used to supplement, not supplant, funds from other public 98756
sources for which the school district, service center, or 98757
residential treatment facility is entitled or eligible. 98758

(F) The Department of Education shall track the utilization 98759

of funds provided to school districts, educational service 98760
centers, and residential treatment facilities under this section 98761
and monitor the effect of the funding on the educational programs 98762
they provide in participating residential treatment facilities. 98763
The Department shall monitor the programs for educational 98764
accountability. 98765

Section 265.460. (A) The Superintendent of Public Instruction 98766
may form partnerships with Ohio's business community, including 98767
the Ohio Business Roundtable, to create and implement initiatives 98768
that connect students with the business community in an effort to 98769
increase student engagement and job readiness through internships, 98770
work study, and site-based learning experiences. 98771

(B) If the Superintendent forms a partnership pursuant to 98772
division (A) of this section, the initiatives created and 98773
implemented through that partnership shall do all of the 98774
following: 98775

(1) Support the career connection learning strategies 98776
described in division (B)(2) of section 3301.079 of the Revised 98777
Code; 98778

(2) Provide an opportunity for students to earn high school 98779
credit toward graduation or to meet curriculum requirements in 98780
accordance with divisions (J)(1) and (2) of section 3313.603 of 98781
the Revised Code; 98782

(3) Inform the development of student success plans pursuant 98783
to division (C) of section 3313.6020 of the Revised Code. 98784

Section 265.470. The Department of Education shall provide 98785
assistance to the State Board of Education for the purposes of 98786
updating the statewide plan on subject area competency, including 98787
credit by examination, pursuant to division (J)(2) of section 98788
3313.603 of the Revised Code, to reduce barriers to student 98789

participation in credit flexibility options. 98790

Upon completion, the Department shall inform students, 98791
parents, and schools of the updated plan. 98792

Section 267.10. ELC OHIO ELECTIONS COMMISSION 98793

General Revenue Fund 98794

GRF 051321 Operating Expenses \$ 424,988 \$ 441,849 98795

TOTAL GRF General Revenue Fund \$ 424,988 \$ 441,849 98796

Dedicated Purpose Fund Group 98797

4P20 051601 Operating Support \$ 199,460 \$ 199,460 98798

TOTAL DPF Dedicated Purpose Fund \$ 199,460 \$ 199,460 98799

Group

TOTAL ALL BUDGET FUND GROUPS \$ 624,448 \$ 641,309 98800

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 98802

DIRECTORS 98803

Dedicated Purpose Fund Group 98804

4K90 881609 Operating Expenses \$ 791,253 \$ 843,973 98805

TOTAL DPF Dedicated Purpose Fund \$ 791,253 \$ 843,973 98806

Group

TOTAL ALL BUDGET FUND GROUPS \$ 791,253 \$ 843,973 98807

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 98809

Fiduciary Fund Group 98810

1240 995673 Payroll Deductions \$ 775,657,613 \$ 798,927,342 98811

8060 995666 Accrued Leave Fund \$ 70,000,000 \$ 71,930,634 98812

8070 995667 Disability Fund \$ 22,136,000 \$ 22,689,000 98813

8080 995668 State Employee Health \$ 842,858,402 \$ 926,309,037 98814

Benefit Fund

8090 995669 Dependent Care \$ 3,406,139 \$ 3,484,478 98815

Spending Account

8100	995670	Life Insurance	\$	1,632,004	\$	1,700,545	98816
		Investment Fund					
8110	995671	Parental Leave	\$	3,952,606	\$	4,084,972	98817
		Benefit Fund					
8130	995672	Health Care Spending	\$	11,043,565	\$	11,341,741	98818
		Account					
TOTAL FID Fiduciary Fund Group			\$	1,730,686,329	\$	1,840,467,749	98819
TOTAL ALL BUDGET FUND GROUPS			\$	1,730,686,329	\$	1,840,467,749	98820

Section 271.20. PAYROLL DEDUCTION FUND 98822

The foregoing appropriation item 995673, Payroll Deductions, 98823
shall be used to make payments from the Payroll Deduction Fund 98824
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 98825
is determined by the Director of Budget and Management that 98826
additional amounts are necessary, the amounts are hereby 98827
appropriated. 98828

ACCRUED LEAVE LIABILITY FUND 98829

The foregoing appropriation item 995666, Accrued Leave Fund, 98830
shall be used to make payments from the Accrued Leave Liability 98831
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 98832
If it is determined by the Director of Budget and Management that 98833
additional amounts are necessary, the amounts are hereby 98834
appropriated. 98835

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 98836

The foregoing appropriation item 995667, Disability Fund, 98837
shall be used to make payments from the State Employee Disability 98838
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 98839
Revised Code. If it is determined by the Director of Budget and 98840
Management that additional amounts are necessary, the amounts are 98841
hereby appropriated. 98842

STATE EMPLOYEE HEALTH BENEFIT FUND 98843

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND 98850

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND 98858

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND 98866

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND 98874

The foregoing appropriation item 995672, Health Care Spending 98875
Account, shall be used to make payments from the Health Care 98876
Spending Account Fund (Fund 8130) for payments pursuant to state 98877
employees' participation in a flexible spending account for 98878
non-reimbursed health care expenses and section 124.821 of the 98879
Revised Code. If it is determined by the Director of Budget and 98880
Management that additional amounts are necessary, the amounts are 98881
hereby appropriated. 98882

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 98883

General Revenue Fund 98884

GRF 125321 Operating Expenses \$ 3,862,270 \$ 3,887,270 98885

TOTAL GRF General Revenue Fund \$ 3,862,270 \$ 3,887,270 98886

Dedicated Purpose Fund Group 98887

5720 125603 Training and \$ 141,000 \$ 131,000 98888

Publications

TOTAL DPF Dedicated Purpose Fund \$ 141,000 \$ 131,000 98889

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,003,270 \$ 4,018,270 98890

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 98892

Dedicated Purpose Fund Group 98893

4K90 892609 Operating Expenses \$ 1,123,966 \$ 1,227,821 98894

TOTAL DPF Dedicated Purpose Fund \$ 1,123,966 \$ 1,227,821 98895

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,123,966 \$ 1,227,821 98896

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 98898

General Revenue Fund 98899

GRF 715502 Auto Emissions \$ 9,927,160 \$ 9,919,594 98900

E-Check Program

TOTAL GRF General Revenue Fund \$ 9,927,160 \$ 9,919,594 98901

Dedicated Purpose Fund Group				98902
4D50	715618	Recycled State Materials	\$ 50,000 \$ 50,000	98903
4J00	715638	Underground Injection Control	\$ 408,004 \$ 408,004	98904
4K20	715648	Clean Air - Non Title V	\$ 4,205,800 \$ 4,896,690	98905
4K30	715649	Solid Waste	\$ 14,173,000 \$ 14,435,000	98906
4K40	715650	Surface Water Protection	\$ 9,990,000 \$ 10,705,000	98907
4K50	715651	Drinking Water Protection	\$ 7,512,528 \$ 7,797,557	98908
4P50	715654	Cozart Landfill	\$ 10,000 \$ 10,000	98909
4R50	715656	Scrap Tire Management	\$ 2,277,786 \$ 2,277,786	98910
4R90	715658	Voluntary Action Program	\$ 963,847 \$ 698,139	98911
4T30	715659	Clean Air - Title V Permit Program	\$ 9,860,800 \$ 9,944,120	98912
5000	715608	Immediate Removal Special Account	\$ 825,710 \$ 825,509	98913
5030	715621	Hazardous Waste Facility Management	\$ 4,853,470 \$ 5,130,458	98914
5050	715623	Hazardous Waste Cleanup	\$ 11,406,593 \$ 11,887,426	98915
5050	715698	Response and Investigations	\$ 4,234,247 \$ 4,295,021	98916
5320	715646	Recycling and Litter Control	\$ 4,883,000 \$ 4,883,000	98917
5410	715670	Site Specific Cleanup	\$ 2,283,719 \$ 2,285,357	98918
5420	715671	Risk Management Reporting	\$ 214,826 \$ 214,826	98919
5860	715637	Scrap Tire Market Development	\$ 1,170,000 \$ 1,170,000	98920

5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	98921
5BC0	715624	Surface Water	\$	5,731,967	\$	5,731,967	98922
5BC0	715672	Air Pollution Control	\$	7,845,000	\$	7,845,000	98923
5BC0	715673	Drinking and Ground Water	\$	3,324,235	\$	3,324,235	98924
5BC0	715676	Assistance and Prevention	\$	1,812,000	\$	1,862,000	98925
5BC0	715677	Laboratory	\$	3,122,593	\$	3,157,593	98926
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	98927
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	98928
5BC0	715692	Administration	\$	13,302,000	\$	13,302,000	98929
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	98930
5BT0	715679	C&DD Groundwater Monitoring	\$	320,000	\$	320,000	98931
5BY0	715681	Auto Emissions Test	\$	1,344,450	\$	1,367,016	98932
5H40	715664	Groundwater Support	\$	302,489	\$	302,489	98933
5PZ0	715696	Drinking Water Loan Fee	\$	800,000	\$	800,000	98934
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	98935
6440	715631	Emergency Response Radiological Safety	\$	332,403	\$	352,430	98936
6760	715642	Water Pollution Control Loan Administration	\$	2,137,237	\$	2,061,832	98937
6760	715699	Water Quality Administration	\$	2,725,000	\$	2,725,000	98938
6780	715635	Air Toxic Release	\$	133,636	\$	76,437	98939
6790	715636	Emergency Planning	\$	2,747,391	\$	2,747,391	98940
6960	715643	Air Pollution Control	\$	950,400	\$	1,001,800	98941

		Administration					
6990	715644	Water Pollution	\$	750,000	\$	457,100	98942
		Control					
		Administration					
6A10	715645	Environmental	\$	1,100,000	\$	1,100,000	98943
		Education					
TOTAL	DPF	Dedicated Purpose Fund	\$	132,470,181	\$	134,814,233	98944
Group							
Internal Service Activity Fund Group							98945
1990	715602	Laboratory Services	\$	705,239	\$	705,239	98946
2190	715604	Central Support	\$	6,814,000	\$	6,858,000	98947
		Indirect					
4A10	715640	Operating Expenses	\$	1,350,000	\$	1,350,000	98948
TOTAL	ISA	Internal Service Activity	\$	8,869,239	\$	8,913,239	98949
Fund Group							
Capital Projects Fund Group							98950
5S10	715607	Clean Ohio	\$	363,700	\$	0	98951
		Revitalization					
		Operating					
TOTAL	CPF	Capital Projects Fund	\$	363,700	\$	0	98952
Group							
Federal Fund Group							98953
3530	715612	Public Water Supply	\$	2,113,020	\$	2,113,020	98954
3570	715619	Air Pollution Control	\$	6,140,203	\$	6,140,203	98955
		- Federal					
3620	715605	Underground Injection	\$	102,859	\$	102,859	98956
		Control - Federal					
3BU0	715684	Water Quality	\$	14,183,989	\$	14,183,989	98957
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	98958
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,900,000	\$	2,900,000	98959

	Operating				
3F30 715632	Federally Supported	\$	6,882,931	\$	6,968,645 98960
	Cleanup and Response				
3T30 715669	Drinking Water State	\$	2,809,470	\$	2,809,470 98961
	Revolving Fund				
3V70 715606	Agencywide Grants	\$	450,000	\$	450,000 98962
TOTAL FED	Federal Fund Group	\$	35,782,472	\$	35,868,186 98963
TOTAL ALL BUDGET FUND GROUPS		\$	187,412,752	\$	189,515,252 98964

Section 277.20. AREAWIDE PLANNING AGENCIES 98966

The Director of Environmental Protection Agency may award 98967
grants from appropriation item 715687, Areawide Planning Agencies, 98968
to areawide planning agencies engaged in areawide water quality 98969
management and planning activities in accordance with Section 208 98970
of the "Federal Clean Water Act," 33 U.S.C. 1288. 98971

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 98972
BUSINESS ASSISTANCE FUND 98973

On July 1, 2017, or as soon as possible thereafter, the 98974
Director of Budget and Management may transfer \$1,500,000 cash 98975
from the Small Business Assistance Fund (Fund 5A00) used by the 98976
Air Quality Development Authority to the Title V Clean Air Fund 98977
(Fund 4T30) used by the Environmental Protection Agency. 98978

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 98979
TIRE MANAGEMENT FUND 98980

The Director of Budget and Management, in consultation with 98981
the Director of Environmental Protection, shall establish a 98982
schedule of cash transfers totaling up to \$3,000,000 from the 98983
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 98984
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 98985
2019. 98986

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 98987

PROGRAM	98988
On January 1, 2018, the Asbestos Abatement Licensure and	98989
Certification Program is transferred from the Department of Health	98990
to the Environmental Protection Agency. For the purposes of the	98991
transfer, all of the following apply:	98992
(A) All rules, orders, and determinations of the Department	98993
related to the Program shall continue in effect as the rules,	98994
orders, and determinations of the Agency until rules for the	98995
Program are adopted and become effective for the Agency. If	98996
necessary to ensure the integrity of the numbering system of the	98997
Administrative Code, the Director of the Legislative Service	98998
Commission shall renumber the rules to reflect their transfer to	98999
the Agency.	99000
Any licenses, certificates, permits, registrations,	99001
approvals, or endorsements issued before January 1, 2018, by the	99002
Department of Health related to the Program shall continue in	99003
effect as if issued by the Agency.	99004
(B) Any business commenced but not completed by the Director	99005
of Health relating to the Program on the effective date of the	99006
amendment of the statutes governing the Program by this act shall	99007
be completed by the Director of Environmental Protection. Any	99008
validation, cure, right, privilege, remedy, obligation, or	99009
liability is not lost or impaired solely by reason of the transfer	99010
required by this act and shall be administered by the Director of	99011
Environmental Protection in accordance with this act.	99012
(C) All of the orders and determinations of the Director of	99013
Health relating to the Program continue in effect as orders and	99014
determinations of the Director of Environmental Protection until	99015
modified or rescinded by the Director of Environmental Protection.	99016
(D) Subject to the layoff provisions of sections 124.321 to	99017
124.328 of the Revised Code or the applicable collective	99018

bargaining agreement, all of the employees of the Department of 99019
Health working full-time for the Program are transferred to the 99020
Agency and retain their same positions. The Director of 99021
Environmental Protection may assign, reassign, classify, 99022
reclassify, transfer, reduce, promote, or demote any employees 99023
transferred from the Department who are not subject to Chapter 99024
4117. of the Revised Code. 99025

Any employment records and actions, including personnel 99026
actions, disciplinary actions, performance improvement plans, and 99027
performance evaluations transfer with the employee. Absent 99028
authorization from the employee, the Department is not to transfer 99029
to the Agency any medical documentation regarding the employee in 99030
its possession. These employees will be subject to the policies, 99031
procedures, and work rules of the Agency. 99032

(E) All equipment and assets relating to the Program are 99033
transferred from the Department to the Agency. 99034

(F) Whenever the Department or Director of Health, in 99035
relation to the Program, is referred to in any law, contract, or 99036
other document, the reference shall be deemed to refer to the 99037
Agency or its Director, whichever is appropriate in context. 99038

(G) Any action or proceeding pending on the effective date of 99039
the amendment of the statutes governing the Program by this act is 99040
not affected by the transfer of the functions of that Program by 99041
this act and shall be prosecuted or defended in the name of the 99042
Director of Environmental Protection or the Agency, whichever is 99043
appropriate in context. In all such actions and proceedings, the 99044
Director of Environmental Protection or the Agency, whichever is 99045
appropriate in context, upon application to the court, shall be 99046
substituted as a party. 99047

(H) The Directors of Health and Environmental Protection may 99048
enter into a memorandum of understanding in order to facilitate 99049

the transfer of the Program. 99050

(I) On January 1, 2018, or as soon as possible thereafter, 99051
the Director of Budget and Management may transfer up to \$400,000 99052
cash from the General Operations Fund (Fund 4700) used by the 99053
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 99054
in section 3704.035 of the Revised Code and used by the Agency. 99055
Upon completion of the transfer, the Director of Budget and 99056
Management shall cancel any existing encumbrances against Fund 99057
4700 appropriation item 440647, Fee Supported Programs, related to 99058
the Program, and reestablish them against Fund 4K20, appropriation 99059
item 715648, Clean Air - Non-Title V. The reestablished 99060
encumbrance amounts are hereby appropriated. 99061

CLEAN OHIO REVITALIZATION OPERATING 99062

On July 1, 2018, or as soon as possible thereafter, the 99063
Director of Environmental Protection may request that the Director 99064
of Budget and Management reappropriate any unexpended, 99065
unencumbered balance of the prior fiscal year's appropriation to 99066
the foregoing appropriation item 715607, Clean Ohio Revitalization 99067
Operating, for fiscal year 2019. The Director of Budget and 99068
Management may request additional information necessary for 99069
evaluating the request, and the Director of Environmental 99070
Protection shall provide the requested information to the Director 99071
of Budget and Management. Based on the information provided by the 99072
Director of Environmental Protection, the Director of Budget and 99073
Management shall determine the amount to be reappropriated, and 99074
those amounts are hereby reappropriated for fiscal year 2019. 99075

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 99076

General Revenue Fund 99077

GRF 172321 Operating Expenses	\$	620,617	\$	620,617	99078

TOTAL GRF General Revenue Fund	\$	620,617	\$	620,617	99079

TOTAL ALL BUDGET FUND GROUPS	\$	620,617	\$	620,617	99080
 Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION					99082
General Revenue Fund					99083
GRF 935401	Statehouse News	\$	324,533	\$ 324,533	99084
Bureau					
GRF 935402	Ohio Government	\$	1,452,089	\$ 1,452,089	99085
Telecommunications					
Services					
GRF 935410	Content Development,	\$	3,957,094	\$ 3,957,094	99086
Acquisition, and					
Distribution					
GRF 935430	Broadcast Education	\$	3,793,006	\$ 3,793,006	99087
Operating					
TOTAL GRF General Revenue Fund	\$	9,526,722	\$	9,526,722	99088
Dedicated Purpose Fund Group					99089
5FK0 935608	Media Services	\$	95,000	\$ 95,000	99090
TOTAL DPF Dedicated Purpose Fund	\$	95,000	\$	95,000	99091
Group					
Internal Service Activity Fund Group					99092
4F30 935603	Affiliate Services	\$	4,000	\$ 4,000	99093
4T20 935605	Government	\$	7,000	\$ 7,000	99094
Television/Telecommunications					
Operating					
TOTAL ISA Internal Service Activity					99095
Fund Group	\$	11,000	\$	11,000	99096
TOTAL ALL BUDGET FUND GROUPS	\$	9,632,722	\$	9,632,722	99097
 Section 281.20. STATEHOUSE NEWS BUREAU					99099
The foregoing appropriation item 935401, Statehouse News					99100
Bureau, shall be used solely to support the operations of the Ohio					99101
Statehouse News Bureau.					99102

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 99103

The foregoing appropriation item 935402, Ohio Government 99104
Telecommunications Services, shall be used solely to support the 99105
operations of Ohio Government Telecommunications Services which 99106
include providing multimedia support to the state government and 99107
its affiliated organizations and broadcasting the activities of 99108
the legislative, judicial, and executive branches of state 99109
government, among its other functions. 99110

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 99111

The foregoing appropriation item 935410, Content Development, 99112
Acquisition, and Distribution, shall be used for the development, 99113
acquisition, and distribution of information resources by public 99114
media and radio reading services and for educational use in the 99115
classroom and online. 99116

Of the foregoing appropriation item 935410, Content 99117
Development, Acquisition, and Distribution, up to \$1,008,099 in 99118
each fiscal year shall be allocated equally among the Ohio 99119
educational television stations. Funds shall be used for the 99120
production of interactive instructional programming series with 99121
priority given to resources aligned with state academic content 99122
standards. The programming shall be targeted to the needs of the 99123
one-third lowest capacity school districts as determined by the 99124
district's state share index calculated by the Department of 99125
Education. 99126

Of the foregoing appropriation item 935410, Content 99127
Development, Acquisition, and Distribution, up to \$2,654,095 in 99128
each fiscal year shall be distributed by the Broadcast Educational 99129
Media Commission to Ohio's qualified public educational television 99130
stations and educational radio stations to support their 99131
operations. The funds shall be distributed pursuant to an 99132
allocation formula used by the Ohio Educational Telecommunications 99133

Network Commission unless a substitute formula is developed by the 99134
Broadcast Educational Media Commission in consultation with Ohio's 99135
qualified public educational television stations and educational 99136
radio stations. 99137

Of the foregoing appropriation item 935410, Content 99138
Development, Acquisition, and Distribution, up to \$294,900 in each 99139
fiscal year shall be distributed by the Broadcast Educational 99140
Media Commission to Ohio's qualified radio reading services to 99141
support their operations. The funds shall be distributed pursuant 99142
to an allocation formula used by the Ohio Educational 99143
Telecommunications Network Commission unless a substitute formula 99144
is developed by the Broadcast Educational Media Commission in 99145
consultation with Ohio's qualified radio reading services. 99146

Section 283.10. ETH OHIO ETHICS COMMISSION 99147

General Revenue Fund 99148

GRF 146321 Operating Expenses	\$	1,457,245	\$	1,724,311	99149

TOTAL GRF General Revenue Fund	\$	1,457,245	\$	1,724,311	99150

Dedicated Purpose Fund Group 99151

4M60 146601 Operating Support	\$	862,026	\$	650,000	99152

TOTAL DPF Dedicated Purpose Fund	\$	862,026	\$	650,000	99153

Group

TOTAL ALL BUDGET FUND GROUPS	\$	2,319,271	\$	2,374,311	99154

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 99156

General Revenue Fund 99157

GRF 723403 Junior Fair Subsidy	\$	375,000	\$	375,000	99158

TOTAL GRF General Revenue Fund	\$	375,000	\$	375,000	99159

Dedicated Purpose Fund Group 99160

4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	99161

Harness Racing

5060 723601	Operating Expenses	\$	15,413,166	\$	15,413,166	99162
5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	99163
	and Repairs					
TOTAL DPF Dedicated Purpose Fund		\$	16,088,166	\$	16,088,166	99164
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	16,463,166	\$	16,463,166	99165

STATE FAIR RESERVE 99166

The General Manager of the Expositions Commission, in 99167
consultation with the Director of Budget and Management, may 99168
submit a request to the Controlling Board to use available amounts 99169
in the State Fair Reserve Fund (Fund 6400) if revenues from either 99170
the 2017 or the 2018 Ohio State Fair are unexpectedly low. 99171

On July 1 of each fiscal year, or as soon as possible 99172
thereafter, the Director of Budget and Management, in consultation 99173
with the General Manager of the Expositions Commission, may 99174
determine that the Ohio Expositions Fund (Fund 5060) has a cash 99175
balance in excess of the anticipated operating costs of the 99176
Exposition Commission in that fiscal year. Notwithstanding section 99177
991.04 of the Revised Code, the Director of Budget and Management 99178
may transfer an amount up to the excess cash from Fund 5060 to 99179
Fund 6400 in each fiscal year. 99180

GROUND MAINTENANCE AND REPAIRS 99181

The foregoing appropriation item 723604, Grounds Maintenance 99182
and Repairs, shall be used for maintenance and repairs on the 99183
grounds of the Ohio Expo Center. 99184

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 99185

General Revenue Fund 99186

GRF 230321	Operating Expenses	\$	6,500,000	\$	6,500,000	99187
GRF 230401	Cultural Facilities	\$	30,962,300	\$	32,931,200	99188
	Lease Rental Bond					

Payments					
GRF	230458	State Construction	\$	1,750,000	\$ 1,500,000 99189
Management Services					
GRF	230908	Common Schools	\$	376,134,900	\$ 405,025,700 99190
General Obligation					
Bond Debt Service					
TOTAL GRF General Revenue Fund			\$	415,347,200	\$ 445,956,900 99191
Internal Service Activity Fund Group					99192
1310 230639		State Construction	\$	9,057,889	\$ 9,307,889 99193
Management Operations					
TOTAL ISA Internal Service Activity			\$	9,057,889	\$ 9,307,889 99194
Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	424,405,089	\$ 455,264,789 99195

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 99197

PAYMENTS 99198

The foregoing appropriation item 230401, Cultural Facilities 99199
Lease Rental Bond Payments shall be used to meet all payments 99200
during the period from July 1, 2017, through June 30, 2019, by the 99201
Ohio Facilities Construction Commission under the primary leases 99202
and agreements for cultural and sports facilities made under 99203
Chapters 152. and 154. of the Revised Code. These appropriations 99204
are the source of funds pledged for bond service charges on 99205
related obligations issued under Chapters 152. and 154. of the 99206
Revised Code. 99207

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99208

The foregoing appropriation item 230908, Common Schools 99209
General Obligation Bond Debt Service, shall be used to pay all 99210
debt service and related financing costs during the period from 99211
July 1, 2017, through June 30, 2019, on obligations issued under 99212
sections 151.01 and 151.03 of the Revised Code. 99213

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 99214

The foregoing appropriation item 230458, State Construction 99215
Management Services, shall be used by the Ohio Facilities 99216
Construction Commission in administering Cultural and Sports 99217
Facilities Building Fund (Fund 7030) projects pursuant to section 99218
123.201 of the Revised Code. 99219

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99220

At the request of the Executive Director of the Ohio 99221
Facilities Construction Commission, the Director of Budget and 99222
Management may cancel encumbrances for school district projects 99223
from a previous biennium if the district has not raised its local 99224
share of project costs within thirteen months of receiving 99225
Controlling Board approval under section 3318.05 or 3318.41 of the 99226
Revised Code. The Executive Director of the Ohio Facilities 99227
Construction Commission shall certify the amounts of the canceled 99228
encumbrances to the Director of Budget and Management on a 99229
quarterly basis. The amounts of the canceled encumbrances are 99230
hereby appropriated. 99231

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 99232
APPROPRIATIONS 99233

On July 1, 2017, or as soon as possible thereafter, the 99234
Executive Director of the Ohio Facilities Construction Commission 99235
shall certify to the Director of Budget and Management the amount 99236
of cash receipts and related investment income, irrevocable 99237
letters of credit from a bank, or certification of the 99238
availability of funds that have been received from a county or a 99239
municipal corporation for deposit into the Capital Donations Fund 99240
(Fund 5A10) and that are related to an anticipated project. These 99241
amounts are hereby appropriated to appropriation item C37146, 99242
Capital Donations. Prior to certifying these amounts to the 99243

Director, the Executive Director shall make a written agreement 99244
with the participating entity on the necessary cash flows required 99245
for the anticipated construction or equipment acquisition project. 99246

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 99247
MAINTENANCE LEVY 99248

The Ohio Facilities Construction Commission shall amend the 99249
project agreement between the Commission and a school district 99250
that is participating in the Accelerated Urban School Building 99251
Assistance Program on the effective date of this section, if the 99252
Commission determines that it is necessary to do so in order to 99253
comply with division (B)(3)(c) of section 3318.38 of the Revised 99254
Code. 99255

Section 287.60. Notwithstanding any other provision of law to 99256
the contrary, the Ohio Facilities Construction Commission may 99257
determine the amount of funding available for disbursement in a 99258
given fiscal year for any project approved under sections 3318.01 99259
to 3318.20 of the Revised Code in order to keep aggregate state 99260
capital spending within approved limits and may take actions 99261
including, but not limited to, determining the schedule for design 99262
or bidding of approved projects, to ensure appropriate and 99263
supportable cash flow. 99264

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99265
DISTRICT 99266

Notwithstanding division (B) of section 3318.40 of the 99267
Revised Code, the Ohio Facilities Construction Commission may 99268
provide assistance to at least one joint vocational school 99269
district each fiscal year for the acquisition of classroom 99270
facilities in accordance with sections 3318.40 to 3318.45 of the 99271
Revised Code. 99272

Section 289.10. GOV OFFICE OF THE GOVERNOR				99273
General Revenue Fund				99274
GRF 040321	Operating Expenses	\$ 2,953,131	\$ 2,953,131	99275
TOTAL GRF General Revenue Fund		\$ 2,953,131	\$ 2,953,131	99276
Internal Service Activity Fund Group				99277
5AK0 040607	Government Relations	\$ 313,870	\$ 313,870	99278
TOTAL ISA Internal Service Activity				99279
Fund Group		\$ 313,870	\$ 313,870	99280
TOTAL ALL BUDGET FUND GROUPS		\$ 3,267,001	\$ 3,267,001	99281
GOVERNMENT RELATIONS				99282
A portion of the foregoing appropriation item 040607,				99283
Government Relations, may be used to support Ohio's membership in				99284
national or regional associations.				99285
The Office of the Governor may charge any state agency of the				99286
executive branch using an intrastate transfer voucher such amounts				99287
necessary to defray the costs incurred for the conduct of				99288
governmental relations associated with issues that can be				99289
attributed to the agency. Amounts collected shall be deposited in				99290
the Government Relations Fund (Fund 5AK0).				99291
Section 291.10. DOH DEPARTMENT OF HEALTH				99292
General Revenue Fund				99293
GRF 440413	Local Health	\$ 2,000,000	\$ 2,500,000	99294
Departments				
GRF 440416	Mothers and Children	\$ 4,428,015	\$ 4,428,015	99295
Safety Network				
GRF 440431	Free Clinic Safety Net	\$ 437,326	\$ 437,326	99296
Services				
GRF 440438	Breast and Cervical	\$ 658,574	\$ 658,574	99297
Cancer Screening				

GRF 440444	AIDS Prevention and Treatment	\$	3,089,621	\$	4,089,621	99298
GRF 440451	Public Health Laboratory	\$	3,756,782	\$	3,756,782	99299
GRF 440452	Child and Family Health Services Match	\$	598,922	\$	598,922	99300
GRF 440453	Health Care Quality Assurance	\$	5,188,374	\$	5,188,374	99301
GRF 440454	Environmental Health/Radiation Protection	\$	1,209,430	\$	1,209,430	99302
GRF 440459	Help Me Grow	\$	20,598,171	\$	20,598,171	99303
GRF 440465	Federally Qualified Health Centers	\$	2,418,019	\$	2,418,019	99304
GRF 440472	Alcohol Testing	\$	1,058,532	\$	1,058,532	99305
GRF 440473	Tobacco Use Prevention and Cessation	\$	4,000,000	\$	4,000,000	99306
GRF 440474	Infant Vitality	\$	7,116,688	\$	7,116,688	99307
GRF 440477	Emergency Preparation and Response	\$	2,000,000	\$	2,000,000	99308
GRF 440482	Chronic Disease/Health Promotion	\$	3,782,725	\$	3,782,725	99309
GRF 440483	Infectious Disease Prevention and Control	\$	5,159,045	\$	5,159,045	99310
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	99311
GRF 440507	Targeted Health Care Services-Over 21	\$	1,090,414	\$	1,090,414	99312
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,700,000	\$	3,700,000	99313
TOTAL GRF	General Revenue Fund	\$	79,803,089	\$	81,303,089	99314
Highway Safety Fund Group						99315
4T40 440603	Child Highway Safety	\$	300,000	\$	300,000	99316

TOTAL HSF Highway Safety Fund Group	\$	300,000	\$	300,000	99317
Dedicated Purpose Fund Group					99318
4700 440647 Fee Supported Programs	\$	29,291,999	\$	29,565,771	99319
4710 440619 Certificate of Need	\$	878,433	\$	878,433	99320
4730 440622 Lab Operating Expenses	\$	6,900,000	\$	6,900,000	99321
4770 440627 Medically Handicapped Children Audit	\$	2,500,000	\$	2,500,000	99322
4D60 440608 Genetics Services	\$	3,311,039	\$	3,311,039	99323
4F90 440610 Sickel Cell Disease Control	\$	1,032,824	\$	1,032,824	99324
4G00 440636 Heirloom Birth Certificate	\$	15,000	\$	15,000	99325
4G00 440637 Birth Certificate Surcharge	\$	15,000	\$	15,000	99326
4L30 440609 HIV Care and Miscellaneous Expenses	\$	21,000,000	\$	20,000,000	99327
4P40 440628 Ohio Physician Loan Repayment	\$	700,000	\$	700,000	99328
4V60 440641 Save Our Sight	\$	2,750,000	\$	2,750,000	99329
5B50 440616 Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	99330
5BX0 440656 Tobacco Use Prevention	\$	7,100,000	\$	7,100,000	99331
5CN0 440645 Choose Life	\$	150,000	\$	60,000	99332
5D60 440620 Second Chance Trust	\$	1,000,000	\$	1,000,000	99333
5ED0 440651 Smoke Free Indoor Air	\$	500,000	\$	500,000	99334
5G40 440639 Adoption Services	\$	20,000	\$	20,000	99335
5PE0 440659 Breast and Cervical Cancer Services	\$	200,000	\$	200,000	99336
5QH0 440661 Dental Hygienist	\$	5,000	\$	5,000	99337

		Resource Shortage Area				
5QJ0	440662	Dental Hygienist Loan	\$	135,000	\$	135,000 99338
		Repayments				
5SH0	440520	Children's Wish Grant	\$	150,000	\$	150,000 99339
		Program				
5Z70	440624	Ohio Dentist Loan	\$	200,000	\$	200,000 99340
		Repayment				
6100	440626	Radiation Emergency	\$	1,210,000	\$	1,300,000 99341
		Response				
6660	440607	Medically Handicapped	\$	21,739,617	\$	21,739,617 99342
		Children - County				
		Assessments				
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000 99343
TOTAL DPF		Dedicated Purpose Fund	\$	101,690,106	\$	100,963,878 99344
Group						
Internal Service Activity Fund Group						99345
1420	440646	Agency Health	\$	4,500,000	\$	4,500,000 99346
		Services				
2110	440613	Central Support	\$	27,000,000	\$	27,000,000 99347
		Indirect Costs				
TOTAL ISA		Internal Service Activity	\$	31,500,000	\$	31,500,000 99348
Fund Group						
Holding Account Fund Group						99349
R014	440631	Vital Statistics	\$	44,986	\$	44,986 99350
R048	440625	Refunds, Grants	\$	20,000	\$	20,000 99351
		Reconciliation, and				
		Audit Settlements				
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986 99352
Group						
Federal Fund Group						99353
3200	440601	Maternal Child Health	\$	23,500,000	\$	23,500,000 99354

		Block Grant				
3870	440602	Preventive Health	\$	8,800,000	\$	8,800,000 99355
		Block Grant				
3890	440604	Women, Infants, and	\$	230,000,000	\$	230,000,000 99356
		Children				
3910	440606	Medicare Survey and	\$	17,000,000	\$	17,000,000 99357
		Certification				
3920	440618	Federal Public Health	\$	93,198,791	\$	93,198,791 99358
		Programs				
3GD0	654601	Medicaid Program	\$	24,630,029	\$	25,340,949 99359
		Support				
3GN0	440660	Public Health	\$	27,941,795	\$	27,941,795 99360
		Emergency				
		Preparedness				
TOTAL FED	Federal Fund Group		\$	425,070,615	\$	425,781,535 99361
TOTAL ALL BUDGET FUND GROUPS			\$	638,428,796	\$	639,913,488 99362

Section 291.20. MOTHERS AND CHILDREN SAFETY NETWORK 99364

Of the foregoing appropriation item 440416, Mothers and 99365
Children Safety Network, \$200,000 in each fiscal year shall be 99366
used to assist families with hearing impaired children under 99367
twenty-one years of age in purchasing hearing aids and hearing 99368
assistive technology. The Director of Health shall adopt rules 99369
governing the distribution of these funds, including rules that do 99370
both of the following: (1) establish eligibility criteria to 99371
include families with incomes at or below four hundred per cent of 99372
the federal poverty guidelines as defined in section 5101.46 of 99373
the Revised Code, and (2) develop a sliding scale of disbursements 99374
under this section based on family income. The Director may adopt 99375
other rules as necessary to implement this section. Rules adopted 99376
under this section shall be adopted in accordance with Chapter 99377
119. of the Revised Code. 99378

AIDS PREVENTION AND TREATMENT 99379

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

FEDERALLY QUALIFIED HEALTH CENTERS

The foregoing appropriation item 440465, Federally Qualified Health Centers, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. The Initiative shall also assist federally qualified health centers with developing recruitment and retention practices for these professional designations.

TOBACCO USE PREVENTION AND CESSATION

Of the foregoing appropriation item 440473, Tobacco Use Prevention and Cessation, \$500,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

INFANT VITALITY

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation,

breastfeeding, care coordination, and progesterone.	99411
EMERGENCY PREPARATION AND RESPONSE	99412
The foregoing appropriation item 440477, Emergency	99413
Preparation and Response, shall be used to support public health	99414
emergency preparedness and response efforts at the state level or	99415
at a regional sub-level within the state, and may also be used to	99416
support data infrastructure projects related to public health	99417
emergency preparedness/response.	99418
TARGETED HEALTH CARE SERVICES-OVER 21	99419
The foregoing appropriation item 440507, Targeted Health Care	99420
Services-Over 21, shall be used to administer the Cystic Fibrosis	99421
Program and to implement the Hemophilia Insurance Premium Payment	99422
Program. The Department of Health shall expend \$100,000 in each	99423
fiscal year to implement the Hemophilia Insurance Premium Payment	99424
Program.	99425
The foregoing appropriation item 440507, Targeted Health Care	99426
Services-Over 21, shall also be used to provide essential	99427
medications and to pay the copayments for drugs approved by the	99428
Department of Health and covered by Medicare Part D that are	99429
dispensed to Bureau for Children with Medical Handicaps (BCMH)	99430
participants for the Cystic Fibrosis Program.	99431
The Department shall expend all of these funds.	99432
FEE SUPPORTED PROGRAMS	99433
Of the foregoing appropriation item 440647, Fee Supported	99434
Programs, \$2,160,000 in each fiscal year shall be used to	99435
distribute subsidies to local health departments on a per capita	99436
basis.	99437
CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL	99438
SUPPORT INDIRECT COSTS FUND	99439
On July 1, 2018, or as soon as possible thereafter, the	99440

Director of Budget and Management may transfer up to \$400,000 cash 99441
from the General Operations Fund (Fund 4700) to the Central 99442
Support Indirect Costs Fund (Fund 2110). Any transferred cash is 99443
hereby appropriated. 99444

MEDICALLY HANDICAPPED CHILDREN AUDIT 99445

The Medically Handicapped Children Audit Fund (Fund 4770) 99446
shall receive revenue from audits of hospitals and recoveries from 99447
third-party payers. Moneys may be expended for payment of audit 99448
settlements and for costs directly related to obtaining recoveries 99449
from third-party payers and for encouraging Medically Handicapped 99450
Children's Program recipients to apply for third-party benefits. 99451
Moneys also may be expended for payments for diagnostic and 99452
treatment services on behalf of medically handicapped children, as 99453
defined in division (A) of section 3701.022 of the Revised Code, 99454
and Ohio residents who are twenty-one or more years of age and who 99455
are suffering from cystic fibrosis or hemophilia. Moneys may also 99456
be expended for administrative expenses incurred in operating the 99457
Medically Handicapped Children's Program. 99458

GENETICS SERVICES 99459

The foregoing appropriation item 440608, Genetics Services 99460
(Fund 4D60), shall be used by the Department of Health to 99461
administer programs authorized by sections 3701.501 and 3701.502 99462
of the Revised Code. None of these funds shall be used to counsel 99463
or refer for abortion, except in the case of a medical emergency. 99464

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 99465

The foregoing appropriation item 440607, Medically 99466
Handicapped Children - County Assessments (Fund 6660), shall be 99467
used to make payments under division (E) of section 3701.023 of 99468
the Revised Code. 99469

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 99470

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report

available to the public on the Department's internet web site. 99503

Section 291.40. WIC VENDOR CONTRACTS 99504

(A) As used in this section, "WIC" means the Special 99505
Supplemental Nutrition Program for Women, Infants, and Children 99506
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 99507
42 U.S.C. 1786, as amended. 99508

(B) During fiscal year 2018 and fiscal year 2019, the 99509
Department of Health shall process and review a WIC vendor 99510
contract application pursuant to Chapter 3701-42 of the 99511
Administrative Code not later than forty-five days after receipt 99512
of the application if the applicant is a WIC-contracted vendor at 99513
the time of application and meets all of the following 99514
requirements: 99515

(1) Submits a complete WIC vendor application with all 99516
required documents and information; 99517

(2) Passes the required unannounced preauthorization visit 99518
within forty-five days of submitting a complete application; 99519

(3) Completes the required in-person training within 99520
forty-five days of submitting the complete application. 99521

(C) If an applicant fails to meet any of the requirements 99522
described in division (B) of this section, the Department shall 99523
deny the application for the contract. After an application has 99524
been denied, the applicant may reapply for a contract to act as a 99525
WIC vendor during the contracting cycle that is applicable to the 99526
applicant's WIC region. 99527

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 99528

Dedicated Purpose Fund Group 99529

4610 372601	Operating Expenses	\$	12,500	\$	12,500	99530

TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	99531

Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$	12,500	99532

Section 295.10.	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS	99534

General Revenue Fund					99535

GRF 148321	Operating Expenses	\$	459,170	\$	474,624	99536

TOTAL GRF General Revenue Fund	\$	459,170	\$	474,624	99537

Dedicated Purpose Fund Group					99538

6010 148602	Special Initiatives	\$	24,558	\$	24,558	99539

TOTAL DPF Dedicated Purpose					99540

Fund Group	\$	24,558	\$	24,558	99541

TOTAL ALL BUDGET FUND GROUPS	\$	483,728	\$	499,182	99542

Section 297.10.	OHS OHIO HISTORY CONNECTION	99544

General Revenue Fund					99545

GRF 360501	Education and Collections	\$	4,218,997	\$	4,218,997	99546

GRF 360502	Site and Museum Operations	\$	5,941,086	\$	5,941,086	99547

GRF 360504	Ohio Preservation Office	\$	290,000	\$	290,000	99548

GRF 360505	National Afro-American Museum	\$	500,000	\$	500,000	99549

GRF 360506	Hayes Presidential Center	\$	500,000	\$	500,000	99550

GRF 360509	Outreach and Partnership	\$	160,395	\$	160,395	99551

TOTAL GRF General Revenue Fund	\$	11,610,478	\$	11,610,478	99552

Dedicated Purpose Fund Group					99553

5KL0 360602	Ohio History Tax Check-off	\$	150,000	\$	150,000	99554

5PD0 360603	Ohio History License	\$	10,000	\$	10,000	99555

Plate

TOTAL DPF Dedicated Purpose Fund	\$	160,000	\$	160,000	99556
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	11,770,478	\$	11,770,478	99557

SUBSIDY APPROPRIATION	99558

Upon approval by the Director of Budget and Management, the	99559
foregoing appropriation items shall be released to the Ohio	99560
History Connection in quarterly amounts that in total do not	99561
exceed the annual appropriations. The funds and fiscal records of	99562
the Ohio History Connection for fiscal year 2018 and fiscal year	99563
2019 shall be examined by independent certified public accountants	99564
approved by the Auditor of State, and a copy of the audited	99565
financial statements shall be filed with the Office of Budget and	99566
Management. The Ohio History Connection shall prepare and submit	99567
to the Office of Budget and Management the following:	99568

(A) An estimated operating budget for each fiscal year of the	99569
biennium. The operating budget shall be submitted at or near the	99570
beginning of each calendar year.	99571

(B) Financial reports, indicating actual receipts and	99572
expenditures for the fiscal year to date. These reports shall be	99573
filed at least semiannually during the fiscal biennium.	99574

The foregoing appropriations shall be considered to be the	99575
contractual consideration provided by the state to support the	99576
state's offer to contract with the Ohio History Connection under	99577
section 149.30 of the Revised Code.	99578

OUTREACH AND PARTNERSHIP	99579

Of the foregoing appropriation item 360509, Outreach and	99580
Partnership, \$70,000 in each fiscal year shall be distributed to	99581
the Ohio World War I Centennial Working Group.	99582

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES	99583

General Revenue Fund				99584	
GRF 025321 Operating Expenses	\$	25,272,941	\$	25,272,941	99585
TOTAL GRF General Revenue Fund	\$	25,272,941	\$	25,272,941	99586
Internal Service Activity Fund Group				99587	
1030 025601 House of	\$	1,433,664	\$	1,433,664	99588
Representatives					
Reimbursement					
4A40 025602 Miscellaneous Sales	\$	37,849	\$	37,849	99589
TOTAL Internal Service Activity					99590
Fund Group	\$	1,471,513	\$	1,471,513	99591
TOTAL ALL BUDGET FUND GROUPS	\$	26,744,454	\$	26,744,454	99592

OPERATING EXPENSES 99593

On July 1, 2017, or as soon as possible thereafter, the Chief 99594
Administrative Officer of the House of Representatives may certify 99595
to the Director of Budget and Management an amount up to the 99596
unexpended, unencumbered balance of the foregoing appropriation 99597
item 025321, Operating Expenses, at the end of fiscal year 2017 to 99598
be reappropriated to fiscal year 2018. The amount certified is 99599
hereby reappropriated to the same appropriation item for fiscal 99600
year 2018. 99601

On July 1, 2018, or as soon as possible thereafter, the Chief 99602
Administrative Officer of the House of Representatives may certify 99603
to the Director of Budget and Management an amount up to the 99604
unexpended, unencumbered balance of the foregoing appropriation 99605
item 025321, Operating Expenses, at the end of fiscal year 2018 to 99606
be reappropriated to fiscal year 2019. The amount certified is 99607
hereby reappropriated to the same appropriation item for fiscal 99608
year 2019. 99609

HOUSE REIMBURSEMENT 99610

If it is determined by the Chief Administrative Officer of 99611
the House of Representatives that additional appropriations are 99612

necessary for the foregoing appropriation item 025601, House 99613
Reimbursement, the amounts are hereby appropriated. 99614

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 99615

Dedicated Purpose Fund Group 99616

5AZ0 997601 Housing Finance Agency \$ 12,413,447 \$ 12,789,824 99617

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,413,447 \$ 12,789,824 99618

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,413,447 \$ 12,789,824 99619

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 99621

General Revenue Fund 99622

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 99623

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 99624

Internal Service Activity Fund Group 99625

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 99626

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 99627

General for BWC/OIC

TOTAL ISA Internal Service Activity 99628

Fund Group \$ 825,000 \$ 825,000 99629

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 99630

Section 305.10. INS DEPARTMENT OF INSURANCE 99632

Dedicated Purpose Fund Group 99633

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 99634

OSHIIP

5540 820606 Operating Expenses \$ 27,237,840 \$ 27,237,840 99635

5550 820605 Examination \$ 8,327,549 \$ 8,327,549 99636

5PT0 820613 Captive Insurance \$ 998,696 \$ 998,696 99637

Regulation &

Supervision				
TOTAL DPF Dedicated Purpose				99638
Fund Group	\$	36,744,085	\$	36,744,085 99639
Federal Fund Group				99640
3U50 820602 OSHIIP Operating	\$	2,393,150	\$	2,393,150 99641
Grant				
TOTAL FED Federal Fund Group	\$	2,393,150	\$	2,393,150 99642
TOTAL ALL BUDGET FUND GROUPS	\$	39,137,235	\$	39,137,235 99643
MARKET CONDUCT EXAMINATION				99644
When conducting a market conduct examination of any insurer				99645
doing business in this state, the Superintendent of Insurance may				99646
assess the costs of the examination against the insurer. The				99647
Superintendent may enter into consent agreements to impose				99648
administrative assessments or fines for conduct discovered that				99649
may be violations of statutes or rules administered by the				99650
Superintendent. All costs, assessments, or fines collected shall				99651
be deposited to the credit of the Department of Insurance				99652
Operating Fund (Fund 5540).				99653
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				99654
The Director of Budget and Management, at the request of the				99655
Superintendent of Insurance, may transfer cash from the Department				99656
of Insurance Operating Fund (Fund 5540), established by section				99657
3901.021 of the Revised Code, to the Superintendent's Examination				99658
Fund (Fund 5550), established by section 3901.071 of the Revised				99659
Code, only for expenses incurred in examining domestic fraternal				99660
benefit societies as required by section 3921.28 of the Revised				99661
Code.				99662
TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION				99663
AND SUPERVISION				99664
When funds from captive insurance company application fees,				99665
reimbursements from captive insurance companies for examinations,				99666

and other sources have accrued to the Captive Insurance Regulation 99667
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 99668
sufficient to sustain operations, the Director of Budget and 99669
Management, in consultation with the Superintendent of Insurance, 99670
shall establish a schedule for repaying the amounts previously 99671
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 99672
Fund 5540. 99673

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 99674

General Revenue Fund 99675

GRF 600321	Program Support	\$	30,043,219	\$	30,043,219	99676
GRF 600410	TANF State Maintenance of Effort	\$	152,886,934	\$	152,886,934	99677
GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	99678
GRF 600416	Information Technology Projects	\$	69,615,048	\$	70,056,647	99679
GRF 600420	Child Support Programs	\$	6,780,203	\$	6,780,203	99680
GRF 600421	Family Assistance Programs	\$	3,199,313	\$	3,199,313	99681
GRF 600423	Families and Children Programs	\$	18,219,491	\$	18,219,491	99682
GRF 600445	Unemployment Insurance Administration	\$	23,887,879	\$	23,887,879	99683
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	99684
GRF 600511	Disability Financial Assistance	\$	4,048,920	\$	0	99685
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751	99686
GRF 600523	Family and Children Services	\$	65,755,323	\$	65,755,323	99687

GRF 600528	Adoption Services	\$	29,817,028	\$	29,817,028	99688
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	99689
GRF 600534	Adult Protective Services	\$	2,640,000	\$	2,640,000	99690
GRF 600535	Early Care and Education	\$	143,436,793	\$	143,436,793	99691
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	99692
GRF 655425	Medicaid Program Support	\$	7,751,500	\$	7,751,500	99693
GRF 655522	Medicaid Program Support - Local	\$	38,267,970	\$	38,267,970	99694
GRF 655523	Medicaid Program Support - Local Transportation	\$	45,080,495	\$	0	99695
TOTAL GRF General Revenue Fund		\$	810,609,700	\$	761,921,884	99696
Dedicated Purpose Fund Group						99697
1980 600647	Children's Trust Fund	\$	5,000,000	\$	5,000,000	99698
4A80 600658	Public Assistance Activities	\$	26,000,000	\$	26,000,000	99699
4A90 600607	Unemployment Compensation Administration Fund	\$	14,000,000	\$	14,000,000	99700
4E70 600604	Family and Children Services Putative Father Registry	\$	650,000	\$	650,000	99701
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000	99702
5DM0 600633	Audit Settlements and Contingency	\$	5,000,000	\$	5,000,000	99703
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	99704

5HC0 600695	Unemployment	\$	2,000,000	\$	2,000,000	99705
	Compensation Interest					
5KT0 600696	Early Childhood	\$	20,000,000	\$	20,000,000	99706
	Education					
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	99707
	Trafficking					
5RX0 600699	Workforce Development	\$	2,000,000	\$	2,000,000	99708
	Projects					
5RY0 600698	Human Services	\$	3,941,500	\$	3,064,000	99709
	Project					
5U60 600663	Family and Children	\$	3,000,000	\$	3,000,000	99710
	Support					
TOTAL DPF Dedicated Purpose Fund		\$	82,899,500	\$	82,022,000	99711
Group						
Internal Service Activity Fund Group						99712
5HL0 600602	State and County	\$	2,000,000	\$	2,000,000	99713
	Shared Services					
TOTAL ISA Internal Service Activity		\$	2,000,000	\$	2,000,000	99714
Fund Group						
Fiduciary Fund Group						99715
1920 600646	Child Support	\$	110,000,000	\$	110,000,000	99716
	Intercept - Federal					
5830 600642	Child Support	\$	14,000,000	\$	14,000,000	99717
	Intercept - State					
5B60 600601	Food Assistance	\$	1,000,000	\$	1,000,000	99718
	Intercept					
TOTAL FID Fiduciary Fund Group		\$	125,000,000	\$	125,000,000	99719
Holding Account Fund Group						99720
R012 600643	Refunds and Audit	\$	500,000	\$	500,000	99721
	Settlements					
TOTAL HLD Holding Account Fund		\$	500,000	\$	500,000	99722
Group						

Federal Fund Group					99723	
3270 600606	Child Welfare	\$	27,500,000	\$	27,500,000	99724
3310 600615	Veterans Programs	\$	7,000,000	\$	7,000,000	99725
3310 600624	Employment Services Programs	\$	26,000,000	\$	26,000,000	99726
3310 600686	Workforce Programs	\$	5,800,000	\$	5,800,000	99727
3840 600610	Food Assistance Programs	\$	145,000,000	\$	145,000,000	99728
3850 600614	Refugee Services	\$	14,000,000	\$	14,000,000	99729
3950 600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	99730
3960 600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	99731
3970 600626	Child Support - Federal	\$	175,000,000	\$	175,000,000	99732
3980 600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	99733
3A20 600641	Emergency Food Distribution	\$	4,000,000	\$	4,000,000	99734
3AW0 600675	Faith Based Initiatives	\$	3,000,000	\$	3,000,000	99735
3D30 600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	99736
3F01 655624	Medicaid Program Support - Federal	\$	185,598,365	\$	174,491,905	99737
3H70 600617	Child Care Federal	\$	231,000,000	\$	232,000,000	99738
3N00 600628	Foster Care Program - Federal	\$	240,000,000	\$	240,000,000	99739
3S50 600622	Child Support Projects	\$	534,050	\$	534,050	99740
3V00 600688	Workforce Innovation and Opportunity Act Programs	\$	108,000,000	\$	108,000,000	99741
3V40 600632	Trade Programs	\$	20,000,000	\$	20,000,000	99742

3V40 600678	Federal Unemployment Programs	\$ 85,814,212	\$ 80,814,212	99743
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 5,000,000	\$ 5,000,000	99744
3V60 600689	TANF Block Grant	\$ 836,437,504	\$ 848,935,211	99745
TOTAL FED Federal Fund Group		\$ 2,340,184,131	\$ 2,337,575,378	99746
TOTAL ALL BUDGET FUND GROUPS		\$ 3,361,193,331	\$ 3,309,019,262	99747

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 99749

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 99750
99751
99752
99753

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 99754
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99757

(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 99758
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99761

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 99762
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99764
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(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 99767
99768

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid 99769
99770

Program Support - Local. 99771

(E) If receipts credited to the Medicaid Program Support Fund 99772
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 99773
(Fund 3840) exceed the amounts appropriated, the Director of Job 99774
and Family Services shall request the Director of Budget and 99775
Management to authorize expenditures from those funds in excess of 99776
the amounts appropriated. Upon approval of the Director of Budget 99777
and Management, the additional amounts are hereby appropriated. 99778

Section 307.30. NAME OF FOOD STAMP PROGRAM 99779

The Director of Job and Family Services is not required to 99780
amend rules regarding the Food Stamp Program to change the name of 99781
the program to the Supplemental Nutrition Assistance Program. The 99782
Director may refer to the program as the Food Stamp Program, the 99783
Supplemental Nutrition Assistance Program, or the Food Assistance 99784
Program in rules and documents of the Department of Job and Family 99785
Services. 99786

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 99787

Of the foregoing appropriation items 600410, TANF State 99788
Maintenance of Effort, 600658, Public Assistance Activities, and 99789
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 99790
year shall be used to provide funds to the Ohio Association of 99791
Food Banks to purchase and distribute food products. 99792

Notwithstanding section 5101.46 of the Revised Code and any 99793
other provision in this bill, including funds designated for the 99794
Ohio Association of Food Banks in this section, in fiscal year 99795
2018 and fiscal year 2019, the Director of Job and Family Services 99796
shall provide assistance from eligible funds to the Ohio 99797
Association of Food Banks in an amount not less than \$19,550,000 99798
in each fiscal year. 99799

Eligible nonfederal expenditures made by member food banks of 99800

the Association shall be counted by the Department of Job and 99801
Family Services toward the TANF maintenance of effort requirements 99802
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 99803
shall enter into an agreement with the Ohio Association of Food 99804
Banks, in accordance with sections 5101.80 and 5101.801 of the 99805
Revised Code, to carry out the requirements under this section. 99806

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 99807

The foregoing appropriation item 600658, Public Assistance 99808
Activities, shall be used by the Department of Job and Family 99809
Services to meet the TANF maintenance of effort requirements of 42 99810
U.S.C. 609(a)(7). When the state is assured that it will meet the 99811
maintenance of effort requirement, the Department of Job and 99812
Family Services may use funds from appropriation item 600658, 99813
Public Assistance Activities, to support public assistance 99814
activities. 99815

Section 307.60. FOOD STAMPS TRANSFER 99816

On July 1, 2017, or as soon as possible thereafter, the 99817
Director of Budget and Management may transfer up to \$1,000,000 99818
cash from the Supplemental Nutrition Assistance Program Fund (Fund 99819
3840), to the Food Assistance Fund (Fund 5ES0). 99820

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 99821
COMMUNITY INITIATIVES 99822

Of the foregoing appropriation item 600689, TANF Block Grant, 99823
up to \$6,540,000 in each fiscal year shall be used, in accordance 99824
with sections 5101.80 and 5101.801 of the Revised Code, to provide 99825
support to programs or organizations that provide services that 99826
align with the mission and goals of the Governor's Office of 99827
Faith-Based and Community Initiatives, as outlined in section 99828
107.12 of the Revised Code, and that further at least one of the 99829

four purposes of the TANF program, as specified in 42 U.S.C. 601. 99830

Section 307.80. INDEPENDENT LIVING INITIATIVE 99831

Of the foregoing appropriation item 600689, TANF Block Grant, 99832
up to \$2,000,000 in each fiscal year shall be used, in accordance 99833
with sections 5101.80 and 5101.801 of the Revised Code, to support 99834
the Independent Living Initiative, including life skills training 99835
and work supports for older children in foster care and those who 99836
have recently aged out of foster care. 99837

Section 307.90. OHIO COMMISSION ON FATHERHOOD 99838

Of the foregoing appropriation item 600689, TANF Block Grant, 99839
\$1,000,000 in each fiscal year shall be provided to the Ohio 99840
Commission on Fatherhood. 99841

Section 307.100. FAMILIES AND CHILDREN PROGRAMS 99842

Of the foregoing appropriation item 600423, Families and 99843
Children Programs, \$2,000,000 in each fiscal year shall be used by 99844
the Office of Families and Children to fund Predictive Analytics 99845
to use current and historical data to predict future outcomes and 99846
behaviors in high-risk foster care children. 99847

Section 307.110. FAMILY AND CHILDREN SERVICES 99848

Of the foregoing appropriation item 600523, Family and 99849
Children Services, up to \$3,200,000 shall be used to match 99850
eligible federal Title IV-B ESSA funds and federal Title IV-E 99851
Chafee funds allocated to public children services agencies. 99852

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 99853

In collaboration with the county family and children first 99854
council, a county department of job and family services or public 99855
children services agency that receives an allocation from the 99856

Department of Job and Family Services from the foregoing 99857
appropriation item 600523, Family and Children Services, or 99858
600533, Child, Family, and Community Protection Services, may 99859
transfer a portion of either or both allocations to a flexible 99860
funding pool as authorized by the section of this act titled 99861
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 99862

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 99863
SERVICES 99864

(A) The foregoing appropriation item 600533, Child, Family, 99865
and Community Protection Services, shall be distributed to each 99866
county department of job and family services using the formula the 99867
Department of Job and Family Services uses when distributing Title 99868
XX funds to county departments of job and family services under 99869
section 5101.46 of the Revised Code. County departments shall use 99870
the funds distributed to them under this section as follows, in 99871
accordance with the written plan of cooperation entered into under 99872
section 307.983 of the Revised Code: 99873

(1) To assist individuals in achieving or maintaining 99874
self-sufficiency, including by reducing or preventing dependency 99875
among individuals with family income not exceeding two hundred per 99876
cent of the federal poverty guidelines; 99877

(2) Subject to division (B) of this section, to respond to 99878
reports of abuse, neglect, or exploitation of children and adults, 99879
including through the differential response approach program; 99880

(3) To provide outreach and referral services regarding home 99881
and community-based services to individuals at risk of placement 99882
in a group home or institution, regardless of the individuals' 99883
family income and without need for a written application; 99884

(4) To provide outreach, referral, application assistance, 99885
and other services to assist individuals receive assistance, 99886

benefits, or services under Medicaid; Title IV-A programs, as 99887
defined in section 5101.80 of the Revised Code; the Supplemental 99888
Nutrition Assistance Program; and other public assistance 99889
programs. 99890

(B) Protective services may be provided to a child or adult 99891
as part of a response, under division (A)(2) of this section, to a 99892
report of abuse, neglect, or exploitation without regard to a 99893
child or adult's family income and without need for a written 99894
application. The protective services may be provided if the case 99895
record documents circumstances of actual or potential abuse, 99896
neglect, or exploitation. 99897

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 99898

The foregoing appropriation item 600609, Family and Children 99899
Activities, shall be used to expend miscellaneous foundation funds 99900
and grants to support family and children services activities. 99901

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 99902

Notwithstanding section 5101.073 of the Revised Code, the 99903
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 99904
consist of earned federal revenue the final disposition of which 99905
is unknown. 99906

Section 307.160. ADOPTION ASSISTANCE LOAN 99907

The Department of Job and Family Services may use the State 99908
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 99909
of adoption assistance loans pursuant to section 3107.018 of the 99910
Revised Code. The amounts of any adoption assistance loans are 99911
hereby appropriated. 99912

Section 307.170. EARLY CHILDHOOD EDUCATION 99913

Of the foregoing appropriation item 600696, Early Childhood 99914

Education, up to \$20,000,000 in each fiscal year shall be used to 99915
achieve the goals described in division (C) of section 5104.29 of 99916
the Revised Code. The funds shall be used to support early 99917
learning and development programs operating in smaller 99918
communities, early learning and development programs that are 99919
rated in the Step Up to Quality program at the third highest tier 99920
or higher, or both. 99921

Section 307.180. CASH TRANSFER FROM THE UNEMPLOYMENT 99922
INSURANCE SUPPORT – OTHER SOURCES FUND TO THE UNEMPLOYMENT 99923
COMPENSATION ADMINISTRATION FUND 99924

On July 1, 2017, or as soon as possible thereafter, the 99925
Director of Job and Family Services shall certify to the Director 99926
of Budget and Management the cash balance of the Unemployment 99927
Insurance Support – Other Sources Fund (Fund 5KU0). Upon 99928
certification, the Director of Budget and Management may transfer 99929
the amount certified to the Unemployment Compensation 99930
Administration Fund (Fund 4A90). 99931

Section 307.190. VICTIMS OF HUMAN TRAFFICKING 99932

The foregoing appropriation item 600660, Victims of Human 99933
Trafficking, shall be used to provide treatment, care, 99934
rehabilitation, education, housing, and assistance for victims of 99935
trafficking in persons as specified in section 5101.87 of the 99936
Revised Code. If receipts credited to the Victims of Human 99937
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 99938
the fund, the Director of Job and Family Services may request the 99939
Director of Budget and Management to authorize expenditures from 99940
the fund in excess of the amounts appropriated. Upon the approval 99941
of the Director of Budget and Management, the additional amounts 99942
are hereby appropriated. 99943

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 99944

The Fiduciary Fund Group and Holding Account Fund Group shall 99945
be used to hold revenues until the appropriate fund is determined 99946
or until the revenues are directed to the appropriate governmental 99947
agency other than the Department of Job and Family Services. Any 99948
Department of Job and Family Services refunds or reconciliations 99949
received or held by the Department of Medicaid shall be 99950
transferred or credited to the Refunds and Audit Settlement Fund 99951
(Fund R012). If receipts credited to the Support Intercept - 99952
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 99953
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 99954
Audit Settlements Fund (Fund R012), or the Forgery Collections 99955
Fund (Fund R013) exceed the amounts appropriated from the fund, 99956
the Director of Job and Family Services may request the Director 99957
of Budget and Management to authorize expenditures from the fund 99958
in excess of the amounts appropriated. Upon the approval of the 99959
Director of Budget and Management, the additional amounts are 99960
hereby appropriated. 99961

Section 307.210. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 99962
PROGRAM 99963

During the period that begins July 1, 2017, and ends on the 99964
effective date of the enactment by this act of section 5116.01 of 99965
the Revised Code, the Comprehensive Case Management and Employment 99966
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 99967
131st General Assembly shall continue in operation as enacted by 99968
that act with the following modification: the minimum age for 99969
participation in the program is reduced to fourteen. Beginning 99970
with the effective date of section 5116.01 of the Revised Code, as 99971
enacted by this act, the Comprehensive Case Management and 99972
Employment Program shall begin operation in accordance with 99973
Chapter 5116. of the Revised Code. 99974

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 99975

General Revenue Fund				99976
GRF 029321 Operating Expenses	\$	512,253	\$ 512,253	99977
TOTAL GRF General Revenue Fund	\$	512,253	\$ 512,253	99978
TOTAL ALL BUDGET FUND GROUPS	\$	512,253	\$ 512,253	99979

OPERATING GUIDANCE 99980

The Legislative Service Commission shall act as fiscal agent 99981
for the Joint Committee on Agency Rule Review. Members of the 99982
Committee shall be paid in accordance with section 101.35 of the 99983
Revised Code. 99984

OPERATING EXPENSES 99985

On July 1, 2017, or as soon as possible thereafter, the 99986
Executive Director of the Joint Committee on Agency Rule Review 99987
may certify to the Director of Budget and Management an amount up 99988
to the unexpended, unencumbered balance of the foregoing 99989
appropriation item 029321, Operating Expenses, at the end of 99990
fiscal year 2017 to be reappropriated to fiscal year 2018. The 99991
amount certified is hereby reappropriated to the same 99992
appropriation item for fiscal year 2018. 99993

On July 1, 2018, or as soon as possible thereafter, the 99994
Executive Director of the Joint Committee on Agency Rule Review 99995
may certify to the Director of Budget and Management an amount up 99996
to the unexpended, unencumbered balance of the foregoing 99997
appropriation item 029321, Operating Expenses, at the end of 99998
fiscal year 2018 to be reappropriated to fiscal year 2019. The 99999
amount certified is hereby reappropriated to the same 100000
appropriation item for fiscal year 2019. 100001

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 100002

General Revenue Fund				100003
GRF 047321 Operating Expenses	\$	500,000	\$ 500,000	100004
TOTAL GRF General Revenue Fund	\$	500,000	\$ 500,000	100005

TOTAL ALL BUDGET FUND GROUPS	\$	500,000	\$	500,000	100006
OPERATING EXPENSES					100007
The foregoing appropriation item 047321, Operating Expenses,					100008
shall be used to support expenses related to the Joint Education					100009
Oversight Committee under section 103.45 to 103.50 of the Revised					100010
Code.					100011
On July 1, 2018, or as soon as possible thereafter, the Joint					100012
Education Oversight Committee may certify to the Director of					100013
Budget and Management an amount up to the unexpended, unencumbered					100014
balance of the foregoing appropriation item 047321, Operating					100015
Expenses, at the end of fiscal year 2018 to be reappropriated to					100016
fiscal year 2019. The amount certified is hereby reappropriated to					100017
the same appropriation item for fiscal year 2019.					100018
Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE					100019
General Revenue Fund					100020
GRF 048321 Operating Expenses	\$	351,355	\$	518,538	100021
TOTAL GRF General Revenue Fund	\$	351,355	\$	518,538	100022
TOTAL ALL BUDGET FUND GROUPS	\$	351,355	\$	518,538	100023
OPERATING EXPENSES					100024
The foregoing appropriation item 048321, Operating Expenses,					100025
shall be used to support expenses related to the Joint Medicaid					100026
Oversight Committee created by section 103.41 of the Revised Code.					100027
On July 1, 2017, or as soon as possible thereafter, the					100028
Executive Director of the Joint Medicaid Oversight Committee may					100029
certify to the Director of Budget and Management an amount up to					100030
the unexpended, unencumbered balance of the foregoing					100031
appropriation item 048321, Operating Expenses, at the end of					100032
fiscal year 2017 to be reappropriated to fiscal year 2018. The					100033
amount certified is hereby reappropriated to the same					100034
appropriation item for fiscal year 2018.					100035

On July 1, 2018, or as soon as possible thereafter, the
Executive Director of the Joint Medicaid Oversight Committee may
certify to the Director of Budget and Management an amount up to
the unexpended, unencumbered balance of the foregoing
appropriation item 048321, Operating Expenses, at the end of
fiscal year 2018 to be reappropriated to fiscal year 2019. The
amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2019.

The Legislative Service Commission shall act as fiscal agent
for the Joint Medicaid Oversight Committee.

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS

The Joint Medicaid Oversight Committee shall review the
following Department of Health appropriation items: 440416,
Mothers and Children Safety Net Services; 440418, Immunizations;
440438, Breast and Cervical Cancer Screening; 440444, AIDS
Prevention and Treatment; and 440505, Medically Handicapped
Children. The review shall include the uses and the necessity of
these appropriation items both before and after the enactment of
section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all
funding sources, maintenance of effort requirements, and any grant
restrictions. Additionally, the review shall include analysis and
recommendations to maximize integration into the formal health
care system with the goal of achieving the statutory goals of the
Joint Medicaid Oversight Committee.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018321 Operating Expenses	\$	806,963	\$	806,963

TOTAL GRF General Revenue Fund	\$	806,963	\$	806,963

Dedicated Purpose Fund Group

4030 018601 Ohio Jury	\$	408,282	\$	431,346	100066
Instructions					
TOTAL DPF Dedicated Purpose Fund	\$	408,282	\$	431,346	100067
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,215,245	\$	1,238,309	100068
STATE COUNCIL OF UNIFORM STATE LAWS					100069
Notwithstanding section 105.26 of the Revised Code, of the					100070
foregoing appropriation item 018321, Operating Expenses, up to					100071
\$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019					100072
shall be used to pay the expenses of the State Council of Uniform					100073
State Laws, including membership dues to the National Conference					100074
of Commissioners on Uniform State Laws.					100075
OHIO JURY INSTRUCTIONS FUND					100076
The Ohio Jury Instructions Fund (Fund 4030) shall consist of					100077
grants, royalties, dues, conference fees, bequests, devises, and					100078
other gifts received for the purpose of supporting costs incurred					100079
by the Judicial Conference of Ohio in its activities as a part of					100080
the judicial system of the state as determined by the Judicial					100081
Conference Executive Committee. Fund 4030 shall be used by the					100082
Judicial Conference of Ohio to pay expenses incurred in its					100083
activities as a part of the judicial system of the state as					100084
determined by the Judicial Conference Executive Committee. Any					100085
receipts credited to Fund 4030 in excess of the amount originally					100086
appropriated from the fund are hereby appropriated for the					100087
purposes authorized. No money in Fund 4030 shall be transferred to					100088
any other fund by the Director of Budget and Management or the					100089
Controlling Board.					100090
Section 317.10. JSC THE JUDICIARY/SUPREME COURT					100091
General Revenue Fund					100092
GRF 005321 Operating Expenses -	\$	162,561,608	\$	170,954,475	100093

		Judiciary/Supreme Court					
GRF	005406	Law-Related Education	\$	200,000	\$	200,000	100094
GRF	005409	Ohio Courts	\$	3,350,000	\$	3,350,000	100095
		Technology Initiative					
TOTAL GRF	General Revenue Fund		\$	166,111,608	\$	174,504,475	100096
	Dedicated Purpose Fund Group						100097
4C80	005605	Attorney Services	\$	8,166,646	\$	8,122,279	100098
5HT0	005617	Court Interpreter	\$	8,670	\$	9,537	100099
		Certification					
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000	100100
		Program					
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	100101
6720	005601	Continuing Judicial	\$	100,000	\$	100,000	100102
		Education					
6A80	005606	Supreme Court	\$	1,457,461	\$	1,477,098	100103
		Admissions					
TOTAL DPF	Dedicated Purpose Fund		\$	10,088,777	\$	10,064,914	100104
	Group						
	Fiduciary Fund Group						100105
5JY0	005620	County Law Library	\$	357,500	\$	357,500	100106
		Resources Boards					
TOTAL FID	Fiduciary Fund Group		\$	357,500	\$	357,500	100107
	Federal Fund Group						100108
3J00	005603	Federal Grants	\$	1,705,708	\$	1,528,315	100109
TOTAL FED	Federal Fund Group		\$	1,705,708	\$	1,528,315	100110
TOTAL ALL BUDGET FUND GROUPS			\$	178,263,593	\$	186,455,204	100111
	Section 317.20.	LAW-RELATED EDUCATION					100113
	The foregoing appropriation item 005406, Law-Related						100114
	Education, shall be distributed directly to the Ohio Center for						100115
	Law-Related Education for the purposes of providing continuing						100116

citizenship education activities to primary and secondary 100117
students, expanding delinquency prevention programs, increasing 100118
activities for at-risk youth, and accessing additional public and 100119
private money for new programs. 100120

OHIO COURTS TECHNOLOGY INITIATIVE 100121

The foregoing appropriation item 005409, Ohio Courts 100122
Technology Initiative, shall be used to fund an initiative by the 100123
Supreme Court to facilitate the exchange of information and 100124
warehousing of data by and between Ohio courts and other justice 100125
system partners through the creation of an Ohio Courts Network, 100126
the delivery of technology services to courts throughout the 100127
state, including the provision of hardware, software, and the 100128
development and implementation of educational and training 100129
programs for judges and court personnel, and operation of the 100130
Commission on Technology and the Courts by the Supreme Court for 100131
the promulgation of statewide rules, policies, and uniform 100132
standards, and to aid in the orderly adoption and comprehensive 100133
use of technology in Ohio courts. 100134

ATTORNEY SERVICES 100135

The Attorney Services Fund (Fund 4C80) shall consist of money 100136
received by the Supreme Court (The Judiciary) pursuant to the 100137
Rules for the Government of the Bar of Ohio. In addition to 100138
funding other activities considered appropriate by the Supreme 100139
Court, the foregoing appropriation item 005605, Attorney Services, 100140
may be used to compensate employees and to fund appropriate 100141
activities of the following offices established by the Supreme 100142
Court: the Office of Disciplinary Counsel, the Board of 100143
Commissioners on Grievances and Discipline, the Clients' Security 100144
Fund, and the Attorney Services Division. If it is determined by 100145
the Administrative Director of the Supreme Court that additional 100146
appropriations are necessary, the amounts are hereby appropriated. 100147

No money in Fund 4C80 shall be transferred to any other fund 100148
by the Director of Budget and Management or the Controlling Board. 100149
Interest earned on money in Fund 4C80 shall be credited to the 100150
fund. 100151

COURT INTERPRETER CERTIFICATION 100152

The Court Interpreter Certification Fund (Fund 5HT0) shall 100153
consist of money received by the Supreme Court (The Judiciary) 100154
pursuant to Rules 80 through 87 of the Rules of Superintendence 100155
for the Courts of Ohio. The foregoing appropriation item 005617, 100156
Court Interpreter Certification, shall be used to provide 100157
training, to provide the written examination, and to pay language 100158
experts to rate, or grade, the oral examinations of those applying 100159
to become certified court interpreters. If it is determined by the 100160
Administrative Director that additional appropriations are 100161
necessary, the amounts are hereby appropriated. 100162

No money in Fund 5HT0 shall be transferred to any other fund 100163
by the Director of Budget and Management or the Controlling Board. 100164
Interest earned on money in Fund 5HT0 shall be credited to the 100165
fund. 100166

CIVIL JUSTICE PROGRAM 100167

The Civil Justice Program Fund (Fund 5SP0) shall consist of 100168
(1) \$50 voluntary donations made as part of the biennium attorney 100169
registration process and (2) \$150 increase in the *pro hac vice* 100170
fees for out-of-state attorneys pursuant to Government of the Bar 100171
Rule amendments. The foregoing appropriation item 005626, Civil 100172
Justice Program, shall be used by the Supreme Court of Ohio for 100173
grants to not-for-profit organizations and agencies dedicated to 100174
providing civil legal aid to underserved populations, to fund 100175
innovative programs directed at this purpose, and to increase 100176
access to judicial service to that population. 100177

No money in Fund 5SP0 shall be transferred to any other fund 100178

by the Director of Budget and Management or the Controlling Board. 100179
Interest earned on money in Fund 5SP0 shall be credited to the 100180
fund. 100181

GRANTS AND AWARDS 100182

The Grants and Awards Fund (Fund 5T80) shall consist of 100183
grants and other money awarded to the Supreme Court (The 100184
Judiciary) by the State Justice Institute, the Division of 100185
Criminal Justice Services, or other entities. The foregoing 100186
appropriation item 005609, Grants and Awards, shall be used in a 100187
manner consistent with the purpose of the grant or award. If it is 100188
determined by the Administrative Director of the Supreme Court 100189
that additional appropriations are necessary, the amounts are 100190
hereby appropriated. 100191

No money in Fund 5T80 shall be transferred to any other fund 100192
by the Director of Budget and Management or the Controlling Board. 100193
Interest earned on money in Fund 5T80 shall be credited or 100194
transferred to the General Revenue Fund. 100195

JUDICIARY/SUPREME COURT EDUCATION 100196

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 100197
consist of fees paid for attending judicial and public education 100198
on the law, reimbursement of costs for judicial and public 100199
education on the law, and other gifts and grants received for the 100200
purpose of judicial and public education on the law. The foregoing 100201
appropriation item 005601, Judiciary/Supreme Court Education, 100202
shall be used to pay expenses for judicial education courses for 100203
judges, court personnel, and those who serve the courts, and for 100204
public education on the law. If it is determined by the 100205
Administrative Director of the Supreme Court that additional 100206
appropriations are necessary, the amounts are hereby appropriated. 100207

No money in Fund 6720 shall be transferred to any other fund 100208
by the Director of Budget and Management or the Controlling Board. 100209

Interest earned on money in Fund 6720 shall be credited to the 100210
fund. 100211

SUPREME COURT ADMISSIONS 100212

The foregoing appropriation item 005606, Supreme Court 100213
Admissions, shall be used to compensate Supreme Court employees 100214
who are primarily responsible for administering the attorney 100215
admissions program under the Rules for the Government of the Bar 100216
of Ohio, and to fund any other activities considered appropriate 100217
by the court. Moneys shall be deposited into the Supreme Court 100218
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 100219
Government of the Bar of Ohio. If it is determined by the 100220
Administrative Director of the Supreme Court that additional 100221
appropriations are necessary, the amounts are hereby appropriated. 100222

No money in Fund 6A80 shall be transferred to any other fund 100223
by the Director of Budget and Management or the Controlling Board. 100224
Interest earned on money in Fund 6A80 shall be credited to the 100225
fund. 100226

COUNTY LAW LIBRARY RESOURCES BOARD 100227

The Statewide Consortium of County Law Library Resources 100228
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 100229
to section 307.515 of the Revised Code into a county's law library 100230
resources fund and forwarded by that county's treasurer for 100231
deposit in the state treasury pursuant to division (E)(1) of 100232
section 3375.481 of the Revised Code. The foregoing appropriation 100233
item 005620, County Law Library Resources Board, shall be used for 100234
the operation of the Statewide Consortium of County Law Library 100235
Resources Boards. If it is determined by the Administrative 100236
Director of the Supreme Court that additional appropriations are 100237
necessary, the amounts are hereby appropriated. 100238

No money in Fund 5JY0 shall be transferred to any other fund 100239
by the Director of Budget and Management or the Controlling Board. 100240

Interest earned on money in Fund 5JY0 shall be credited to the 100241
fund. 100242

FEDERAL GRANTS 100243

The Federal Grants Fund (Fund 3J00) shall consist of grants 100244
and other moneys awarded to the Supreme Court (The Judiciary) by 100245
the United States Government or other entities that receive the 100246
moneys directly from the United States Government and distribute 100247
those moneys to the Supreme Court (The Judiciary). The foregoing 100248
appropriation item 005603, Federal Grants, shall be used in a 100249
manner consistent with the purpose of the grant or award. If it is 100250
determined by the Administrative Director of the Supreme Court 100251
that additional appropriations are necessary, the amounts are 100252
hereby appropriated. 100253

No money in Fund 3J00 shall be transferred to any other fund 100254
by the Director of Budget and Management or the Controlling Board. 100255
However, interest earned on money in Fund 3J00 shall be credited 100256
or transferred to the General Revenue Fund. 100257

Section 319.10. LEC LAKE ERIE COMMISSION 100258

Dedicated Purpose Fund Group 100259

4C00 780601 Lake Erie Protection	\$	568,000	\$	571,000	100260

TOTAL DPF Dedicated Purpose					100261

Fund Group	\$	568,000	\$	571,000	100262

TOTAL ALL BUDGET FUND GROUPS	\$	568,000	\$	571,000	100263

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 100264

On July 1 of each fiscal year, or as soon as possible 100265
thereafter, the Director of Budget and Management may transfer 100266
cash from the funds specified below, up to the amounts specified 100267
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 100268
accept contributions and transfers made to the fund. 100269

Fund	Fund Name	User	FY 2018	FY 2019	100270

5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	100271
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	100272
4700	General Operations	Department of Health	\$25,000	\$25,000	100273
1570	Central Support Indirect	Department of Natural Resources	\$25,000	\$25,000	100274

On July 1, 2017, or as soon as possible thereafter, the 100275
Director of Budget and Management may transfer \$25,000 cash from a 100276
fund used by the Development Services Agency, as specified by the 100277
Director of Development Services, to Fund 4C00. 100278

On July 1, 2018, or as soon as possible thereafter, the 100279
Director of Budget and Management may transfer \$25,000 cash from a 100280
fund used by the Development Services Agency, as specified by the 100281
Director of Development Services, to Fund 4C00. 100282

TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND 100283

On July 1, 2017, or as soon as possible thereafter, the 100284
Director of Environmental Protection shall certify to the Director 100285
of Budget and Management the cash balance in the Lake Erie 100286
Resources Fund (Fund 5D80). The Director of Budget and Management 100287
may transfer the certified cash amount from Fund 5D80 to the Lake 100288
Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 100289
the Director of Budget and Management shall cancel any existing 100290
encumbrances against appropriation item 780602, Lake Erie 100291
Resources, and reestablish them against appropriation item 780601, 100292
Lake Erie Protection. The reestablished encumbrance amounts are 100293
hereby appropriated and Fund 5D80 is abolished. 100294

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 100295

General Revenue Fund 100296

GRF	028321	Legislative Ethics Committee	\$	550,000	\$	550,000	100297
TOTAL GRF General Revenue Fund							
							100298
Dedicated Purpose Fund Group							100299
4G70	028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000	100300
TOTAL DPF Dedicated Purpose Fund Group							
							100301
TOTAL ALL BUDGET FUND GROUPS							
							100302

LEGISLATIVE ETHICS COMMITTEE 100303

On July 1, 2017, or as soon as possible thereafter, the 100304
Legislative Inspector General of the Joint Legislative Ethics 100305
Committee may certify to the Director of Budget and Management an 100306
amount up to the unexpended, unencumbered balance of the foregoing 100307
appropriation item 028321, Legislative Ethics Committee, at the 100308
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 100309
The amount certified is hereby reappropriated to the same 100310
appropriation item for fiscal year 2018. 100311

On July 1, 2018, or as soon as possible thereafter, the 100312
Legislative Inspector General of the Joint Legislative Ethics 100313
Committee may certify to the Director of Budget and Management an 100314
amount up to the unexpended, unencumbered balance of the foregoing 100315
appropriation item 028321, Legislative Ethics Committee, at the 100316
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 100317
The amount certified is hereby reappropriated to the same 100318
appropriation item for fiscal year 2019. 100319

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 100320

General Revenue Fund							100321
GRF	035321	Operating Expenses	\$	17,000,000	\$	17,000,000	100322
GRF	035402	Legislative Fellows	\$	1,070,000	\$	1,070,000	100323

GRF	035405	Correctional	\$	460,845	\$	460,845	100324
		Institution Inspection					
		Committee					
GRF	035407	Legislative Task Force	\$	400,000	\$	400,000	100325
		on Redistricting					
GRF	035409	National Associations	\$	475,000	\$	475,000	100326
GRF	035410	Legislative	\$	8,700,000	\$	8,700,000	100327
		Information Systems					
GRF	035411	Ohio Constitutional	\$	300,000	\$	0	100328
		Modernization					
		Commission					
GRF	035501	Litigation	\$	500,000	\$	500,000	100329
TOTAL GRF	General Revenue Fund		\$	28,905,845	\$	28,605,845	100330
Dedicated Purpose Fund Group							100331
4100	035601	Sale of Publications	\$	10,000	\$	10,000	100332
TOTAL DPF	Dedicated Purpose Fund		\$	10,000	\$	10,000	100333
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	28,915,845	\$	28,615,845	100334

Section 323.20. OPERATING EXPENSES 100336

On July 1, 2017, or as soon as possible thereafter, the 100337
Director of the Legislative Service Commission may certify to the 100338
Director of Budget and Management an amount up to the unexpended, 100339
unencumbered balance of the foregoing appropriation item 035321, 100340
Operating Expenses, at the end of fiscal year 2017 to be 100341
reappropriated to fiscal year 2018. The amount certified is hereby 100342
reappropriated to the same appropriation item for fiscal year 100343
2018. 100344

On July 1, 2018, or as soon as possible thereafter, the 100345
Director of the Legislative Service Commission may certify to the 100346
Director of Budget and Management an amount up to the unexpended, 100347
unencumbered balance of the foregoing appropriation item 035321, 100348

Operating Expenses, at the end of fiscal year 2018 to be 100349
reappropriated to fiscal year 2019. The amount certified is hereby 100350
reappropriated to the same appropriation item for fiscal year 100351
2019. 100352

LEGISLATIVE TASK FORCE ON REDISTRICTING 100353

An amount equal to the unexpended, unencumbered balance of 100354
the foregoing appropriation item 035407, Legislative Task Force on 100355
Redistricting, at the end of fiscal year 2017 is hereby 100356
reappropriated to the Legislative Service Commission for the same 100357
purpose for fiscal year 2018. 100358

An amount equal to the unexpended, unencumbered balance of 100359
the foregoing appropriation item 035407, Legislative Task Force on 100360
Redistricting, at the end of fiscal year 2018 is hereby 100361
reappropriated to the Legislative Service Commission for the same 100362
purpose for fiscal year 2019. 100363

LEGISLATIVE INFORMATION SYSTEMS 100364

On July 1, 2017, or as soon as possible thereafter, the 100365
Director of the Legislative Service Commission may certify to the 100366
Director of Budget and Management an amount up to the unexpended, 100367
unencumbered balance of the foregoing appropriation item 035410, 100368
Legislative Information Systems, at the end of fiscal year 2017 to 100369
be reappropriated to fiscal year 2018. The amount certified is 100370
hereby reappropriated to the same appropriation item for fiscal 100371
year 2018. 100372

On July 1, 2018, or as soon as possible thereafter, the 100373
Director of the Legislative Service Commission may certify to the 100374
Director of Budget and Management an amount up to the unexpended, 100375
unencumbered balance of the foregoing appropriation item 035410, 100376
Legislative Information Systems, at the end of fiscal year 2018 to 100377
be reappropriated to fiscal year 2019. The amount certified is 100378
hereby reappropriated to the same appropriation item for fiscal 100379

year 2019.	100380
OHIO CONSTITUTIONAL MODERNIZATION COMMISSION	100381
The foregoing appropriation item 035411, Ohio Constitutional	100382
Modernization Commission, shall be used to support the operation	100383
and expenses of the Ohio Constitutional Modernization Commission	100384
under sections 103.61 to 103.67 of the Revised Code. All	100385
expenditures paid from the appropriation item must be approved by	100386
the director and chairperson of the Legislative Service Commission	100387
under division (A) of section 103.21 of the Revised Code.	100388
LITIGATION	100389
The foregoing appropriation item 035501, Litigation, shall be	100390
used for any lawsuit in which the General Assembly is a party	100391
because a legal or constitutional challenge is made against the	100392
Ohio Constitution or an act of the General Assembly. The	100393
chairperson and vice-chairperson of the Legislative Service	100394
Commission shall both approve the use of the appropriated moneys.	100395
An amount equal to the unexpended, unencumbered balance of	100396
the foregoing appropriation item 035501, Litigation, at the end of	100397
fiscal year 2017 is hereby reappropriated to the Legislative	100398
Service Commission for the same purpose for fiscal year 2018.	100399
An amount equal to the unexpended, unencumbered balance of	100400
the foregoing appropriation item 035501, Litigation, at the end of	100401
fiscal year 2018 is hereby reappropriated to the Legislative	100402
Service Commission for the same purpose for fiscal year 2019.	100403
Section 325.10. LIB STATE LIBRARY BOARD	100404
General Revenue Fund	100405
GRF 350321 Operating Expenses \$ 5,206,745 \$ 5,206,745	100406
GRF 350401 Ohioana Rental \$ 120,114 \$ 120,114	100407
Payments	
GRF 350502 Regional Library \$ 582,469 \$ 582,469	100408

Systems				
TOTAL GRF General Revenue Fund	\$	5,909,328	\$	5,909,328 100409
Dedicated Purpose Fund Group				100410
4590 350603 Services for	\$	4,190,834	\$	4,190,834 100411
Libraries				
4S40 350604 Ohio Public Library	\$	5,689,788	\$	5,689,788 100412
Information Network				
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194 100413
TOTAL DPF Dedicated Purpose				100414
Fund Group	\$	11,154,816	\$	11,154,816 100415
Internal Service Activity Fund				100416
1390 350602 Services for State	\$	8,000	\$	8,000 100417
Agencies				
TOTAL ISA Internal Service Activity				100418
Fund Group	\$	8,000	\$	8,000 100419
Federal Fund Group				100420
3130 350601 LSTA Federal	\$	5,350,000	\$	5,350,000 100421
TOTAL FED Federal Fund Group	\$	5,350,000	\$	5,350,000 100422
TOTAL ALL BUDGET FUND GROUPS	\$	22,422,144	\$	22,422,144 100423
Section 325.20. OHIOANA RENTAL PAYMENTS				100425
The foregoing appropriation item 350401, Ohioana Rental				100426
Payments, shall be used to pay the rental expenses of the Martha				100427
Kinney Cooper Ohioana Library Association under section 3375.61 of				100428
the Revised Code.				100429
REGIONAL LIBRARY SYSTEMS				100430
The foregoing appropriation item 350502, Regional Library				100431
Systems, shall be used to support regional library systems				100432
eligible for funding under sections 3375.83 and 3375.90 of the				100433
Revised Code.				100434
OHIO PUBLIC LIBRARY INFORMATION NETWORK				100435

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised

Code and any other provision of law to the contrary, in accordance 100467
with a schedule established by the Director of Budget and 100468
Management, the Director of Budget and Management shall transfer 100469
\$3,689,788 cash in each fiscal year from the Public Library Fund 100470
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 100471

TRANSFER TO LIBRARY FOR THE BLIND FUND 100472

Notwithstanding sections 5747.03 and 5747.47 of the Revised 100473
Code and any other provision of law to the contrary, in accordance 100474
with a schedule established by the Director of Budget and 100475
Management, the Director of Budget and Management shall transfer 100476
\$1,274,194 cash in each fiscal year from the Public Library Fund 100477
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 100478

Section 327.10. LCO LIQUOR CONTROL COMMISSION 100479

Dedicated Purpose Fund Group 100480

5LP0 970601 Operating Expenses	\$	844,553	\$	851,269	100481

TOTAL DPF Dedicated Purpose Fund	\$	844,553	\$	851,269	100482

Group

TOTAL ALL BUDGET FUND GROUPS	\$	844,553	\$	851,269	100483

Section 329.10. LOT STATE LOTTERY COMMISSION 100485

State Lottery Fund Group 100486

7044 950321 Operating Expenses	\$	53,339,208	\$	53,287,220	100487

7044 950402 Advertising Contracts	\$	25,800,000	\$	25,800,000	100488

7044 950403 Gaming Contracts	\$	68,258,704	\$	68,917,884	100489

7044 950601 Direct Prize Payments	\$	142,307,278	\$	142,949,268	100490

7044 950605 Problem Gambling	\$	3,300,000	\$	3,300,000	100491

8710 950602 Annuity Prizes	\$	81,000,000	\$	81,000,000	100492

TOTAL SLF State Lottery Fund 100493

Group	\$	374,005,190	\$	375,254,372	100494

TOTAL ALL BUDGET FUND GROUPS	\$	374,005,190	\$	375,254,372	100495

OPERATING EXPENSES 100496

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 100504

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES 100509

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 100521

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,045,000,000 in fiscal year 2018 and \$1,055,000,000 in fiscal year 2019. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits

Education Fund shall represent the estimated net income from 100528
operations for the Commission in fiscal year 2018 and fiscal year 100529
2019. Transfers by the Director of Budget and Management to the 100530
Lottery Profits Education Fund shall be administered as the 100531
statutes direct. 100532

Section 331.10. MHC MANUFACTURED HOMES COMMISSION 100533

Dedicated Purpose Fund Group 100534

4K90 996609 Operating Expenses \$ 227,165 \$ 0 100535

5MC0 996610 Manufactured Homes \$ 460,212 \$ 0 100536

Regulation

TOTAL DPF Dedicated Purpose Fund \$ 687,377 \$ 0 100537

Group

TOTAL ALL BUDGET FUND GROUPS \$ 687,377 \$ 0 100538

Section 333.10. MCD DEPARTMENT OF MEDICAID 100540

General Revenue Fund 100541

GRF 651425 Medicaid Program \$ 196,812,968 \$ 210,754,197 100542

Support - State

GRF 651525 Medicaid Health Care 100543

Services

State \$ 3,981,222,793 \$ 4,184,126,208 100544

Federal \$10,278,580,968 \$10,476,333,789 100545

Medicaid Health Care \$14,259,803,761 \$14,660,459,997 100546

Services Total

GRF 651526 Medicare Part D \$ 440,611,628 \$ 479,694,803 100547

TOTAL GRF General Revenue Fund 100548

State \$ 4,618,647,389 \$ 4,874,575,208 100549

Federal \$10,278,580,968 \$10,476,333,789 100550

GRF Total \$14,897,228,357 \$15,350,908,997 100551

Dedicated Purpose Fund Group 100552

4E30 651605 Resident Protection \$ 4,878,000 \$ 4,878,000 100553

		Fund				
5AJ0	651631	Money Follows the Person	\$	12,760,900	\$	12,373,500 100554
5DL0	651639	Medicaid Services - Recoveries	\$	845,691,438	\$	772,376,871 100555
5DL0	651685	Medicaid Recoveries - Program Support	\$	41,146,571	\$	46,328,516 100556
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000 100557
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$	619,104,791	\$	647,635,236 100558
5KC0	651682	Health Care Grants - State	\$	20,000,000	\$	20,000,000 100559
5R20	651608	Medicaid Services - Long Term	\$	405,666,000	\$	405,666,000 100560
5SC0	651683	Medicaid Services - Physician UPL	\$	30,000,000	\$	30,000,000 100561
5TN0	651684	Medicaid Services - HIC Fee	\$	789,421,685	\$	887,734,374 100562
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	238,057,429	\$	199,250,372 100563
TOTAL	DPF	Dedicated Purpose Fund Group	\$	3,018,726,814	\$	3,038,242,869 100564
		Holding Account Fund Group				100565
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000 100566
TOTAL	HLD	Holding Account Fund Group	\$	1,000,000	\$	1,000,000 100567
		Federal Fund Group				100568
3ER0	651603	Medicaid Health and	\$	61,896,000	\$	61,896,000 100569

	Transformation				
	Technology				
3F00 651623	Medicaid Services -	\$ 6,213,919,469	\$ 6,338,785,019	100570	
	Federal				
3F00 651624	Medicaid Program	\$ 631,793,871	\$ 725,032,537	100571	
	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 38,658,704	\$ 38,664,967	100572	
	Federal				
3G50 651655	Medicaid Interagency	\$ 125,651,597	\$ 125,701,597	100573	
	Pass Through				
TOTAL FED Federal Fund Group		\$ 7,071,919,641	\$ 7,290,080,120	100574	
TOTAL ALL BUDGET FUND GROUPS		\$24,988,874,812	\$25,680,231,986	100575	

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 100577

(A) Until July 1, 2019, the Medicaid Director has the 100578
authority to establish, change, and abolish positions for the 100579
Department of Medicaid, and to assign, reassign, classify, 100580
reclassify, transfer, reduce, promote, or demote all employees of 100581
the Department of Medicaid who are not subject to Chapter 4117. of 100582
the Revised Code. 100583

(B) The authority granted under division (A) of this section 100584
includes assigning or reassigning an exempt employee, as defined 100585
in section 124.152 of the Revised Code, to a bargaining unit 100586
classification if the Medicaid Director determines that the 100587
bargaining unit classification is the proper classification for 100588
that employee. The actions of the Medicaid Director shall be 100589
consistent with the requirements of 5 C.F.R. 900.603 for those 100590
employees subject to such requirements. If an employee in the E-1 100591
pay range is to be assigned, reassigned, classified, reclassified, 100592
transferred, reduced, or demoted to a position in a lower 100593
classification under this section, the Medicaid Director, or in 100594
the case of a transfer outside the Department of Medicaid, the 100595
Director of Administrative Services, shall assign the employee to 100596

the appropriate classification and place the employee in Step X. 100597
The employee shall not receive any increase in compensation until 100598
the maximum rate of pay for that classification exceeds the 100599
employee's compensation. 100600

(C) Actions taken by the Medicaid Director and Director of 100601
Administrative Services pursuant to this section are not subject 100602
to appeal to the State Personnel Board of Review. 100603

(D) A portion of the foregoing appropriation items 651425, 100604
Medicaid Program Support - State, 651603, Medicaid Health and 100605
Transformation Technology, 651624, Medicaid Program Support - 100606
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 100607
Interagency Pass-Through, 651605, Resident Protection Fund, 100608
651631, Money Follows the Person, 651682, Health Care Grants - 100609
State, and 651654, Medicaid Program Support, may be used to pay 100610
for costs associated with the administration of the Medicaid 100611
program, including the assignment, reassignment, classification, 100612
reclassification, transfer, reduction, promotion, or demotion of 100613
employees authorized by this section. 100614

Section 333.30. For fiscal years 2018 and 2019, the Director 100615
of Budget and Management may transfer appropriation between 100616
appropriation item 651425, Medicaid Program Support - State, and 100617
appropriation item 655425, Medicaid Program Support. Any 100618
appropriation so transferred shall be used to resolve funding 100619
issues resulting from the transfer of medical assistance programs 100620
from the Department of Job and Family Services to the Department 100621
of Medicaid. 100622

Section 333.40. MEDICAID HEALTH CARE SERVICES 100623

The foregoing appropriation item 651525, Medicaid Health Care 100624
Services, shall not be limited by section 131.33 of the Revised 100625
Code. 100626

Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 100627

At the beginning of each quarter, or as soon as possible 100628
thereafter, the Medicaid Director shall certify to the Director of 100629
Budget and Management the amount withheld in accordance with 100630
section 5167.30 of the Revised Code for purposes of the Managed 100631
Care Performance Payment Program. 100632

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 100633
CARE 100634

(A) As used in this section: 100635

(1) "ICDS participant" has the same meaning as in section 100636
5164.01 of the Revised Code. 100637

(2) "Integrated Care Delivery System" and "ICDS" have the 100638
same meaning as section 5164.01 of the Revised Code. 100639

(3) "Medicaid managed care organization" has the same meaning 100640
as in section 5167.01 of the Revised Code. 100641

(B) For fiscal year 2018 and fiscal year 2019, the Department 100642
of Medicaid shall provide performance payments as provided under 100643
this section to Medicaid managed care organizations providing care 100644
under the Integrated Care Delivery System. 100645

(C) If ICDS participants receive care through Medicaid 100646
managed care organizations under ICDS, the Department shall, in 100647
consultation with the United States Centers for Medicare and 100648
Medicaid Services, do both of the following: 100649

(1) Develop quality measures designed specifically to 100650
determine the effectiveness of the health care and other services 100651
provided to ICDS participants by Medicaid managed care 100652
organizations; 100653

(2) Determine an amount to be withheld from the Medicaid 100654
premium payments paid to Medicaid managed care organizations for 100655

ICDS participants. 100656

(D)(1) For the purposes of division (C)(2) of this section, 100657
the Department shall establish an amount that is to be withheld 100658
each time a premium payment is made to a Medicaid managed care 100659
organization for an ICDS participant. The amount shall be 100660
established as a percentage of each premium payment. The 100661
percentage shall be the same for all Medicaid managed care 100662
organizations providing care to ICDS participants. 100663

(2) Each Medicaid managed care organization shall agree to 100664
the withholding as a condition of receiving or maintaining its 100665
Medicaid provider agreement with the Department. 100666

(3) When the amount is established and each time the amount 100667
is modified thereafter, the Department shall certify the amount to 100668
the Director of Budget and Management and begin withholding the 100669
amount from each premium the Department pays to a Medicaid managed 100670
care organization for an ICDS participant. 100671

(E) A Medicaid managed care organization subject to this 100672
section is not subject to section 5167.30 of the Revised Code for 100673
premium payments attributed to ICDS participants during fiscal 100674
year 2018 and fiscal year 2019. 100675

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 100676

The Director of Budget and Management may authorize 100677
additional expenditures from appropriation item 651623, Medicaid 100678
Services - Federal, appropriation item 651525, Medicaid Health 100679
Care Services, and appropriation item 651656, Medicaid Services - 100680
Hospital/UPL, in order to implement the programs authorized by 100681
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 100682
authorized are hereby appropriated. 100683

Section 333.80. MEDICARE PART D 100684

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2018 and fiscal year 2019 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

Section 333.100. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and

Management, the additional amounts are hereby appropriated. 100715

The foregoing appropriation item 651649, Medicaid Services - 100716
Health Care Assurance Program, shall be used by the Department of 100717
Medicaid for distributing the state share of all hospital care 100718
assurance program funds to hospitals under section 5168.09 of the 100719
Revised Code. If receipts credited to the Hospital Care Assurance 100720
Program Fund (Fund 6510) exceed the amounts appropriated from the 100721
fund for making the hospital care assurance program distribution, 100722
the Medicaid Director may request the Director of Budget and 100723
Management to authorize expenditures from the fund in excess of 100724
the amounts appropriated. Upon the approval of the Director of 100725
Budget and Management, the additional amounts are hereby 100726
appropriated. 100727

Section 333.110. REFUNDS AND RECONCILIATION FUND 100728

If receipts credited to the Refunds and Reconciliation Fund 100729
exceed the amounts appropriated from the fund, the Medicaid 100730
Director may request the Director of Budget and Management to 100731
authorize expenditures from the fund in excess of the amounts 100732
appropriated. Upon approval of the Director of Budget and 100733
Management, the additional amounts are hereby appropriated. 100734

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 100735

The Medicaid Director may request the Director of Budget and 100736
Management to increase appropriation item 651655, Medicaid 100737
Interagency Pass-Through. Upon the approval of the Director of 100738
Budget and Management, the additional amounts are hereby 100739
appropriated. 100740

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 100741

In order to ensure access to a non-emergency medical 100742
transportation brokerage program established pursuant to section 100743

1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 100744
upon the request of the Medicaid Director, the Director of Budget 100745
and Management may transfer the state share appropriations between 100746
General Revenue Fund appropriation item 651525, Medicaid Health 100747
Care Services, within the Department of Medicaid and 655523, 100748
Medicaid Program Support - Local Transportation, within the 100749
Department of Job and Family Services. If such a transfer occurs, 100750
the Director of Budget and Management shall adjust, using the 100751
federal reimbursement rate, the federal share appropriations of 100752
General Revenue Fund appropriation line 651525, Medicaid Health 100753
Care Services, within the Department of Medicaid, and the Medicaid 100754
Program Support Fund (3F01) appropriation line 655624, Medicaid 100755
Program Support - Federal, within the Department of Job and Family 100756
Services. The Director of Medicaid shall transmit to the Medicaid 100757
Program Support Fund (3F01) the federal funds which the Department 100758
of Medicaid, as the state's sole point of contact with the federal 100759
government for Medicaid reimbursements, has drawn for this 100760
transaction. 100761

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 100762
SYSTEM IMPLEMENTATION 100763

Upon the request of the Medicaid Director, the Director of 100764
Budget and Management may transfer up to \$5,000,000 of state share 100765
appropriations in each fiscal year between General Revenue Fund 100766
appropriation item 651525, Medicaid Health Care Services, within 100767
the Department of Medicaid, and 655522, Medicaid Program Support - 100768
Local, within the Department of Job and Family Services. If such a 100769
transfer occurs, the Director of Budget and Management shall 100770
adjust, using the federal reimbursement rate, the federal share 100771
appropriations of General Revenue Fund appropriation item 651525, 100772
Medicaid Health Care Services, within the Department of Medicaid, 100773
and the Medicaid Program Support Fund (Fund 3F01) appropriation 100774
item 655624, Medicaid Program Support - Federal, within the 100775

Department of Job and Family Services. The Director of Medicaid 100776
shall transmit to the Medicaid Program Support Fund (3F01) the 100777
federal funds which the Department of Medicaid, as the state's 100778
sole point of contact with the federal government for Medicaid 100779
reimbursements, has drawn for this transaction. 100780

Any increase in funding shall be provided to county 100781
departments of job and family services and shall only be used for 100782
costs related to transitioning to a new public assistance 100783
eligibility determination system. These funds shall not be used 100784
for existing and ongoing operating expenses. The Medicaid Director 100785
shall establish criteria for distributing these funds and for 100786
county departments of job and family services to submit allowable 100787
expenses. 100788

County departments of job and family services shall comply 100789
with new roles, processes, and responsibilities related to the new 100790
eligibility determination system. County departments of job and 100791
family services shall report to the Ohio Department of Job and 100792
Family Services and the Ohio Department of Medicaid, on a schedule 100793
determined by the Medicaid Director, how the funds were used. 100794

Section 333.150. MEDICAID PROGRAM SUPPORT – LOCAL 100795
TRANSPORTATION 100796

If the Department of Job and Family Services continues to 100797
administer the Medicaid transportation program in fiscal year 100798
2019, upon request of the Director of Job and Family Services, the 100799
Director of Budget and Management may transfer up to \$45,100,000 100800
in appropriation from appropriation item 651525, Medicaid Health 100801
Care Services, to appropriation item 655523, Medicaid Program 100802
Support-Local Transportation. Any appropriation so transferred 100803
shall be used by the Department of Job and Family Services to 100804
continue to administer the Medicaid transportation program. 100805

Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 100806

For the period beginning July 1, 2017, and ending on the 100807
effective date of the enactment by this act of section 5164.10 of 100808
the Revised Code, the Medicaid program may continue to cover state 100809
plan home and community-based services in the same manner that it 100810
covered the services during fiscal year 2016 and fiscal year 2017 100811
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 100812
Assembly. Beginning with the effective date of the enactment by 100813
this act of section 5164.10 of the Revised Code, the Medicaid 100814
program may cover state plan home and community-based services in 100815
accordance with that section. 100816

Section 333.170. FISCAL YEAR 2018 AND FISCAL YEAR 2019 100817
MEDICAID PAYMENT RATES FOR DIRECT CARE COSTS 100818

(A) As used in this section, "change of operator," "direct 100819
care costs," "effective date of a change of operator," "entering 100820
operator," "nursing facility," and "nursing facility services" 100821
have the same meanings as in section 5165.01 of the Revised Code. 100822

(B) Notwithstanding section 5165.19 of the Revised Code, the 100823
Department of Medicaid shall, for the purpose of determining each 100824
nursing facility's per Medicaid day payment rate for direct care 100825
costs for nursing facility services provided during the period 100826
beginning October 1, 2017, and ending July 1, 2019, reduce each 100827
peer group's cost per case-mix unit determined under division (D) 100828
of section 5165.19 of the Revised Code by seven per cent. If a 100829
nursing facility undergoes a change of operator and the effective 100830
date of the change of operator occurs during the period beginning 100831
on July 1, 2017, and ending October 1, 2017, the per Medicaid day 100832
payment rate for direct care costs to be paid to the entering 100833
operator for nursing facility services that the nursing facility 100834
provides shall be modified in accordance with this section. 100835

(C) This section does not apply to the total per Medicaid day 100836
payment rates determined under section 5165.153 or 5165.157 of the 100837
Revised Code or the Medicaid payment rates determined under 100838
section 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly. 100839

Section 333.180. MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL 100840
PROVIDERS 100841

Notwithstanding section 5164.70 of the Revised Code as in 100842
effect on June 30, 2017, the Department of Medicaid may establish 100843
Medicaid payment rates for services provided by a Medicaid 100844
provider, other than a hospital, nursing facility, or intermediate 100845
care facility for individuals with intellectual disabilities, that 100846
may exceed the authorized payment limits for the same service 100847
under the Medicare Program. Such rates may take effect for dates 100848
of service on or after July 1, 2017. A portion of the foregoing 100849
appropriation items 651525, Medicaid/Health Care Services, 651603, 100850
Medicaid Health Information Technology, 651623, Medicaid Services 100851
- Federal, 651624, Medicaid Program Support - Federal, 651680, 100852
Health Care Grants - Federal, and 651682, Health Care Grants - 100853
State, may be used to pay for Medicaid services and costs 100854
associated with the administration of the Medicaid Program, 100855
including the establishment and payment of rates in accordance 100856
with this section. 100857

Section 333.190. TRANSFER OF INDIVIDUALS FROM DEPARTMENT OF 100858
HEALTH PROGRAMS TO DEPARTMENT OF MEDICAID PROGRAMS 100859

(A) As used in this section: 100860

(1) "Cystic Fibrosis Program" means the Cystic Fibrosis 100861
Program the Department of Health administers pursuant to division 100862
(H) of section 3701.023 of the Revised Code. 100863

(2) "Hemophilia Program" means the Hemophilia Program the 100864
Department of Health is required to establish and administer under 100865

section 3701.029 of the Revised Code. 100866

(3) "Program for Medically Handicapped Children" means the 100867
Program for Medically Handicapped Children the Department of 100868
Health administers pursuant to sections 3702.022 to 3702.028 of 100869
the Revised Code. 100870

(B) The Department of Medicaid shall work in collaboration 100871
with the Department of Health to do both of the following on 100872
January 1, 2018: 100873

(1) Enroll in the Medicaid program all Medicaid-eligible 100874
individuals who meet both of the following requirements: 100875

(a) Are enrolled in the Program for Medically Handicapped 100876
Children, Cystic Fibrosis Program, or Hemophilia Program on 100877
December 31, 2017, and lose eligibility for the program on January 100878
1, 2018, because of the amendments by this act to section 3701.023 100879
or 3701.029 of the Revised Code; 100880

(b) Do not object to enrolling in the Medicaid program. 100881

(2) Enroll in the program established under section 5160.51 100882
of the Revised Code all nonMedicaid-eligible individuals who meet 100883
all of the following requirements: 100884

(a) Are enrolled in the Program for Medically Handicapped 100885
Children, Cystic Fibrosis Program, or Hemophilia Program on 100886
December 31, 2017, and lose eligibility for the program on January 100887
1, 2018, because of the amendments by this act to section 3701.023 100888
or 3701.029 of the Revised Code; 100889

(b) Are eligible for the program established under section 100890
5160.51 of the Revised Code; 100891

(c) Do not object to enrolling in the program established 100892
under section 5160.51 of the Revised Code. 100893

(C) An individual's objection under this section to enrolling 100894
in Medicaid or the program established under section 5160.51 of 100895

the Revised Code does not negate any of the following:	100896
(1) The individual's ineligibility for the Program for	100897
Medically Handicapped Children pursuant to division (A)(2) of	100898
section 3701.023 of the Revised Code;	100899
(2) The individual's ineligibility for the Cystic Fibrosis	100900
Program pursuant to division (H) of section 3701.023 of the	100901
Revised Code;	100902
(3) The individual's ineligibility for the Hemophilia Program	100903
pursuant to division (B) of section 3701.029 of the Revised Code.	100904
 Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT	100905
ENROLLEES	100906
(A) As used in this section:	100907
(1) "Helping Ohioans Move, Expanding Choice program" means	100908
the component of the Medicaid program authorized by section	100909
5164.90 of the Revised Code.	100910
(2) "Home and community-based Medicaid waiver component" has	100911
the same meaning as in section 5166.01 of the Revised Code.	100912
(3) "Ohio Access Success Project" means the program	100913
established under section 5166.35 of the Revised Code.	100914
(B) Before January 1, 2019, the Department of Medicaid shall	100915
transfer all Medicaid recipients who are enrolled in the Ohio	100916
Access Success Project to the following:	100917
(1) Except as provided in division (B) of this section, the	100918
Helping Ohioans Move, Expanding Choice program;	100919
(2) If the Helping Ohioans Move, Expanding Choice program is	100920
integrated into a home and community-based services Medicaid	100921
waiver component, the same or another home and community-based	100922
services Medicaid waiver component.	100923

Section 335.10. MED STATE MEDICAL BOARD				100924
Dedicated Purpose Fund Group				100925
5C60 883609	Operating Expenses	\$ 10,163,504	\$ 11,064,757	100926
TOTAL DPF Dedicated Purpose Fund Group		\$ 10,163,504	\$ 11,064,757	100927
TOTAL ALL BUDGET FUND GROUPS				100928
Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES				100930
				100931
General Revenue Fund				100932
GRF 336321	Central Administration	\$ 15,049,089	\$ 15,049,089	100933
GRF 336402	Resident Trainees	\$ 1,450,000	\$ 1,450,000	100934
GRF 336405	Family and Children First	\$ 1,386,000	\$ 1,386,000	100935
GRF 336406	Prevention and Wellness	\$ 3,368,659	\$ 3,368,659	100936
GRF 336412	Hospital Services	\$ 219,206,280	\$ 223,849,644	100937
GRF 336415	Mental Health Facilities Lease Rental Bond Payments	\$ 20,323,000	\$ 19,426,900	100938
GRF 336421	Continuum of Care Services	\$ 71,989,846	\$ 71,989,846	100939
GRF 336422	Criminal Justice Services	\$ 10,416,418	\$ 11,416,418	100940
GRF 336423	Addiction Services Partnership with Corrections	\$ 25,500,000	\$ 25,500,000	100941
GRF 336424	Recovery Housing	\$ 1,000,000	\$ 2,500,000	100942
GRF 336425	Specialized Docket Support	\$ 5,000,000	\$ 5,000,000	100943

GRF	336504	Community Innovations	\$	5,850,000	\$	9,250,000	100944
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	100945
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	100946
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	100947
GRF	652321	Medicaid Support	\$	1,250,367	\$	1,250,367	100948
TOTAL GRF	General Revenue Fund		\$	400,576,744	\$	410,224,008	100949
Dedicated Purpose Fund Group							100950
2320	336621	Family and Children First	\$	410,113	\$	410,113	100951
4750	336623	Statewide Treatment and Prevention	\$	20,450,000	\$	15,550,000	100952
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	100953
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	100954
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,267,609	\$	6,267,609	100955
5T90	336641	Problem Gambling Services	\$	1,495,000	\$	1,495,000	100956
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	100957
6890	336640	Education and Conferences	\$	150,000	\$	150,000	100958
TOTAL DPF	Dedicated Purpose Fund Group		\$	39,584,455	\$	34,684,455	100959
Internal Service Activity Fund Group							100960
1490	336609	Hospital Operating Expenses	\$	24,790,000	\$	24,790,000	100961

1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	100962
1500	336620	Special Education	\$	150,000	\$	150,000	100963
1510	336601	Ohio Pharmacy	\$	70,302,017	\$	70,302,017	100964
		Services					
4P90	336604	Community Mental	\$	1,250,000	\$	250,000	100965
		Health Projects					
TOTAL ISA		Internal Service Activity	\$	103,235,207	\$	102,235,207	100966
Fund Group							
Federal Fund Group							100967
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	100968
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	100969
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000	100970
		Grant					
3A80	336613	Federal Grants	\$	7,017,000	\$	7,017,000	100971
3A90	336614	Mental Health Block	\$	17,058,470	\$	17,058,470	100972
		Grant					
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756	100973
		Grant					
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	100974
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000	100975
		Reimbursement					
3B10	652635	Community Medicaid	\$	5,000,000	\$	5,000,000	100976
		Legacy Costs					
3B10	652636	Community Medicaid	\$	7,000,000	\$	7,000,000	100977
		Legacy Support					
TOTAL FED		Federal Fund Group	\$	147,401,226	\$	147,401,226	100978
TOTAL ALL		BUDGET FUND GROUPS	\$	690,797,632	\$	694,544,896	100979

Section 337.20. RESIDENT TRAINEES 100981

Of the foregoing appropriation item 336402, Resident 100982
 Trainees, up to \$500,000 in each fiscal year shall be used to 100983
 assist with workforce recruitment and retention by supporting 100984
 community behavioral health centers in the provision of clinical 100985

oversight and supervision of practitioners working toward their 100986
independent licensure. 100987

Of the foregoing appropriation item 336402, Resident 100988
Trainees, up to \$500,000 in each fiscal year shall be used to 100989
support residency programs for psychiatrists, advanced practice 100990
nurses, and physician assistants who engage in the public 100991
behavioral health system. 100992

Of the foregoing appropriation item 336402, Resident 100993
Trainees, up to \$450,000 in each fiscal year may be used to fund 100994
residencies and traineeship programs in psychiatry, psychology, 100995
nursing, and social work at state universities and teaching 100996
hospitals. 100997

Section 337.30. PREVENTION AND WELLNESS 100998

The foregoing appropriation item 336406, Prevention and 100999
Wellness, shall be used as follows: 101000

(A) Up to \$500,000 in each fiscal year shall be used to 101001
support evidence-based prevention in school settings. 101002

(B) Up to \$1,500,000 in each fiscal year shall be distributed 101003
to boards of alcohol, drug addiction, and mental health services 101004
to purchase the provision of evidence-based prevention services 101005
from providers certified by the Department of Mental Health and 101006
Addiction Services. 101007

(C) Up to \$500,000 in each fiscal year shall be used to 101008
support suicide prevention efforts. 101009

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 101010
PAYMENTS 101011

The foregoing appropriation item 336415, Mental Health 101012
Facilities Lease Rental Bond Payments, shall be used to meet all 101013
payments during the period from July 1, 2017, through June 30, 101014

2019, by the Department of Mental Health and Addiction Services 101015
under leases and agreements made under section 154.20 of the 101016
Revised Code. These appropriations are the source of funds pledged 101017
for bond service charges on obligations issued pursuant to Chapter 101018
154. of the Revised Code. 101019

Section 337.50. CONTINUUM OF CARE SERVICES 101020

The foregoing appropriation item 336421, Continuum of Care 101021
Services, shall be used as follows: 101022

(A) A portion of this appropriation shall be allocated to 101023
boards of alcohol, drug addiction, and mental health services in 101024
accordance with a distribution methodology determined by the 101025
Director of Mental Health and Addiction Services for the boards to 101026
purchase mental health and addiction services permitted under 101027
Chapter 340. of the Revised Code. Boards may use a portion of the 101028
funds allocated: 101029

(1) To provide subsidized support for psychotropic medication 101030
needs of indigent citizens in the community to reduce unnecessary 101031
hospitalization due to lack of medication; and 101032

(2) To provide subsidized support for medication-assisted 101033
treatment costs. 101034

(B) A portion of this appropriation may be distributed to 101035
boards of alcohol, drug addiction, and mental health services, 101036
community addiction and/or mental health services providers, 101037
courts, or other governmental entities to provide specific grants 101038
in support of initiatives concerning mental health and addiction 101039
services. 101040

Section 337.60. CRIMINAL JUSTICE SERVICES 101041

The foregoing appropriation item 336422, Criminal Justice 101042
Services, shall be used to provide forensic psychiatric 101043

evaluations to courts of common pleas and to conduct evaluations 101044
of patients of forensic status in facilities operated or 101045
designated by the Department of Mental Health and Addiction 101046
Services prior to conditional release to the community. A portion 101047
of this appropriation may be allocated through boards of alcohol, 101048
drug addiction, and mental health services to community addiction 101049
and/or mental health services providers in accordance with a 101050
distribution methodology as determined by the Director of Mental 101051
Health and Addiction Services. 101052

The foregoing appropriation item 336422, Criminal Justice 101053
Services, may also be used to: 101054

(A) Provide forensic monitoring and tracking of individuals 101055
on conditional release; 101056

(B) Provide forensic training; 101057

(C) Support projects that assist courts and law enforcement 101058
to identify and develop appropriate alternative services to 101059
incarceration for nonviolent mentally ill offenders; 101060

(D) Provide specialized re-entry services to offenders 101061
leaving prisons and jails; 101062

(E) Provide specific grants in support of addiction services 101063
alternatives to incarceration; 101064

(F) Support therapeutic communities; and 101065

(G) Support specialty dockets and expand or create new 101066
certified court programs. 101067

Section 337.70. MEDICATION-ASSISTED TREATMENT FOR DRUG COURT 101068
SPECIALIZED DOCKET PROGRAMS 101069

(A) As used in this section: 101070

(1) "Community addiction services provider" has the same 101071
meaning as in section 5119.01 of the Revised Code. 101072

(2) "Medication-assisted treatment drug court program" and 101073
"MAT drug court program" mean a session of any of the following 101074
that holds initial or final certification from the Supreme Court 101075
of Ohio as a specialized docket program for drugs: a common pleas 101076
court, municipal court, or county court, or a division of any of 101077
those courts. 101078

(3) "Prescriber" has the same meaning as in section 4729.01 101079
of the Revised Code. 101080

(4) "Recovery supports" has the same meaning as in section 101081
5119.01 of the Revised Code. 101082

(B)(1) The Department of Mental Health and Addiction Services 101083
shall conduct a program to provide addiction treatment, which may 101084
include medication-assisted treatment and recovery supports, to 101085
persons eligible to participate in a medication-assisted treatment 101086
drug court program, and are selected under this section to be 101087
participants in the program because of their dependence on 101088
opioids, alcohol, or both. 101089

(2) The Department shall conduct the program in those courts 101090
of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, 101091
Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and 101092
Warren counties that are conducting MAT drug court programs. If in 101093
any of these counties there is no court conducting a MAT drug 101094
court program, the Department shall conduct the program in a court 101095
that is conducting a MAT drug court program in another county. 101096

(3) In addition to conducting the program in accordance with 101097
division (B)(2) of this section, the Department may conduct the 101098
program in any other court that is conducting a MAT drug court 101099
program. 101100

(C) In conducting the program, the Department shall 101101
collaborate with the Supreme Court, the Department of 101102
Rehabilitation and Correction, and any agency of the state that 101103

the Department of Mental Health and Addiction Services determines 101104
may be of assistance in accomplishing the objectives of the 101105
program. The Department may collaborate with the boards of 101106
alcohol, drug addiction, and mental health services and with local 101107
law enforcement agencies that serve the counties in which a court 101108
participating in the program is located. 101109

(D)(1) A MAT drug court program shall select persons who are 101110
criminal offenders or who are involved in a family drug or 101111
dependency court to be participants in the program. A person shall 101112
not be selected to be a participant unless the person meets the 101113
legal and clinical eligibility criteria for the MAT drug court 101114
program and is an active participant in the program. 101115

(2) The total number of persons participating in a program at 101116
any time shall not exceed one thousand five hundred, subject to 101117
available funding, except that the Department may authorize the 101118
maximum number to be exceeded in circumstances that the Department 101119
considers to be appropriate. 101120

(3) After being enrolled in a MAT drug court program, a 101121
participant shall comply with all requirements of the MAT drug 101122
court program. 101123

(E) The treatment provided in a MAT drug court program shall 101124
be provided by a community addiction services provider. The 101125
provider shall do all of the following: 101126

(1) Provide treatment based on an integrated service delivery 101127
model that consists of the coordination of care between a 101128
prescriber and the community addiction services provider; 101129

(2) Conduct professional, comprehensive substance abuse and 101130
mental health diagnostic assessments of a person under 101131
consideration for selection as a program participant to determine 101132
whether the person would benefit from substance abuse treatment 101133
and monitoring; 101134

(3) Determine, based on the assessment described in division	101135
(E)(2) of this section, the treatment needs of the program	101136
participants served by the community addiction services provider;	101137
(4) Develop, for program participants served by the community	101138
addiction services provider, individualized goals and objectives;	101139
(5) Provide access to the long-acting antagonist therapies,	101140
partial agonist therapies, or both, that are included in the	101141
program's medication-assisted treatment;	101142
(6) Provide other types of therapies, including psychosocial	101143
therapies, for both substance abuse and any disorders that are	101144
considered by the community addiction services provider to be	101145
co-occurring disorders;	101146
(7) Monitor program compliance through the use of regular	101147
drug testing, including urinalysis, of the program participants	101148
served by the community addiction services provider;	101149
(8) Provide access to time-limited recovery supports.	101150
(F) In the case of medication-assisted treatment provided	101151
under the program, all of the following conditions apply:	101152
(1) A drug may be used only if the drug has been approved by	101153
the United States Food and Drug Administration for use in treating	101154
dependence on opioids, alcohol, or both, or for preventing relapse	101155
into the use of opioids, alcohol, or both.	101156
(2) One or more drugs may be used, but each drug that is used	101157
must constitute long-acting antagonist therapy or partial agonist	101158
therapy.	101159
(3) If a drug constituting partial agonist therapy is used,	101160
the program shall provide safeguards to minimize abuse and	101161
diversion of the drug, including such safeguards as routine drug	101162
testing of program participants.	101163
(G) It is anticipated and expected that MAT drug court	101164

programs will expand their ability to serve more drug court 101165
participants as a result of increased access to commercial or 101166
publicly funded health insurance. In order to ensure that funds 101167
appropriated to support the program established under this section 101168
are used in the most efficient manner with a goal of enrolling the 101169
maximum number of participants, the Medicaid Director, in 101170
collaboration with major Ohio health care plans, shall develop 101171
plans consistent with this division. There shall be no prior 101172
authorizations or step therapy for medication-assisted treatment 101173
for program participants. The plans developed under this division 101174
shall ensure all of the following: 101175

(1) The development of an efficient and timely process for 101176
review of eligibility for health benefits for all offenders 101177
selected to participate in the program; 101178

(2) A rapid conversion to reimbursement for all health care 101179
services by the participant's health care plan following approval 101180
for coverage of health care benefits; 101181

(3) The development of a consistent benefit package that 101182
provides ready access to and reimbursement for essential health 101183
care services including, but not limited to, primary health care 101184
services, alcohol and opioid detoxification services, appropriate 101185
psychosocial services, and medication for long-acting injectable 101186
antagonist therapies and partial agonist therapies; 101187

(4) The development of guidelines that require the provision 101188
of all treatment services, including medication, with minimal 101189
administrative barriers and within a time frame that meets the 101190
requirements of individual patient care plans. 101191

(H) Upon completion of the report required in division (J) of 101192
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 101193
the institution that prepared the report shall submit the report 101194
to the Governor, Chief Justice of the Supreme Court, President of 101195

the Senate, Speaker of the House of Representatives, Director of 101196
Mental Health and Addiction Services, Director of Rehabilitation 101197
and Correction, and any state agency that the Department of Mental 101198
Health and Addiction Services collaborates with in conducting the 101199
program. 101200

(I) Of the foregoing appropriation item 336422, Criminal 101201
Justice Services, up to \$5,000,000 in each fiscal year shall be 101202
used to support medication-assisted treatment for drug court 101203
specialized docket programs. 101204

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 101205
CORRECTIONS 101206

Any business commenced but not completed by July 1, 2015, by 101207
the Department of Rehabilitation and Correction regarding recovery 101208
services shall be completed by the Department of Mental Health and 101209
Addiction Services. No validation, cure, right, privilege, remedy, 101210
obligation, or liability is lost or impaired by reason of the 101211
transfer required by this section and shall be administered by the 101212
Department of Mental Health and Addiction Services. Any rules, 101213
orders, and determinations pertaining to the Bureau of Recovery 101214
Services continue in effect as rules, orders, and determinations 101215
of the Department of Mental Health and Addiction Services until 101216
modified or rescinded by the Department of Mental Health and 101217
Addiction Services. If necessary to ensure the integrity of the 101218
numbering of the Administrative Code, the Director of the 101219
Legislative Service Commission shall renumber the numbers to 101220
reflect their transfer to the Department of Mental Health and 101221
Addiction Services. 101222

Subject to the lay-off provisions of sections 124.321 to 101223
124.382 of the Revised Code, all employees of the Bureau of 101224
Recovery Services are hereby transferred to the Department of 101225
Mental Health and Addiction Services and retain their positions 101226

and all of their benefits. 101227

Wherever the Bureau of Recovery Services is referred to in 101228
any law, contract, or other document, the reference shall be 101229
deemed to refer to the Department of Mental Health and Addiction 101230
Services or its director, as appropriate. 101231

Any business commenced but not completed under appropriation 101232
item 505321, Institution Medical Services, pertaining to the 101233
Bureau of Recovery Services, shall be completed under 101234
appropriation item 336423, Addiction Services Partnership with 101235
Corrections, in the same manner, and with the same effect, as if 101236
completed with regard to appropriation item 505321, Institution 101237
Medical Services. 101238

Section 337.90. RECOVERY HOUSING 101239

The foregoing appropriation item 336424, Recovery Housing, 101240
shall be used to expand and support access to recovery housing as 101241
defined in section 340.01 of the Revised Code and in accordance 101242
with section 340.034 of the Revised Code. For expenditures that 101243
are capital in nature, the Department of Mental Health and 101244
Addiction Services shall develop procedures to administer these 101245
funds in a manner that is consistent with current community 101246
capital assistance guidelines. 101247

Section 337.100. SPECIALIZED DOCKET SUPPORT 101248

(A) The foregoing appropriation item 336425, Specialized 101249
Docket Support, shall be used to defray a portion of the annual 101250
payroll costs associated with the specialized docket of a common 101251
pleas court, municipal court, county court, juvenile court, or 101252
family court that meets all of the eligibility requirements in 101253
division (B) of this section, including a family dependency 101254
treatment docket. The foregoing appropriation item 336425, 101255
Specialized Docket Support, may also be used to defray costs 101256

associated with treatment services and recovery supports for 101257
participants. 101258

(B) To be eligible, the specialized docket must have received 101259
Supreme Court of Ohio final certification and include participants 101260
with behavioral health needs in its target population. 101261

(C) Of the foregoing appropriation item 336425, Specialized 101262
Docket Support, the Department of Mental Health and Addiction 101263
Services shall use up to one per cent of the funds appropriated in 101264
each fiscal year to pay the cost it incurs in administering the 101265
duties established in this section. 101266

(D) The Department, in consultation with the Supreme Court of 101267
Ohio, may adopt funding distribution methodology, guidelines, and 101268
procedures as necessary to carry out the purposes of this section. 101269

Section 337.110. COMMUNITY INNOVATIONS 101270

The foregoing appropriation item 336504, Community 101271
Innovations, may be used by the Department of Mental Health and 101272
Addiction Services to make targeted investments in programs, 101273
projects, or systems operated by or under the authority of other 101274
state agencies, governmental entities, or private not-for-profit 101275
agencies that impact, or are impacted by, the operations and 101276
functions of the Department, with the goal of achieving a net 101277
reduction in expenditure of state general revenue funds and/or 101278
improved outcomes for Ohio citizens without a net increase in 101279
state general revenue fund spending. 101280

The Director shall identify and evaluate programs, projects, 101281
or systems proposed or operated, in whole or in part, outside of 101282
the authority of the Department, where targeted investment of 101283
these funds in the program, project, or system is expected to 101284
decrease demand for the Department or other resources funded with 101285
state general revenue funds, and/or to measurably improve outcomes 101286

for Ohio citizens with mental illness or with alcohol, drug, or 101287
gambling addictions. The Director shall have discretion to 101288
transfer money from the appropriation item to other state 101289
agencies, governmental entities, or private not-for-profit 101290
agencies in amounts, and subject to conditions, that the Director 101291
determines most likely to achieve state savings and/or improved 101292
outcomes. Distribution of moneys from this appropriation item 101293
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 101294
the Revised Code. 101295

The Department shall enter into an agreement with each 101296
recipient of community innovation funds, identifying: allowable 101297
expenditure of the funds; other commitment of funds or other 101298
resources to the program, project, or system; expected state 101299
savings and/or improved outcomes and proposed mechanisms for 101300
measurement of such savings or outcomes; and required reporting 101301
regarding expenditure of funds and savings or outcomes achieved. 101302

Of the foregoing appropriation item 336504, Community 101303
Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 101304
in fiscal year 2019 shall be used to provide funding for community 101305
projects across the state that focus on support for families, 101306
assisting families in avoiding crisis, and crisis intervention. 101307

Of the foregoing appropriation item 336504, Community 101308
Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in 101309
fiscal year 2019 shall be used to enhance access to naloxone 101310
across the state for county health departments to then disperse 101311
through a grant program to local law enforcement, emergency 101312
personnel, and first responders. If local law enforcement, 101313
emergency personnel, and first responders are not making use of 101314
the naloxone grant funds, the county health department may use 101315
grant funding to provide naloxone through a Project DAWN program 101316
within the county. 101317

Of the foregoing appropriation item 336504, Community 101318

Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 101319
fiscal year 2019 shall be used to support projects that assist 101320
local communities in implementing a full continuum of care, 101321
including workforce development, as described in division (A)(1) 101322
of section 340.03 of the Revised Code. 101323

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 101324

(A) The foregoing appropriation item 336510, Residential 101325
State Supplement, may be used by the Department of Mental Health 101326
and Addiction Services to provide training for residential 101327
facilities providing accommodations, supervision, and personal 101328
care services to three to sixteen unrelated adults with mental 101329
illness and to make payments to residential state supplement 101330
recipients. 101331

(B) The Department of Mental Health and Addiction Services 101332
shall adopt rules establishing eligibility criteria and payment 101333
amounts under section 5119.41 of the Revised Code. 101334

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 101335
CONSULTATION 101336

The foregoing appropriation item 336511, Early Childhood 101337
Mental Health Counselors and Consultation, shall be used to 101338
promote identification and intervention for early childhood mental 101339
health and to enhance healthy social emotional development in 101340
order to reduce preschool to third grade classroom expulsions. 101341
Funds shall be used by the Department of Mental Health and 101342
Addiction Services to support early childhood mental health 101343
credentialed counselors and consultation services, as well as 101344
administration and workforce development for the program. 101345

Section 337.140. MEDICAID SUPPORT 101346

The foregoing appropriation item 652321, Medicaid Support, 101347

shall be used to fund specified Medicaid Services as delegated by 101348
the state's single agency responsible for the Medicaid Program. 101349

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 101350

A portion of appropriation item 336629, Problem Gambling and 101351
Casino Addiction, shall be allocated to boards of alcohol, drug 101352
addiction, and mental health services in accordance with a 101353
distribution methodology determined by the Director of Mental 101354
Health and Addiction Services. 101355

Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 101356
POOL 101357

A county family and children first council may establish and 101358
operate a flexible funding pool in order to assure access to 101359
needed services by families, children, and older adults in need of 101360
protective services. The operation of the flexible funding pools 101361
shall be subject to the following restrictions: 101362

(A) The county council shall establish and operate the 101363
flexible funding pool in accordance with formal guidance issued by 101364
the Family and Children First Cabinet Council; 101365

(B) The county council shall produce an annual report on its 101366
use of the pooled funds. The annual report shall conform to a 101367
format prescribed in the formal guidance issued by the Family and 101368
Children First Cabinet Council; 101369

(C) Unless otherwise restricted, funds transferred to the 101370
flexible funding pool may include state general revenues allocated 101371
to local entities to support the provision of services to families 101372
and children; 101373

(D) The amounts transferred to the flexible funding pool 101374
shall be limited to amounts that can be redirected without 101375
impairing the achievement of the objectives for which the initial 101376

allocation is designated; and 101377

(E) Each amount transferred to the flexible funding pool from 101378
a specific allocation shall be approved for transfer by the 101379
director of the local agency that was the original recipient of 101380
the allocation. 101381

Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 101382

The designation of administering agency for federal aid shall 101383
be held jointly by the Department of Mental Health and Addiction 101384
Services and the Department of Medicaid for determining 101385
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 101386
Department of Mental Health and Addiction Services remains the 101387
designated agency for all other purposes established by 42 U.S.C. 101388
300x et seq. and section 5119.32 of the Revised Code. 101389

Section 337.180. ACCESS SUCCESS II PROGRAM 101390

To the extent cash is available, the Director of Budget and 101391
Management may transfer cash from the Money Follows the Person 101392
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 101393
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 101394
by the Department of Mental Health and Addiction Services. The 101395
transferred cash is hereby appropriated. 101396

The Department of Mental Health and Addiction Services shall 101397
use the transferred funds to administer the Access Success II 101398
Program to help non-Medicaid patients in any hospital established, 101399
controlled, or supervised by the Department under Chapter 5119. of 101400
the Revised Code to transition from inpatient status to a 101401
community setting. 101402

Section 337.190. CASH TRANSFER FROM THE INDIGENT DRIVERS 101403
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 101404
FUND 101405

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

Section 339.10. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF 149321	Operating Expenses	\$	709,697	\$	747,358
GRF 149501	Demonstration Grants	\$	878,975	\$	878,975
GRF 149502	Lupus Program	\$	96,000	\$	96,000
GRF 149503	Infant Mortality	\$	1,000,000	\$	1,000,000

Health Grants

TOTAL GRF General Revenue Fund	\$	2,684,672	\$	2,722,333

Dedicated Purpose Fund Group

4C20 149601	Minority Health	\$	50,000	\$	50,000

Conference

TOTAL DPF Dedicated Purpose Fund Group	\$	50,000	\$	50,000

TOTAL ALL BUDGET FUND GROUPS	\$	2,734,672	\$	2,772,333

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD

Dedicated Purpose Fund Group

4K90 865601	Operating Expenses	\$	587,371	\$	604,593
TOTAL DPF Dedicated Purpose Fund Group	\$	587,371	\$	604,593	

TOTAL ALL BUDGET FUND GROUPS	\$	587,371	\$	604,593

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES				101434
General Revenue Fund				101435
GRF 725401	Division of Wildlife-Operating Subsidy	\$ 1,800,000	\$ 1,800,000	101436
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$ 39,002,200	\$ 44,442,400	101437
GRF 725456	Canal Lands	\$ 135,000	\$ 135,000	101438
GRF 725505	Healthy Lake Erie Program	\$ 800,000	\$ 1,000,000	101439
GRF 725507	Coal and Mine Safety Programs	\$ 2,815,409	\$ 2,815,409	101440
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$ 25,450,300	\$ 19,317,800	101441
GRF 727321	Division of Forestry	\$ 2,755,587	\$ 4,755,587	101442
GRF 729321	Office of Information Technology	\$ 185,309	\$ 185,309	101443
GRF 730321	Parks and Recreation	\$ 31,045,229	\$ 31,062,061	101444
GRF 736321	Division of Engineering	\$ 2,097,088	\$ 2,080,256	101445
GRF 737321	Division of Water Resources	\$ 975,804	\$ 1,219,754	101446
GRF 738321	Office of Real Estate and Land Management	\$ 742,448	\$ 742,448	101447
GRF 741321	Division of Natural Areas and Preserves	\$ 1,016,648	\$ 1,270,810	101448
TOTAL GRF General Revenue Fund		\$ 108,821,022	\$ 110,826,834	101449
Dedicated Purpose Fund Group				101450
2270 725406	Parks Projects	\$ 1,073,153	\$ 1,112,791	101451

		Personnel				
4300	725671	Canal Lands	\$	924,919	\$	927,128 101452
4S90	725622	NatureWorks Personnel	\$	1,069,250	\$	1,080,993 101453
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000 101454
		Protection				
5090	725602	State Forest	\$	9,695,418	\$	8,009,525 101455
5110	725646	Ohio Geological	\$	3,922,925	\$	3,818,039 101456
		Mapping				
5120	725605	State Parks Operations	\$	32,289,583	\$	32,289,583 101457
5140	725606	Lake Erie Shoreline	\$	2,125,649	\$	1,681,699 101458
5160	725620	Water Management	\$	2,864,291	\$	2,878,291 101459
5180	725643	Oil and Gas Regulation	\$	19,444,876	\$	19,444,876 101460
		and Safety				
5180	725677	Oil and Gas Well	\$	3,000,000	\$	3,000,000 101461
		Plugging				
5210	725627	Off-Road Vehicle	\$	350,000	\$	350,000 101462
		Trails				
5220	725656	Natural Areas and	\$	996,973	\$	546,973 101463
		Preserves				
5290	725639	Mining Regulation and	\$	4,764,897	\$	4,499,705 101464
		Safety				
5310	725648	Reclamation Forfeiture	\$	5,315,262	\$	217,471 101465
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000 101466
		Enforcement				
5EM0	725613	Natural Resources Law	\$	34,000	\$	34,000 101467
		Enforcement				
5HK0	725625	Ohio Nature Preserves	\$	55,162	\$	1,000 101468
5MF0	725635	Ohio Geology License	\$	5,000	\$	5,000 101469
		Plate				
5MW0	725604	Natural Resources	\$	2,000,000	\$	2,000,000 101470
		Special Purposes				
5P20	725634	Wildlife Boater Angler	\$	5,000,000	\$	5,000,000 101471
		Administration				

5TD0	725514	Park Maintenance	\$	1,356,000	\$	1,356,000	101472
6150	725661	Dam Safety	\$	1,155,691	\$	1,155,691	101473
6970	725670	Submerged Lands	\$	717,155	\$	717,155	101474
7015	740401	Division of Wildlife Conservation	\$	62,772,287	\$	62,772,287	101475
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	101476
7086	739401	Watercraft Operations	\$	22,228,023	\$	22,228,023	101477
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	101478
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	101479
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	101480
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	101481
8190	725685	Ohio River Management	\$	140,000	\$	140,000	101482
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	101483
TOTAL DPF Dedicated Purpose Fund Group			\$	195,923,070	\$	187,888,786	101484
Internal Service Activity Fund Group							101485
1550	725601	Departmental Projects	\$	1,523,950	\$	1,629,913	101486
1550	725676	Hocking Hills State Park Lodge	\$	500,000	\$	500,000	101487
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	101488
2040	725687	Information Services	\$	5,791,238	\$	5,791,238	101489
2050	725696	Human Resource Direct Services	\$	2,698,048	\$	2,735,732	101490
2230	725665	Law Enforcement Administration	\$	2,664,717	\$	2,827,473	101491
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	101492
6350	725664	Fountain Square	\$	3,647,224	\$	3,768,109	101493

Facilities Management			
TOTAL ISA Internal Service Activity			101494
Fund Group	\$ 22,706,950	\$ 23,134,238	101495
Capital Projects Fund Group			101496
7061 725405 Clean Ohio Trail	\$ 301,796	\$ 301,796	101497
Operating			
TOTAL CPF Capital Projects Fund Group	\$ 301,796	\$ 301,796	101498
Fiduciary Fund Group			101499
4M80 725675 FOP Contract	\$ 20,219	\$ 20,219	101500
TOTAL FID Fiduciary Fund Group	\$ 20,219	\$ 20,219	101501
Holding Account Fund Group			101502
R017 725659 Performance Cash Bond	\$ 528,993	\$ 528,993	101503
Refunds			
R043 725624 Forestry	\$ 2,100,000	\$ 2,100,000	101504
TOTAL HLD Holding Account Fund Group	\$ 2,628,993	\$ 2,628,993	101505
Federal Fund Group			101506
3320 725669 Federal Mine Safety Grant	\$ 265,000	\$ 265,000	101507
3B30 725640 Federal Forest Pass-Thru	\$ 350,000	\$ 350,000	101508
3B40 725641 Federal Flood Pass-Thru	\$ 350,000	\$ 350,000	101509
3B50 725645 Federal Abandoned Mine Lands	\$ 12,541,621	\$ 15,465,471	101510
3B60 725653 Federal Land and Water Conservation Grants	\$ 950,634	\$ 950,634	101511
3B70 725654 Reclamation - Regulatory	\$ 1,986,569	\$ 1,697,242	101512
3P10 725632 Geological Survey -	\$ 160,000	\$ 160,000	101513

		Federal				
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000 101515
3P30	725650	Coastal Management -	\$	1,905,150	\$	1,905,150 101516
		Federal				
3P40	725660	Federal - Soil and	\$	601,000	\$	608,000 101517
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	1,200,000	\$	1,200,000 101518
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000 101519
		and Trails				
TOTAL FED	Federal Fund Group		\$	22,056,974	\$	24,698,497 101520
TOTAL ALL BUDGET FUND GROUPS			\$	352,459,024	\$	349,499,363 101521

Section 343.20. PARK MAINTENANCE 101523

The foregoing appropriation item 725514, Park Maintenance, 101524
shall be used by the Department of Natural Resources to pay the 101525
costs of projects supported by the State Park Maintenance Fund 101526
(Fund 5TD0) under section 1501.08 of the Revised Code. 101527

On July 1, 2017, or as soon as possible thereafter, the 101528
Director of Natural Resources shall certify the amount of five 101529
percent of the average of the previous five years of deposits in 101530
the State Park Fund (Fund 5120) to the Director of Budget and 101531
Management. The Director of Budget and Management may transfer up 101532
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 101533
(Fund 5TD0). 101534

Section 343.30. CENTRAL SUPPORT INDIRECT FUND 101535

The Department of Natural Resources, with approval of the 101536
Director of Budget and Management, shall use a methodology for 101537
determining each division's payments into the Central Support 101538
Indirect Fund (Fund 1570). The methodology used shall contain the 101539
characteristics of administrative ease and uniform application in 101540

compliance with federal grant requirements. It may include direct 101541
cost charges for specific services provided. Payments to Fund 1570 101542
shall be made using an intrastate transfer voucher. 101543

The foregoing appropriation item 725401, Division of 101544
Wildlife-Operating Subsidy, shall be used to pay the direct and 101545
indirect costs of the Division of Wildlife. 101546

Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE 101547
RENTAL BOND PAYMENTS 101548

The foregoing appropriation item 725413, Parks and 101549
Recreational Facilities Lease Rental Bond Payments, shall be used 101550
to meet all payments during the period from July 1, 2017, through 101551
June 30, 2019, by the Department of Natural Resources pursuant to 101552
leases and agreements made under section 154.22 of the Revised 101553
Code. These appropriations are the source of funds pledged for 101554
bond service charges on related obligations issued under Chapter 101555
154. of the Revised Code. 101556

HEALTHY LAKE ERIE PROGRAM 101557

The foregoing appropriation item 725505, Healthy Lake Erie 101558
Program, shall be used by the Director of Natural Resources, in 101559
support of (1) conservation measures in the Western Lake Erie 101560
Basin as determined by the Director; (2) funding assistance for 101561
soil testing, winter cover crops, edge of field testing, tributary 101562
monitoring, animal waste abatement; and (3) any additional efforts 101563
to reduce nutrient runoff as the Director may decide. The Director 101564
shall give priority to recommendations that encourage farmers to 101565
adopt agricultural production guidelines commonly known as 4R 101566
nutrient stewardship practices. 101567

COAL AND MINE SAFETY PROGRAM 101568

The foregoing appropriation item 725507, Coal and Mine Safety 101569
Program, shall be used for the administration of the Mine Safety 101570

Program and the Coal Regulation Program.	101571
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	101572
The foregoing appropriation item 725903, Natural Resources	101573
General Obligation Bond Debt Service, shall be used to pay all	101574
debt service and related financing costs during the period July 1,	101575
2017, through June 30, 2019, on obligations issued under sections	101576
151.01 and 151.05 of the Revised Code.	101577
Section 343.50. OIL AND GAS WELL PLUGGING	101578
The foregoing appropriation item 725677, Oil and Gas Well	101579
Plugging, shall be used exclusively for the purposes of plugging	101580
wells and to properly restore the land surface of idle and orphan	101581
oil and gas wells pursuant to section 1509.071 of the Revised	101582
Code. This appropriation item shall not be used for salaries,	101583
maintenance, equipment, or other administrative purposes, except	101584
for those costs directly attributed to the plugging of an idle or	101585
orphan well. This appropriation item shall not be used to transfer	101586
cash to any other fund or appropriation item.	101587
WELL LOG FILING FEES	101588
The Chief of the Division of Water Resources shall deposit	101589
fees forwarded to the Division pursuant to section 1521.05 of the	101590
Revised Code into the Water Management Fund (Fund 5160) for the	101591
purposes described in that section.	101592
PARKS CAPITAL EXPENSES FUND	101593
The Director of Natural Resources shall submit to the	101594
Director of Budget and Management the estimated design,	101595
engineering, and planning costs of capital-related work to be done	101596
by Department of Natural Resources staff for parks projects within	101597
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the	101598
Director of Budget and Management approves the estimated costs,	101599
the Director may release appropriations from Fund 7035	101600

appropriation item C725E6, Project Planning, for those purposes. 101601
Upon release of the appropriations, the Department of Natural 101602
Resources shall pay for these expenses from the Parks Capital 101603
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 101604
reimbursed by Fund 7035 using an intrastate transfer voucher. 101605

NATUREWORKS CAPITAL EXPENSES FUND 101606

The Department of Natural Resources shall submit to the 101607
Director of Budget and Management the estimated design, planning, 101608
and engineering costs of capital-related work to be done by 101609
Department of Natural Resources staff for each capital improvement 101610
project within the Ohio Parks and Natural Resources Fund (Fund 101611
7031). If the Director of Budget and Management approves the 101612
estimated costs, the Director may release appropriations from Fund 101613
7031 appropriation item C725E5, Project Planning, for those 101614
purposes. Upon release of the appropriations, the Department of 101615
Natural Resources shall pay for these expenses from the Capital 101616
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 101617
reimbursed by Fund 7031 using an intrastate transfer voucher. 101618

Section 343.60. HUMAN RESOURCES DIRECT SERVICE 101619

The foregoing appropriation item 725696, Human Resources 101620
Direct Service, shall be used to cover the cost of support, 101621
coordination, and oversight of the Department of Natural 101622
Resources' human resources functions. The Human Resources 101623
Chargeback Fund (Fund 2050) shall consist of cash transferred to 101624
it via intrastate transfer voucher from other funds as determined 101625
by the Director of Natural Resources and the Director of Budget 101626
and Management. 101627

LAW ENFORCEMENT ADMINISTRATION 101628

The foregoing appropriation item 725665, Law Enforcement 101629
Administration, shall be used to cover the cost of support, 101630

coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

Section 343.70. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 345.10. NUR STATE BOARD OF NURSING

Dedicated Purpose Fund Group				101653
4K90	884609	Operating Expenses	\$ 8,909,895 \$ 9,317,358	101654
5AC0	884602	Nurse Education Grant	\$ 1,518,500 \$ 1,518,500	101655
Program				
5P80	884601	Nursing Special	\$ 2,000 \$ 2,000	101656
Issues				
TOTAL DPF Dedicated Purpose				101657
Fund Group				
			\$ 10,430,395 \$ 10,837,858	101658

TOTAL ALL BUDGET FUND GROUPS	\$	10,430,395	\$	10,837,858	101659

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,					101661
AND ATHLETIC TRAINERS BOARD					101662

Dedicated Purpose Fund Group					101663

4K90 890609 Operating Expenses	\$	612,956	\$	0	101664

TOTAL DPF Dedicated Purpose Fund	\$	612,956	\$	0	101665

Group

TOTAL ALL BUDGET FUND GROUPS	\$	612,956	\$	0	101666

Section 351.10. OLA OHIOANA LIBRARY ASSOCIATION					101668

General Revenue Fund					101669

GRF 355501 Library Subsidy	\$	175,000	\$	180,000	101670

TOTAL GRF General Revenue Fund	\$	175,000	\$	180,000	101671

TOTAL ALL BUDGET FUND GROUPS	\$	175,000	\$	180,000	101672

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH					101674
DISABILITIES AGENCY					101675

General Revenue Fund					101676

GRF 415402 Independent Living	\$	252,000	\$	252,000	101677
Council					

GRF 415406 Assistive Technology	\$	26,618	\$	26,618	101678

GRF 415431 Brain Injury	\$	126,567	\$	126,567	101679

GRF 415506 Services for	\$	15,817,710	\$	15,817,710	101680
Individuals with					
Disabilities					

GRF 415508 Services for the Deaf	\$	28,000	\$	28,000	101681

TOTAL GRF General Revenue Fund	\$	16,250,895	\$	16,250,895	101682

Dedicated Purpose Fund Group					101683

4670 415609 Business Enterprise	\$	1,555,368	\$	1,555,368	101684
Operating Expenses					

4680 415618 Third Party Services	\$	12,300,000	\$	12,300,000	101685

		Funding				
4L10	415619	Services for	\$	3,575,191	\$	3,575,191 101686
		Rehabilitation				
TOTAL DPF Dedicated Purpose						101687
Fund Group			\$	17,430,559	\$	17,430,559 101688
Internal Service Activity Fund Group						101689
4W50	415606	Program Management	\$	12,486,502	\$	12,785,665 101690
TOTAL ISA Internal Service Activity						101691
Fund Group			\$	12,486,502	\$	12,785,665 101692
Federal Fund Group						101693
3170	415620	Disability	\$	82,228,048	\$	82,932,645 101694
		Determination				
3790	415616	Federal - Vocational	\$	115,837,977	\$	117,416,322 101695
		Rehabilitation				
3GH0	415602	Personal Care	\$	3,139,040	\$	3,139,040 101696
		Assistance				
3GH0	415604	Community Centers for	\$	1,022,000	\$	1,022,000 101697
		the Deaf				
3GH0	415613	Independent Living	\$	627,128	\$	627,128 101698
3L10	415608	Social Security	\$	7,000,000	\$	8,000,000 101699
		Special Program				
		Assistance				
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000 101700
		Employment				
3L40	415617	Vocational	\$	1,778,721	\$	1,778,721 101701
		Rehabilitation				
		Programs				
TOTAL FED Federal Fund Group			\$	212,632,914	\$	215,915,856 101702
TOTAL ALL BUDGET FUND GROUPS			\$	258,800,870	\$	262,382,975 101703
INDEPENDENT LIVING						101704
The foregoing appropriation item 415402, Independent Living						101705
Council, shall be used to support the state independent living						101706

programs and centers under Title VII of the Independent Living 101707
Services and Centers for Independent Living of the Rehabilitation 101708
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 101709

Of the foregoing appropriation item 415402, Independent 101710
Living Council, \$67,662 in each fiscal year shall be used as state 101711
matching funds for vocational rehabilitation innovation and 101712
expansion activities. 101713

ASSISTIVE TECHNOLOGY 101714

The total amount of the foregoing appropriation item 415406, 101715
Assistive Technology, shall be provided to Assistive Technology of 101716
Ohio to provide grants and assistive technology services for 101717
people with disabilities in the State of Ohio. 101718

BRAIN INJURY 101719

The foregoing appropriation item 415431, Brain Injury, shall 101720
be provided to The Ohio State University College of Medicine to 101721
support the Brain Injury Program established under section 3304.23 101722
of the Revised Code. 101723

SERVICES FOR THE DEAF 101724

The foregoing appropriation item 415508, Services for the 101725
Deaf, shall be used to provide grants to community centers for the 101726
deaf. 101727

Section 355.10. ODB OHIO OPTICAL DISPENSERS BOARD 101728

Dedicated Purpose Fund Group 101729

4K90 894609 Program Support	\$	235,768	\$	0	101730

TOTAL DPF Dedicated Purpose Fund	\$	235,768	\$	0	101731

Group

TOTAL ALL BUDGET FUND GROUPS	\$	235,768	\$	0	101732

Section 357.10. OPT STATE BOARD OF OPTOMETRY 101734

Dedicated Purpose Fund Group				101735
4K90 885609 Program Support	\$	227,394	\$	0 101736
TOTAL DPF Dedicated Purpose Fund Group	\$	227,394	\$	0 101737
TOTAL ALL BUDGET FUND GROUPS	\$	227,394	\$	0 101738

Section 359.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 101740
AND PEDORTHICS 101741

Dedicated Purpose Fund Group				101742
4K90 973609 Operating Expenses	\$	122,574	\$	0 101743
TOTAL DPF Dedicated Purpose Fund Group	\$	122,574	\$	0 101744
TOTAL ALL BUDGET FUND GROUPS	\$	122,574	\$	0 101745

Section 361.10. PEN PENSION SUBSIDIES 101746

General Revenue Fund				101747
GRF 090524 Police and Fire	\$	3,000	\$	3,000 101748
Disability Pension Fund				
GRF 090534 Police and Fire Ad Hoc Cost of Living	\$	42,000	\$	42,000 101749
GRF 090554 Police and Fire Survivor Benefits	\$	355,000	\$	355,000 101750
GRF 090575 Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000 101751
TOTAL GRF General Revenue Fund	\$	20,400,000	\$	20,400,000 101752
TOTAL ALL BUDGET FUND GROUPS	\$	20,400,000	\$	20,400,000 101753

POLICE AND FIRE DEATH BENEFIT FUND 101754

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The				101755 101756 101757 101758

Treasurer of State shall certify such amounts quarterly to the 101759
Director of Budget and Management. By the twentieth day of June of 101760
each fiscal year, the Board of Trustees of the Ohio Police and 101761
Fire Pension Fund shall certify to the Treasurer of State the 101762
amount disbursed in the current fiscal year to make the payments 101763
required by section 742.63 of the Revised Code and shall return to 101764
the Treasurer of State moneys received from this appropriation 101765
item but not disbursed. 101766

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 101767
RELEASE COMPENSATION BOARD 101768
Dedicated Purpose Fund Group 101769
6910 810632 Petroleum Underground \$ 1,433,220 \$ 1,461,073 101770
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,433,220 \$ 1,461,073 101771
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,433,220 \$ 1,461,073 101772

Section 365.10. PHS STATE PHYSICAL HEALTH SERVICES BOARD 101774
Dedicated Purpose Fund Group 101775
4K90 127609 Operating Expenses \$ 576,740 \$ 1,122,918 101776
TOTAL DPF Dedicated Purpose Fund \$ 576,740 \$ 1,122,918 101777
Group
TOTAL ALL BUDGET FUND GROUPS \$ 576,740 \$ 1,122,918 101778

Section 367.10. PRX STATE BOARD OF PHARMACY 101780
Dedicated Purpose Fund Group 101781
4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 101782
4K90 887609 Operating Expenses \$ 8,460,214 \$ 8,717,387 101783
5SG0 887612 Drug Database \$ 200,000 \$ 200,000 101784

5SY0 887613	Medical Marijuana Control Program	\$	1,455,700	\$	1,335,200	101785
TOTAL DPF Dedicated Purpose Fund Group		\$	10,265,914	\$	10,402,587	101786
Federal Fund Group						101787
3EB0 887608	2008 Developing/Enhancing PMP	\$	50,000	\$	0	101788
3HD0 887614	Pharmacy Federal Grants	\$	350,001	\$	350,000	101789
TOTAL FED Federal Fund Group		\$	400,001	\$	350,000	101790
TOTAL ALL BUDGET FUND GROUPS		\$	10,665,915	\$	10,752,587	101791

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 101793

Dedicated Purpose Fund Group						101794
4K90 882609	Operating Expenses	\$	384,551	\$	0	101795
TOTAL DPF Dedicated Purpose Fund Group		\$	384,551	\$	0	101797
TOTAL ALL BUDGET FUND GROUPS		\$	384,551	\$	0	101798

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 101800

General Revenue Fund						101801
GRF 019401	State Legal Defense Services	\$	3,385,087	\$	3,606,983	101802
GRF 019403	Multi-County: State Share	\$	1,852,470	\$	1,850,310	101803
GRF 019404	Trumbull County - State Share	\$	496,540	\$	485,213	101804
GRF 019405	Training Account	\$	50,000	\$	50,000	101805
GRF 019501	County Reimbursement	\$	23,228,920	\$	23,580,511	101806
TOTAL GRF General Revenue Fund		\$	29,013,017	\$	29,573,017	101807
Dedicated Purpose Fund Group						101808

1010	019607	Juvenile Legal Assistance	\$	207,351	\$	204,756	101809
4060	019603	Training and Publications	\$	25,000	\$	25,000	101810
4070	019604	County Representation	\$	407,613	\$	413,815	101811
4080	019605	Client Payments	\$	789,868	\$	807,884	101812
4C70	019601	Multi-County: County Share	\$	2,558,173	\$	2,662,641	101813
4N90	019613	Gifts and Grants	\$	10,530	\$	10,530	101814
4X70	019610	Trumbull County - County Share	\$	685,699	\$	698,234	101815
5740	019606	Civil Legal Aid	\$	17,750,000	\$	17,750,000	101816
5CX0	019617	Civil Case Filing Fee	\$	556,331	\$	533,722	101817
5DY0	019618	Indigent Defense Support - County Share	\$	32,868,000	\$	32,868,000	101818
5DY0	019619	Indigent Defense Support - State Office	\$	7,167,143	\$	7,212,874	101819
TOTAL DPF Dedicated Purpose							101820
Fund Group			\$	63,025,708	\$	63,187,456	101821
Federal Fund Group							101822
3GJ0	019622	Byrne Memorial Grant	\$	7,766	\$	0	101823
3S80	019608	Federal Representation	\$	37,845	\$	38,315	101824
TOTAL FED Federal Fund Group			\$	45,611	\$	38,315	101825
TOTAL ALL BUDGET FUND GROUPS			\$	92,084,336	\$	92,798,788	101826
INDIGENT DEFENSE OFFICE							101827
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							101828 101829 101830
MULTI-COUNTY OFFICE							101831

The foregoing appropriation items 019403, Multi-County: State 101832
Share, and 019601, Multi-County: County Share, shall be used to 101833
support the Office of the Ohio Public Defender's Multi-County 101834
Branch Office Program. 101835

TRAINING ACCOUNT 101836

The foregoing appropriation item 019405, Training Account, 101837
shall be used by the Ohio Public Defender to provide legal 101838
training programs at no cost for private appointed counsel who 101839
represents at least one indigent defendant at no cost, state and 101840
county public defenders, and attorneys who contract with the Ohio 101841
Public Defender to provide indigent defense services. 101842

FEDERAL REPRESENTATION 101843

The foregoing appropriation item 019608, Federal 101844
Representation, shall be used to support representation provided 101845
by the Ohio Public Defender in federal court cases. 101846

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 101847

General Revenue Fund 101848

GRF 763403 EMA Operating \$ 4,433,446 \$ 4,862,429 101849

GRF 767420 Investigative Unit \$ 11,973,689 \$ 12,343,689 101850
Operating

GRF 768425 Justice Program \$ 724,586 \$ 1,032,159 101851
Services

GRF 769406 Homeland Security - \$ 2,666,617 \$ 2,783,242 101852
Operating

TOTAL GRF General Revenue Fund \$ 19,798,338 \$ 21,021,519 101853

Dedicated Purpose Fund Group 101854

4P60 768601 Justice Program \$ 330,000 \$ 210,000 101855
Services

4V30 763662 EMA Service and \$ 751,000 \$ 751,000 101856
Reimbursements

5BK0	768687	Criminal Justice Services - Operating	\$	550,000	\$	400,000	101857
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	101858
5ET0	768625	Drug Law Enforcement	\$	7,000,000	\$	7,000,000	101859
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	101860
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	101861
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	101862
5RS0	768621	Community Police Relations	\$	1,000,000	\$	1,000,000	101863
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	101864
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	101865
6570	763652	Utility Radiological Safety	\$	1,258,624	\$	1,258,624	101866
6810	763653	SARA Title III Hazmat Planning	\$	273,629	\$	273,629	101867
8500	767628	Investigative Unit Salvage	\$	175,000	\$	175,000	101868
TOTAL DPF Dedicated Purpose Fund Group			\$	15,759,199	\$	15,489,199	101869
Federal Fund Group							101870
3290	763645	Federal Mitigation Program	\$	7,960,000	\$	7,200,000	101871
3370	763609	Federal Disaster Relief	\$	20,019,000	\$	18,017,000	101872
3390	763647	Emergency Management	\$	49,600,000	\$	44,700,000	101873

	Assistance and Training				
3FK0 768615	Justice Assistance Grants - FFY11	\$	100,000	\$	100,000 101874
3FP0 767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000 101875
3FY0 768616	Justice Assistance Grants - FFY12	\$	100,000	\$	100,000 101876
3FZ0 768617	Justice Assistance Grants - FFY13	\$	400,000	\$	400,000 101877
3GA0 768618	Justice Assistance Grants - FFY14	\$	900,000	\$	900,000 101878
3GL0 768619	Justice Assistance Grants - FFY15	\$	15,000,000	\$	15,000,000 101879
3GT0 767691	Investigative Unit Federal Equity Share	\$	300,000	\$	300,000 101880
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000 101881
3GU0 769631	Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000 101882
3L50 768604	Justice Program	\$	10,500,000	\$	10,500,000 101883
3N50 763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672 101884
TOTAL FED	Federal Fund Group	\$	107,765,672	\$	100,103,672 101885
TOTAL ALL BUDGET FUND GROUPS		\$	143,323,209	\$	136,614,390 101886

Section 373.20. STATE DISASTER RELIEF 101888

The State Disaster Relief Fund (Fund 5330) may accept 101889
transfers of cash or appropriations from Controlling Board 101890
appropriation items for the Ohio Emergency Management Agency 101891
disaster response costs and disaster program management costs, and 101892

may also be used for the following purposes:	101893
(A) To accept transfers of cash or appropriations from	101894
Controlling Board appropriation items for Ohio Emergency	101895
Management Agency public assistance and mitigation program match	101896
costs to reimburse eligible local governments and private	101897
nonprofit organizations for costs related to disasters;	101898
(B) To accept transfers of cash to reimburse the costs	101899
associated with Emergency Management Assistance Compact (EMAC)	101900
deployments;	101901
(C) To accept disaster related reimbursement from federal,	101902
state, and local governments. The Director of Budget and	101903
Management may transfer cash from reimbursements received by this	101904
fund to other funds of the state from which transfers were	101905
originally approved by the Controlling Board.	101906
(D) To accept transfers of cash or appropriations from	101907
Controlling Board appropriation items to fund the State Disaster	101908
Relief Program, for disasters that qualify for the program by	101909
written authorization of the Governor, and the State Individual	101910
Assistance Program for disasters that have been declared by the	101911
federal Small Business Administration and that qualify for the	101912
program by written authorization from the Governor. The Ohio	101913
Emergency Management Agency shall publish and make available	101914
application packets outlining procedures for the State Disaster	101915
Relief Program and the State Individual Assistance Program.	101916
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	101917
AGENCY SERVICE AND REIMBURSEMENT FUND	101918
On July 1 of each fiscal year, or as soon as possible	101919
thereafter, the Director of Budget and Management shall transfer	101920
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the	101921
Emergency Management Agency Service and Reimbursement Fund (Fund	101922
4V30) to be distributed to the Ohio Task Force One – Urban Search	101923

and Rescue Unit, other similar urban search and rescue units 101924
around the state, and for maintenance of the statewide fire 101925
emergency response plan by an entity recognized by the Ohio 101926
Emergency Management Agency. 101927

COMMUNITY POLICE RELATIONS 101928

The foregoing appropriation item 768621, Community Police 101929
Relations, shall be used to implement key recommendations of the 101930
Ohio Task Force on Community-Police Relations, including a 101931
database on use of force and officer involved shootings, a public 101932
awareness campaign, and state-provided assistance with 101933
policy-making and manuals. 101934

SARA TITLE III HAZMAT PLANNING 101935

The SARA Title III Hazmat Planning Fund (Fund 6810) is 101936
entitled to receive grant funds from the Emergency Response 101937
Commission to implement the Emergency Management Agency's 101938
responsibilities under Chapter 3750. of the Revised Code. 101939

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 101940

Dedicated Purpose Fund Group 101941

4A30 870614 Grade Crossing \$ 1,200,000 \$ 2,000,000 101942
Protection
Devices-State

4L80 870617 Pipeline Safety-State \$ 331,992 \$ 331,992 101943

5610 870606 Power Siting Board \$ 581,000 \$ 581,000 101944

5F60 870622 Utility and Railroad \$ 32,826,624 \$ 32,826,624 101945
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 101946

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 101947
Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 101948
Registration

5LT0	870642	Hazardous Materials Registration	\$	775,000	\$	775,000	101949
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	292,000	\$	292,000	101950
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	898,800	\$	898,800	101951
5LT0	870645	Motor Carrier Enforcement	\$	5,222,646	\$	5,222,646	101952
5Q50	870626	Telecommunications Relay Service	\$	3,500,000	\$	3,500,000	101953
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	101954
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	101955
TOTAL DPF Dedicated Purpose Fund Group			\$	46,724,062	\$	47,524,062	101956
Federal Fund Group							101957
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	101958
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	101959
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	101960
TOTAL FED Federal Fund Group			\$	8,049,619	\$	8,049,619	101961
TOTAL ALL BUDGET FUND GROUPS			\$	54,773,681	\$	55,573,681	101962
Section 377.10. PWC PUBLIC WORKS COMMISSION							101964
General Revenue Fund							101965
GRF	150904	Conservation General Obligation Bond Debt Service	\$	38,179,700	\$	41,626,700	101966
GRF	150907	Infrastructure	\$	228,005,100	\$	221,142,200	101967

Improvement General			
Obligation Bond Debt			
Service			
TOTAL GRF General Revenue Fund	\$	266,184,800	\$ 262,768,900 101968
Capital Projects Fund Group			101969
7038 150321 State Capital	\$	923,229	\$ 925,915 101970
Improvements Program			
- Operating Expenses			
7056 150403 Clean Ohio	\$	296,051	\$ 296,051 101971
Conservation			
Operating			
TOTAL CPF Capital Projects Fund	\$	1,219,280	\$ 1,221,966 101972
Group			
TOTAL ALL BUDGET FUND GROUPS	\$	267,404,080	\$ 263,990,866 101973

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT	101975
SERVICE	101976

The foregoing appropriation item 150904, Conservation General	101977
Obligation Bond Debt Service, shall be used to pay all debt	101978
service and related financing costs during the period from July 1,	101979
2017, through June 30, 2019, at the times they are required to be	101980
made for obligations issued under sections 151.01 and 151.09 of	101981
the Revised Code.	101982

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	101983
SERVICE	101984

The foregoing appropriation item 150907, Infrastructure	101985
Improvement General Obligation Bond Debt Service, shall be used to	101986
pay all debt service and related financing costs during the period	101987
from July 1, 2017, through June 30, 2019, at the times they are	101988
required to be made for obligations issued under sections 151.01	101989
and 151.08 of the Revised Code.	101990

CLEAN OHIO CONSERVATION OPERATING	101991

The foregoing appropriation item 150403, Clean Ohio
Conservation Operating, shall be used by the Ohio Public Works
Commission in administering Clean Ohio Conservation Fund (Fund
7056) projects pursuant to sections 164.20 to 164.27 of the
Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital
Improvements Program - Operating Expenses, shall be used by the
Ohio Public Works Commission to administer the State Capital
Improvement Program under sections 164.01 to 164.16 of the Revised
Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to
create a District Administration Costs Program from proceeds of
the Capital Improvements Fund and Local Transportation Improvement
Program Fund. The program shall be used to provide for the direct
costs of district administration of the nineteen public works
districts. Districts choosing to participate in the program shall
only expend State Capital Improvements Fund moneys for State
Capital Improvements Fund costs and Local Transportation
Improvement Program Fund moneys for Local Transportation
Improvement Program Fund costs. The District Administration Costs
Program account shall not exceed \$1,235,000 per fiscal year. Each
public works district may be eligible for up to \$65,000 per fiscal
year from its district allocation as provided in sections 164.08
and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and
nonallowable costs for the purpose of the District Administration
Costs Program. Nonallowable costs include indirect costs, elected
official salaries and benefits, and project-specific costs. No
district public works committee may participate in the District

Administration Costs Program without the approval of those costs 102023
by the district public works committee under section 164.04 of the 102024
Revised Code. 102025

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 102026

The Director of the Public Works Commission is authorized to 102027
create a District Administration Costs Program for districts 102028
represented by natural resource assistance councils. This program 102029
shall be funded from proceeds of the Clean Ohio Conservation Fund. 102030
The program shall be used by natural resource assistance councils 102031
in order to provide for administration costs of the nineteen 102032
natural resource assistance councils for the direct costs of 102033
council administration. Councils choosing to participate in this 102034
program may be eligible for up to \$15,000 per fiscal year from its 102035
district allocation as provided in section 164.27 of the Revised 102036
Code. The director shall define allowable and nonallowable costs 102037
for the purpose of the District Administration Costs Program. 102038
Nonallowable costs include indirect costs, elected official 102039
salaries and benefits, and project-specific costs. 102040

Section 379.10. RAC STATE RACING COMMISSION 102041

Dedicated Purpose Fund Group 102042

5620	875601	Thoroughbred	\$	1,400,000	\$	1,400,000	102043

Development

5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	102044

Development

5650	875604	Racing Commission	\$	3,743,995	\$	3,770,948	102045

Operating

5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	102046

Development-Casino

5NL0	875611	Revenue	\$	8,000,000	\$	8,000,000	102047

Redistribution

TOTAL	DPF	Dedicated Purpose Fund	\$	23,206,090	\$	23,233,043	102048

Group

Fiduciary Fund Group						102049
5C40 875607 Simulcast Horse	\$	9,000,000	\$	9,000,000		102050
Racing Purse						
TOTAL FID Fiduciary Fund Group	\$	9,000,000	\$	9,000,000		102051
Holding Account Fund Group						102052
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000		102053
TOTAL HLD Holding Account Fund	\$	100,000	\$	100,000		102054
Group						
TOTAL ALL BUDGET FUND GROUPS	\$	32,306,090	\$	32,333,043		102055

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION 102057

General Revenue Fund						102058
GRF 235321 Operating Expenses	\$	5,824,732	\$	5,823,667		102059
GRF 235402 Sea Grants	\$	299,250	\$	299,250		102060
GRF 235406 Articulation and	\$	2,014,192	\$	2,014,192		102061
Transfer						
GRF 235408 Midwest Higher	\$	115,000	\$	115,000		102062
Education Compact						
GRF 235414 Grants and Scholarship	\$	843,745	\$	843,745		102063
Administration						
GRF 235417 Technology Maintenance	\$	4,680,735	\$	4,680,735		102064
and Operations						
GRF 235428 Appalachian New	\$	1,500,000	\$	1,500,000		102065
Economy Partnership						
GRF 235438 Choose Ohio First	\$	16,674,688	\$	16,674,688		102066
Scholarship						
GRF 235443 Adult Basic and	\$	7,302,416	\$	7,302,416		102067
Literacy Education -						
State						
GRF 235444 Ohio Technical Centers	\$	16,985,722	\$	17,155,580		102068
GRF 235474 Area Health Education	\$	900,000	\$	900,000		102069

	Centers Program				
	Support				
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 102070
GRF 235501	State Share of Instruction	\$	1,999,210,716	\$	2,019,202,823 102071
GRF 235502	Student Support Services	\$	632,974	\$	632,974 102072
GRF 235504	War Orphans Scholarships	\$	8,200,000	\$	8,500,000 102073
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012 102074
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803 102075
GRF 235510	Ohio Supercomputer Center	\$	4,876,126	\$	4,876,126 102076
GRF 235511	Cooperative Extension Service	\$	24,061,355	\$	24,061,355 102077
GRF 235514	Central State Supplement	\$	11,863,468	\$	11,863,468 102078
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253 102079
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185 102080
GRF 235520	Shawnee State Supplement	\$	2,576,097	\$	2,576,097 102081
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151 102082
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000 102083
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470 102084
GRF 235536	The Ohio State University Clinical	\$	9,668,941	\$	9,668,941 102085

	Teaching					
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	102086
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	102087
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	102088
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	102089
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	102090
GRF 235546	Central State Agricultural Research and Development	\$	1,437,017	\$	1,437,017	102091
GRF 235548	Central State Cooperative Extension Services	\$	1,346,976	\$	1,346,976	102092
GRF 235552	Capital Component	\$	6,350,817	\$	1,584,491	102093
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	102094
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	102095
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	102096
GRF 235563	Ohio College Opportunity Grant	\$	100,000,000	\$	102,000,000	102097
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	102098
GRF 235599	National Guard Scholarship Program	\$	19,400,000	\$	19,400,000	102099

GRF 235909	Higher Education	\$ 272,425,600	\$ 300,094,600	102100
	General Obligation			
	Bond Debt Service			
TOTAL GRF General Revenue Fund		\$ 2,600,361,098	\$ 2,645,724,672	102101
	Dedicated Purpose Fund Group			102102
2200 235614	Program Approval and	\$ 664,562	\$ 664,562	102103
	Reauthorization			
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	102104
4E80 235602	Higher Educational	\$ 50,000	\$ 50,000	102105
	Facility Commission			
	Administration			
5D40 235675	Conference/Special	\$ 1,884,095	\$ 1,884,095	102106
	Purposes			
5FR0 235650	State and Non-Federal	\$ 1,000,000	\$ 1,000,000	102107
	Grants and Award			
5JC0 235550	Accelerated	\$ 5,000,000	\$ 5,000,000	102108
	Completion in			
	Technical Studies			
5JC0 235654	Federal Research	\$ 2,500,000	\$ 2,500,000	102109
	Network			
5NH0 235684	OhioMeansJobs	\$ 250,000	\$ 250,000	102110
	Workforce Development			
	Revolving Loan			
	Program			
5P30 235663	Variable Savings Plan	\$ 8,082,899	\$ 8,082,899	102111
5RA0 235616	Workforce and Higher	\$ 5,000,000	\$ 5,000,000	102112
	Education Programs			
5TF0 235566	Completion and	\$ 425,000	\$ 875,000	102113
	Retention for			
	Education Success			
5TF0 235600	Finish for Your	\$ 2,000,000	\$ 4,000,000	102114
	Future Scholarship			
	Program			

5TF0	235653	College Ready Transition Courses	\$	500,000	\$	1,000,000	102115
6450	235664	Guaranteed Savings Plan	\$	1,061,886	\$	1,061,886	102116
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	102117
TOTAL	DPF	Dedicated Purpose Fund Group	\$	29,509,012	\$	32,459,012	102118
Bond Research and Development Fund Group							102119
7011	235634	Research Incentive Third Frontier	\$	8,000,000	\$	8,000,000	102120
TOTAL	BRD	Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	102121
Federal Fund Group							102122
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000	102123
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	102124
3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	102125
3120	235641	Adult Basic and Literacy Education - Federal	\$	16,400,000	\$	16,600,000	102126
3BG0	235651	Gear Up Grant Scholarships	\$	1,250,000	\$	1,250,000	102127
3H20	235608	Human Services Project	\$	375,000	\$	375,000	102128
3N60	235658	John R. Justice Student Loan Repayment Program	\$	60,000	\$	60,000	102129
TOTAL	FED	Federal Fund Group	\$	24,235,000	\$	24,435,000	102130
TOTAL	ALL	BUDGET FUND GROUPS	\$	2,662,105,110	\$	2,710,618,684	102131
Section 381.20. SEA GRANTS							102133

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program. 102163

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 102164

The foregoing appropriation item 235417, Technology 102165
Maintenance and Operations, shall be used by the Chancellor of 102166
Higher Education to support the development and implementation of 102167
information technology solutions designed to improve the 102168
performance and capacity of the Department of Higher Education. 102169
The information technology solutions may be provided by the Ohio 102170
Technology Consortium (OH-TECH). 102171

Of the foregoing appropriation item 235417, Technology 102172
Maintenance and Operations, a portion in each fiscal year may be 102173
used by the Chancellor to support the continued implementation of 102174
eStudent Services, a consortium organized under division (T) of 102175
section 3333.04 of the Revised Code to expand access to dual 102176
enrollment opportunities for high school students, as well as 102177
adult and higher education opportunities through technology. The 102178
funds shall be used by eStudent Services to develop and promote 102179
learning and assessment through the use of technology, to test and 102180
provide advice on emerging learning-directed technologies, to 102181
facilitate cost-effectiveness through shared educational 102182
technology investments, and for any other priorities of the 102183
Chancellor of Higher Education. 102184

Of the foregoing appropriation item 235417, Technology 102185
Maintenance and Operations, a portion in each fiscal year shall be 102186
used by the Chancellor to implement a high priority data 102187
warehouse, advanced analytics, and visualization integration 102188
services associated with the Higher Education Information (HEI) 102189
system. The services may be facilitated by OH-TECH. 102190

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM 102191
TRANSFER 102192

On July 1, 2017, or as soon as possible thereafter, the 102193
Director of Budget and Management, upon request by the Chancellor 102194
of Higher Education, shall cancel any existing encumbrances 102195
against appropriation item 235483, Technology Integration and 102196
Professional Development, and re-establish them against 102197
appropriation item 235417, Technology Maintenance and Operations. 102198
The re-established encumbrance amounts are hereby appropriated. 102199

Section 381.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 102200

The foregoing appropriation item 235428, Appalachian New 102201
Economy Partnership, shall be distributed to Ohio University to 102202
continue a multi-campus and multi-agency coordinated effort to 102203
link Appalachia to the new economy. Ohio University shall use 102204
these funds to provide leadership in the development and 102205
implementation of initiatives in the areas of entrepreneurship, 102206
management, education, and technology. 102207

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 102208

The foregoing appropriation item 235438, Choose Ohio First 102209
Scholarship, shall be used to operate the program prescribed in 102210
sections 3333.60 to 3333.69 of the Revised Code. 102211

During each fiscal year, the Chancellor of Higher Education, 102212
as soon as possible after cancellation, may certify to the 102213
Director of Budget and Management the amount of canceled 102214
prior-year encumbrances in appropriation item 235438, Choose Ohio 102215
First Scholarship. Upon receipt of the certification, the Director 102216
of Budget and Management may transfer cash, up to the certified 102217
amount, from the General Revenue Fund to the Choose Ohio First 102218
Scholarship Reserve Fund (Fund 5PV0). 102219

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 102220

The foregoing appropriation item 235443, Adult Basic and 102221

Literacy Education - State, shall be used to support the adult 102222
basic and literacy education instructional grant program and state 102223
leadership program. The supported programs shall satisfy the state 102224
match and maintenance of effort requirements for the 102225
state-administered grant program. 102226

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 102227

The foregoing appropriation item 235444, Ohio Technical 102228
Centers, shall be used by the Chancellor of Higher Education to 102229
support post-secondary adult career-technical education. The 102230
Chancellor shall provide coordination for Ohio Technical Centers 102231
through program approval processes, data collection of program and 102232
student outcomes, and subsidy disbursements from the foregoing 102233
appropriation item 235444, Ohio Technical Centers. 102234

(A)(1) As soon as possible in each fiscal year, in accordance 102235
with instructions of the Chancellor, each Ohio Technical Center 102236
shall report its actual data, consistent with the definitions in 102237
the Higher Education Information (HEI) system's files, to the 102238
Chancellor. 102239

(a) In defining the number of full-time equivalent students 102240
for state subsidy purposes, the Chancellor shall exclude all 102241
students who are not residents of Ohio. 102242

(b) A full-time equivalent student shall be defined as a 102243
student who completes 450 hours. Those students that complete some 102244
portion of 450 hours shall be counted as a partial full-time 102245
equivalent for funding purposes, while students that complete more 102246
than 450 hours shall be counted as proportionally greater than one 102247
full-time equivalent. 102248

(c) In calculating each Ohio Technical Center's full-time 102249
equivalent students, the Chancellor shall use a three-year 102250
average. 102251

(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential

from an industry-recognized third party. 102284

(B) Of the foregoing appropriation item 235444, Ohio 102285
Technical Centers, up to 2.38 per cent in each fiscal year may be 102286
distributed by the Chancellor to the Ohio Central School System, 102287
up to \$48,000 in each fiscal year may be utilized for assistance 102288
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 102289
year may be distributed by the Chancellor to Ohio Technical 102290
Centers that provide business consultation with matching local 102291
dollars, with preference to industries on the in-demand jobs list 102292
created under section 6301.11 of the Revised Code or in regionally 102293
emerging fields. Centers meeting this requirement shall receive an 102294
amount not to exceed \$25,000 per center. 102295

(C) The remainder of the foregoing appropriation item 235444, 102296
Ohio Technical Centers, in each fiscal year shall be distributed 102297
in accordance with division (A) of this section. 102298

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 102299
CENTERS 102300

(1) In fiscal year 2018, no Ohio Technical Center shall 102301
receive performance funding calculated under division (A) of this 102302
section, excluding funding for third party credentials calculated 102303
under division (A)(5) of this section, that is less than 95 per 102304
cent of the average allocation the Center received, excluding 102305
funding for third party credentials, in the three prior fiscal 102306
years. 102307

In fiscal year 2019, no Ohio Technical Center shall receive 102308
performance funding calculated under division (A) of this section, 102309
excluding funding for third party credentials calculated under 102310
division (A)(5) of this section, that is less than 94 per cent of 102311
the average allocation the Center received, excluding funding for 102312
third party credentials, in the three prior fiscal years. 102313

(2) In order to ensure that no Center receives less than the 102314

amounts identified for each fiscal year in accordance with 102315
division (D)(1) of this section, funds shall be made available to 102316
support the phase-in allocation by proportionally reducing formula 102317
earnings from each Center not receiving phase-in funding. 102318

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 102319
SUPPORT 102320

The foregoing appropriation item 235474, Area Health 102321
Education Centers Program Support, shall be used by the Chancellor 102322
of Higher Education to support the medical school regional area 102323
health education centers' educational programs for the continued 102324
support of medical and other health professions education and for 102325
support of the Area Health Education Center Program. 102326

Section 381.120. CAMPUS SAFETY AND TRAINING 102327

The foregoing appropriation item 235492, Campus Safety and 102328
Training, shall be used by the Chancellor of Higher Education for 102329
the purpose of developing model best practices for preventing and 102330
responding to sexual violence on campus. The Chancellor, in 102331
consultation with state institutions of higher education as 102332
defined in section 3345.011 of the Revised Code and private 102333
nonprofit institutions of higher education holding certificates of 102334
authorization under Chapter 1713. of the Revised Code, shall 102335
continue to develop model best practices in line with emerging 102336
trends, research, and evidence-based training for preventing and 102337
responding to sexual violence and protecting students and staff 102338
who are victims of sexual violence on campus. The Chancellor shall 102339
convene state institutions of higher education and private 102340
nonprofit institutions of higher education in the training and 102341
implementation of best practices regarding campus sexual violence. 102342

Section 381.130. STATE SHARE OF INSTRUCTION FORMULAS 102343

The Chancellor of Higher Education shall establish procedures 102344
to allocate the foregoing appropriation item 235501, State Share 102345
of Instruction, based on the formulas detailed in this section 102346
that utilize the enrollment, course completion, degree attainment, 102347
and student achievement factors reported annually by each state 102348
institution of higher education participating in the Higher 102349
Education Information (HEI) system. 102350

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 102351
COMPLETIONS 102352

(1) As soon as possible during each fiscal year of the 102353
biennium ending June 30, 2019, in accordance with instructions of 102354
the Department of Higher Education, each state institution of 102355
higher education shall report its actual data, consistent with the 102356
definitions in the Higher Education Information (HEI) system's 102357
enrollment files, to the Chancellor of Higher Education. 102358

(2) In defining the number of full-time equivalent students 102359
for state subsidy instructional cost purposes, the Chancellor 102360
shall exclude all undergraduate students who are not residents of 102361
Ohio or who do not meet the definition of residency for state 102362
subsidy and tuition surcharge purposes, except those charged 102363
in-state fees in accordance with reciprocity agreements made under 102364
section 3333.17 of the Revised Code or employer contracts entered 102365
into under section 3333.32 of the Revised Code. 102366

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 102367

For purposes of calculating state share of instruction 102368
allocations, the total instructional costs per full-time 102369
equivalent student shall be: 102370

Model	Fiscal Year 2018	Fiscal Year 2019	
ARTS AND HUMANITIES 1	\$8,678	\$8,837	102371
ARTS AND HUMANITIES 2	\$12,238	\$12,463	102372
ARTS AND HUMANITIES 3	\$15,530	\$15,814	102373

ARTS AND HUMANITIES 4	\$24,455	\$24,903	102375
ARTS AND HUMANITIES 5	\$39,092	\$39,809	102376
ARTS AND HUMANITIES 6	\$40,081	\$40,815	102377
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,258	\$8,409	102378
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,278	\$9,448	102379
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$11,903	\$12,121	102380
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$13,855	\$14,109	102381
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,149	\$22,555	102382
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$23,377	\$23,805	102383
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,909	\$35,549	102384
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,059	\$8,206	102385
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,889	\$11,088	102386
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$12,615	\$12,846	102387
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$14,845	\$15,117	102388
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,560	\$19,918	102389
SCIENCE, TECHNOLOGY,	\$20,673	\$21,052	102390

ENGINEERING, MATHEMATICS,
MEDICINE 6

SCIENCE, TECHNOLOGY,	\$23,500	\$23,930	102391

ENGINEERING, MATHEMATICS,
MEDICINE 7

SCIENCE, TECHNOLOGY,	\$38,870	\$39,582	102392

ENGINEERING, MATHEMATICS,
MEDICINE 8

SCIENCE, TECHNOLOGY,	\$54,329	\$55,324	102393

ENGINEERING, MATHEMATICS,
MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in	102394
accordance with division (D)(2) of this section.	102395

Medical I and Medical II models shall be allocated in	102396
accordance with divisions (D)(3) and (D)(4) of this section.	102397

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,	102398
AND GRADUATE WEIGHTS	102399

For the purpose of implementing the recommendations of the	102400
2006 State Share of Instruction Consultation and the Higher	102401
Education Funding Study Council that priority be given to	102402
maintaining state support for science, technology, engineering,	102403
mathematics, medicine, and graduate programs, the costs in	102404
division (B) of this section shall be weighted by the amounts	102405
provided below:	102406

Model	Fiscal Year 2018	Fiscal Year 2019	102407
ARTS AND HUMANITIES 1	1.0000	1.0000	102408
ARTS AND HUMANITIES 2	1.0000	1.0000	102409
ARTS AND HUMANITIES 3	1.0000	1.0000	102410
ARTS AND HUMANITIES 4	1.0000	1.0000	102411
ARTS AND HUMANITIES 5	1.0425	1.0425	102412
ARTS AND HUMANITIES 6	1.0425	1.0425	102413
BUSINESS, EDUCATION &	1.0000	1.0000	102414

SOCIAL SCIENCES 1			
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	102415
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	102416
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	102417
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	102418
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	102419
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	102420
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	102421
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	102422
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	102423
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	102424
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	102425
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	102426
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.4380	1.4380	102427

MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	102428
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	102429
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			102430
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			102431
(1) Of the foregoing appropriation item 235501, State Share			102432
of Instruction, 50 per cent of the appropriation for universities,			102433
as established in division (A)(2) of the section of this act			102434
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND			102435
2019," in each fiscal year shall be reserved for support of			102436
associate, baccalaureate, master's, and professional level degree			102437
attainment.			102438
The degree attainment funding shall be allocated to			102439
universities in proportion to each campus's share of the total			102440
statewide degrees granted, weighted by the cost of the degree			102441
programs. The degree cost calculations shall include the model			102442
cost weights for the science, technology, engineering,			102443
mathematics, and medicine models as established in division (C) of			102444
this section.			102445
For degrees including credits earned at multiple			102446
institutions, degree attainment funding shall be allocated to			102447
universities in proportion to each campus's share of the			102448
student-specific cost of earned credits for the degree. Each			102449
institution shall receive its prorated share of degree funding for			102450
credits earned at that institution. Cost of credits not earned at			102451
a university main or regional campus shall be credited to the			102452
degree-granting institution for the first degree earned by a			102453
student at each degree level. The cost credited to the			102454

degree-granting institution shall not be eligible for at-risk 102455
weights and shall be limited to 12.5 per cent of the 102456
student-specific degree costs. However, the 12.5 per cent 102457
limitation shall not apply if the student transferred 12 or fewer 102458
credits into the degree granting institution. 102459

In calculating the subsidy entitlements for degree attainment 102460
for universities, the Chancellor shall use the following count of 102461
degrees and degree costs: 102462

(a) The subsidy eligible undergraduate degrees shall be 102463
defined as follows: 102464

(i) The subsidy eligible degrees conferred to students 102465
identified as residents of the state of Ohio in any term of their 102466
studies, as reported through the Higher Education Information 102467
(HEI) system student enrollment file, shall be weighted by a 102468
factor of 1. 102469

(ii) The subsidy eligible degrees conferred to students 102470
identified as out-of-state residents during all terms of their 102471
studies, as reported through the Higher Education Information 102472
(HEI) system student enrollment file, who remain in the state of 102473
Ohio at least one year after graduation, as calculated based on 102474
the three-year average in-state residency rate using the 102475
Unemployment Wage data for out-of-state graduates at each 102476
institution, shall be weighted by a factor of 50 per cent. 102477

(iii) Subsidy eligible associate degrees are defined as those 102478
earned by students attending any state-supported university main 102479
or regional campus. 102480

(b) In calculating each campus's count of degrees, the 102481
Chancellor shall use the three-year average associate, 102482
baccalaureate, master's, and professional degrees awarded for the 102483
three-year period ending in the prior year. 102484

(i) If a student is awarded an associate degree and, 102485

subsequently, is awarded a baccalaureate degree, the amount funded 102486
for the baccalaureate degree shall be limited to either the 102487
difference in cost between the cost of the baccalaureate degree 102488
and the cost of the associate degree paid previously, or if the 102489
associate degree has a higher cost than the baccalaureate degree, 102490
the cost of the credits earned by the student after the associate 102491
degree was awarded. 102492

(ii) If a student earns an associate degree then, 102493
subsequently, earns a baccalaureate degree, the associate degree 102494
granting institution shall only receive the prorated share of the 102495
baccalaureate degree funding for the credits earned at that 102496
institution after the associate degree is awarded. 102497

(iii) If a student earns more than one degree at the same 102498
institution at the same degree level in the same fiscal year, the 102499
funding for the highest cost degree shall be prorated among 102500
institutions based on where the credits were earned and additional 102501
degrees shall be funded at 25 per cent of the cost of the degrees. 102502

(c) Associate degrees and baccalaureate degrees earned by a 102503
student defined as at-risk based on academic underpreparation, 102504
age, minority status, financial status, or first generation 102505
post-secondary status based on neither parent completing any 102506
education beyond high school, shall be defined as degrees earned 102507
by an at-risk student and shall be weighted by the following: 102508

A student-specific degree completion weight, where the weight 102509
is calculated based on the at-risk factors of the individual 102510
student, determined by calculating the difference between the 102511
percentage of students with each risk factor who earned a degree 102512
and the percentage of non-at-risk students who earned a degree. 102513

(2) Of the foregoing appropriation item 235501, State Share 102514
of Instruction, up to 11.78 per cent of the appropriation for 102515
universities, as established in division (A)(2) of the section of 102516

this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102517
2018 and 2019," in each fiscal year shall be reserved for support 102518
of doctoral programs to implement the funding recommendations made 102519
by representatives of the universities. The amount so reserved 102520
shall be referred to as the doctoral set-aside. 102521

In fiscal year 2018, NEOMED shall receive \$250,000 and in 102522
fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral 102523
set-aside funding allocation with the remaining doctoral set-aside 102524
allocated to universities as follows: 102525

(a) 32.50 per cent of the remaining doctoral set-aside in 102526
fiscal year 2018 and 25 per cent of the remaining doctoral 102527
set-aside in fiscal year 2019 shall be allocated to universities 102528
in proportion to their share of the statewide total of each state 102529
institution's three-year average Doctoral I equivalent FTEs as 102530
calculated on an institutional basis using historical FTEs for the 102531
period fiscal year 1994 through fiscal year 1998 with annualized 102532
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 102533
fiscal year 1998 as adjusted to reflect the effects of doctoral 102534
review and subsequent changes in Doctoral I equivalent 102535
enrollments. For the purposes of this calculation, Doctoral I 102536
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 102537
times the sum of Doctoral II FTEs. 102538

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 102539
and 50 per cent of the doctoral set-aside in fiscal year 2019 102540
shall be allocated to universities in proportion to each campus's 102541
share of the total statewide doctoral degrees, weighted by the 102542
cost of the doctoral discipline. In calculating each campus's 102543
doctoral degrees the Chancellor shall use the three-year average 102544
doctoral degrees awarded for the three-year period ending in the 102545
prior year. 102546

(c) 22.5 per cent of the doctoral set-aside in fiscal year 102547
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 102548

shall be allocated to universities in proportion to their share of 102549
research grant activity. Funding for this component shall be 102550
allocated to eligible universities in proportion to their share of 102551
research grant activity published by the National Science 102552
Foundation. Grant awards from the Department of Health and Human 102553
Services shall be weighted at 50 per cent. 102554

(3) Of the foregoing appropriation item 235501, State Share 102555
of Instruction, 6.41 per cent of the appropriation for 102556
universities, as established in division (A)(2) of the section of 102557
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102558
2018 AND 2019," in each fiscal year shall be reserved for support 102559
of Medical II FTEs. The amount so reserved shall be referred to as 102560
the medical II set-aside. 102561

The medical II set-aside shall be allocated to universities 102562
in proportion to their share of the statewide total of each state 102563
institution's three-year average Medical II FTEs as calculated in 102564
division (A) of this section. 102565

In calculating the core subsidy entitlements for Medical II 102566
models only, students repeating terms may be no more than five per 102567
cent of current year enrollment. 102568

(4) Of the foregoing appropriation item 235501, State Share 102569
of Instruction, 1.48 per cent of the appropriation for 102570
universities, as established in division (A)(2) of the section of 102571
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102572
2018 AND 2019," in each fiscal year shall be reserved for support 102573
of Medical I FTEs. The amount so reserved shall be referred to as 102574
the medical I set-aside. 102575

The medical I set-aside shall be allocated to universities in 102576
proportion to their share of the statewide total of each state 102577
institution's three-year average Medical I FTEs as calculated in 102578
division (A) of this section. 102579

(5) In calculating the course completion funding for 102580
universities, the Chancellor shall use the following count of FTE 102581
students: 102582

(a) The subsidy eligible enrollments by model shall equal 102583
only those FTE students who successfully complete the course as 102584
defined and reported through the Higher Education Information 102585
(HEI) system course enrollment file; 102586

(b) Those undergraduate FTE students with successful course 102587
completions, identified in division (D)(5)(a) of this section, 102588
that are defined as at-risk based on academic under-preparation or 102589
financial status shall have their eligible completions weighted by 102590
the following: 102591

(i) Institution-specific course completion indexes, where the 102592
indexes are calculated based upon the number of at-risk students 102593
enrolled during the 2014-2016 academic years; and 102594

(ii) A statewide average at-risk course completion weight 102595
determined for each subsidy model. The statewide average at-risk 102596
course completion weight shall be determined by calculating the 102597
difference between the percentage of traditional students who 102598
complete a course and the percentage of at-risk students who 102599
complete the same course. 102600

(c) The course completion earnings shall be determined by 102601
multiplying the amounts listed above in divisions (B) and (C) of 102602
this section by the subsidy-eligible FTEs for the three-year 102603
period ending in the prior year for all models except Medical I, 102604
Medical II, Doctoral I, and Doctoral II. 102605

(d) For universities, the Chancellor shall compute the course 102606
completion earnings by dividing the appropriation for 102607
universities, established in division (A)(2) of the section of 102608
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102609
2018 AND 2019," and adjusted pursuant to division (B) of that 102610

section, less the degree attainment funding as calculated in 102611
division (D)(1) of this section, less the doctoral set-aside, less 102612
the medical I set-aside, and less the medical II set-aside, by the 102613
sum of all campuses' instructional costs as calculated in division 102614
(D)(5) of this section. 102615

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 102616
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 102617

(1) Of the foregoing appropriation item 235501, State Share 102618
of Instruction, 50 per cent of the appropriation for 102619
state-supported community colleges, state community colleges, and 102620
technical colleges as established in division (A)(1) of the 102621
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 102622
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 102623
course completion FTEs as aggregated by the subsidy models defined 102624
in division (B) of this section. 102625

The course completion funding shall be allocated to campuses 102626
in proportion to each campus's share of the total sector's course 102627
completions, weighted by the instructional cost of the subsidy 102628
models. 102629

To calculate the subsidy entitlements for course completions 102630
at community colleges, state community colleges, and technical 102631
colleges, the Chancellor shall use the following calculations: 102632

(a) In calculating each campus's count of FTE course 102633
completions, the Chancellor shall use a three-year average for 102634
course completions for the three year period ending in the prior 102635
year. 102636

(b) The subsidy eligible enrollments by model shall equal 102637
only those FTE students who successfully complete the course as 102638
defined and reported through the Higher Education Information 102639
(HEI) system course enrollment file. 102640

(c) Those students with successful course completions, that 102641

are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each student that successfully:

(a) Completes a developmental math course and, within the next year, enrolls in a college-level math course.

(b) Completes a developmental English course and, within the next year, enrolls in a college-level English course.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share

of Instruction, 25 per cent of the appropriation for 102672
state-supported community colleges, state community colleges, and 102673
technical colleges shall be reserved for completion milestones. 102674

Completion milestones shall include associate degrees, 102675
technical certificates over 30 credit hours as designated by the 102676
Department of Higher Education, and students transferring to any 102677
four-year institution with at least 12 credit hours of 102678
college-level coursework earned at that community college, state 102679
community college, or technical college. 102680

The completion milestone funding shall be allocated to 102681
colleges in proportion to each institution's share of the sector's 102682
total completion milestones, weighted by the instructional cost of 102683
the associate degree, certificate, or transfer models. Costs for 102684
technical certificates over 30 hours shall be weighted at one-half 102685
of the associate degree model costs and transfers with at least 12 102686
credit hours of college-level coursework shall be weighted at 102687
one-fourth of the average cost for all associate degree model 102688
costs. 102689

(4) To calculate the subsidy entitlements for completions at 102690
community colleges, state community colleges, and technical 102691
colleges, the Chancellor shall use the following calculations: 102692

(a) In calculating each campus's count of completions, the 102693
Chancellor shall use a three-year average for completion metrics. 102694

(b) The subsidy eligible completions by model shall equal 102695
only those students who successfully complete an associate degree 102696
or technical certificate over 30 credit hours, or transfer to any 102697
four-year institution with at least 12 credit hours of 102698
college-level coursework as defined and reported in the Higher 102699
Education Information (HEI) system. Student completions reported 102700
in HEI shall have an accompanying course enrollment record in 102701
order to be subsidy eligible. 102702

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction

payments and other subsidies distributed by the Chancellor of 102734
Higher Education to state colleges and universities for 102735
exceptional circumstances. No adjustments for exceptional 102736
circumstances may be made without the recommendation of the 102737
Chancellor and the approval of the Controlling Board. 102738

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 102739
INSTRUCTION 102740

The standard provisions of the state share of instruction 102741
calculation as described in the preceding sections of temporary 102742
law shall apply to any reductions made to appropriation item 102743
235501, State Share of Instruction, before the Chancellor has 102744
formally approved the final allocation of the state share of 102745
instruction funds for any fiscal year. 102746

Any reductions made to appropriation item 235501, State Share 102747
of Instruction, after the Chancellor has formally approved the 102748
final allocation of the state share of instruction funds for any 102749
fiscal year, shall be uniformly applied to each campus in 102750
proportion to its share of the final allocation. 102751

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 102752

The state share of instruction payments to the institutions 102753
shall be in substantially equal monthly amounts during the fiscal 102754
year, unless otherwise determined by the Director of Budget and 102755
Management pursuant to section 126.09 of the Revised Code. 102756
Payments during the first six months of the fiscal year shall be 102757
based upon the state share of instruction appropriation estimates 102758
made for the various institutions of higher education and payments 102759
during the last six months of the fiscal year shall be based on 102760
the final data from the Chancellor. 102761

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 102762
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 102763

The presidents of public institutions of higher education as 102764

defined in section 3345.011 of the Revised Code, or their 102765
designees, in consultation with the Chancellor of Higher 102766
Education, shall study the effectiveness of the science, 102767
technology, engineering, mathematics, medicine, and graduate 102768
weights as originally recommended by the 2006 State Share of 102769
Instruction Consultation and the Higher Education Funding Study 102770
Council and as implemented in division (C) of this section. The 102771
study shall identify the extent to which STEMM and graduate 102772
weights re-allocate resources among institutions within the State 102773
Share of Instruction line item, the extent to which the resource 102774
re-allocation affects institutional production of STEMM and 102775
graduate completions, and the extent to which the weights are 102776
appropriate given current workforce data associated with emerging 102777
and in-demand fields. The study shall be completed by October 15, 102778
2017. Notwithstanding any provision of law to the contrary, the 102779
presidents of public institutions of higher education as defined 102780
in section 3345.011 of the Revised Code, or their designees, in 102781
consultation with the Chancellor, shall use the results of the 102782
study to recommend changes in the science, technology, 102783
engineering, mathematics, medicine, and graduate weights as 102784
originally recommended by the 2006 State Share of Instruction 102785
Consultation and the Higher Education Funding Study Council and as 102786
implemented in division (C) of this section. Not later than 102787
December 1, 2017, the members shall report any changes to the 102788
Governor, the General Assembly, and the Office of Budget and 102789
Management. 102790

Section 381.140. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 102791
2018 AND 2019 102792

(A) The foregoing appropriation item 235501, State Share of 102793
Instruction, shall be distributed according to the section of this 102794
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 102795

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$460,818,566 in fiscal year 2018 and \$465,426,752 in fiscal year 2019 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,538,392,150 in fiscal year 2018 and \$1,553,776,071 in fiscal year 2019 shall be distributed to state-supported university main and regional campuses.

Section 381.150. RESTRICTION ON FEE INCREASES

(A) Except as provided in division (B) of this section, in fiscal years 2018 and 2019, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional, general, and all other fees. For the 2017-2018 and 2018-2019 academic years, each state institution of higher education shall not increase its in-state undergraduate instructional, general, and all other fees over what the institution charged for the 2016-2017 academic year. This limitation does not apply to room and board.

(B) For the 2018-2019 academic year, the boards of trustees of state institutions of higher education shall provide textbooks to all undergraduate students as a mandatory service. For this purpose, the board of trustees may charge a textbook fee not to exceed an annualized amount of \$300 for a full-time undergraduate student. The board of trustees shall pro-rate the fee for a part-time undergraduate student based on the number of credit hours for which the student is enrolled.

(C) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the

effective date of this section with respect to which the 102827
institution had identified such fee increases as the source of 102828
funds. Any increase required by such covenants and any such 102829
mandates, obligations, or commitments shall be reported by the 102830
Chancellor of Higher Education to the Controlling Board. These 102831
limitations may also be modified by the Chancellor, with the 102832
approval of the Controlling Board, to respond to exceptional 102833
circumstances as identified by the Chancellor. 102834

(D) As used in this section, "textbook" means any required 102835
instructional tools, such as bound and electronic textbooks and 102836
software, used specifically for curricular content instruction in 102837
a course. 102838

Section 381.160. HIGHER EDUCATION - BOARD OF TRUSTEES 102839

(A) Funds appropriated for instructional subsidies at 102840
colleges and universities may be used to provide such branch or 102841
other off-campus undergraduate courses of study and such master's 102842
degree courses of study as may be approved by the Chancellor of 102843
Higher Education. 102844

(B) In providing instructional and other services to 102845
students, boards of trustees of state institutions of higher 102846
education shall supplement state subsidies with income from 102847
charges to students. Except as otherwise provided in this act, 102848
each board shall establish the fees to be charged to all students, 102849
including an instructional fee for educational and associated 102850
operational support of the institution and a general fee for 102851
noninstructional services, including locally financed student 102852
services facilities used for the benefit of enrolled students. The 102853
instructional fee and the general fee shall encompass all charges 102854
for services assessed uniformly to all enrolled students. Each 102855
board may also establish special purpose fees, service charges, 102856
and fines as required; such special purpose fees and service 102857

charges shall be for services or benefits furnished individual 102858
students or specific categories of students and shall not be 102859
applied uniformly to all enrolled students. A tuition surcharge 102860
shall be paid by all students who are not residents of Ohio. 102861

The board of trustees of a state institution of higher 102862
education shall not authorize a waiver or nonpayment of 102863
instructional fees or general fees for any particular student or 102864
any class of students other than waivers specifically authorized 102865
by law or approved by the Chancellor. This prohibition is not 102866
intended to limit the authority of boards of trustees to provide 102867
for payments to students for services rendered the institution, 102868
nor to prohibit the budgeting of income for staff benefits or for 102869
student assistance in the form of payment of such instructional 102870
and general fees. 102871

Each state institution of higher education in its statement 102872
of charges to students shall separately identify the instructional 102873
fee, the general fee, the tuition charge, and the tuition 102874
surcharge. Fee charges to students for instruction shall not be 102875
considered to be a price of service but shall be considered to be 102876
an integral part of the state government financing program in 102877
support of higher educational opportunity for students. 102878

(C) The boards of trustees of state institutions of higher 102879
education shall ensure that faculty members devote a proper and 102880
judicious part of their work week to the actual instruction of 102881
students. Total class credit hours of production per academic term 102882
per full-time faculty member is expected to meet the standards set 102883
forth in the budget data submitted by the Chancellor of Higher 102884
Education. 102885

(D) The authority of government vested by law in the boards 102886
of trustees of state institutions of higher education shall in 102887
fact be exercised by those boards. Boards of trustees may consult 102888
extensively with appropriate student and faculty groups. 102889

Administrative decisions about the utilization of available 102890
resources, about organizational structure, about disciplinary 102891
procedure, about the operation and staffing of all auxiliary 102892
facilities, and about administrative personnel shall be the 102893
exclusive prerogative of boards of trustees. Any delegation of 102894
authority by a board of trustees in other areas of responsibility 102895
shall be accompanied by appropriate standards of guidance 102896
concerning expected objectives in the exercise of such delegated 102897
authority and shall be accompanied by periodic review of the 102898
exercise of this delegated authority to the end that the public 102899
interest, in contrast to any institutional or special interest, 102900
shall be served. 102901

Section 381.170. STUDENT SUPPORT SERVICES 102902

The foregoing appropriation item 235502, Student Support 102903
Services, shall be distributed by the Chancellor of Higher 102904
Education to Ohio's state colleges and universities that incur 102905
disproportionate costs in the provision of support services to 102906
disabled students. 102907

Section 381.180. WAR ORPHANS SCHOLARSHIPS 102908

The foregoing appropriation item 235504, War Orphans 102909
Scholarships, shall be used to reimburse state institutions of 102910
higher education for waivers of instructional fees and general 102911
fees provided by them, to provide grants to institutions that have 102912
received a certificate of authorization from the Chancellor of 102913
Higher Education under Chapter 1713. of the Revised Code, in 102914
accordance with the provisions of section 5910.04 of the Revised 102915
Code, and to fund additional scholarship benefits provided by 102916
section 5910.032 of the Revised Code. 102917

During each fiscal year, the Chancellor, as soon as possible 102918
after cancellation, may certify to the Director of Budget and 102919

Management the amount of canceled prior-year encumbrances in 102920
appropriation item 235504, War Orphans Scholarships. Upon receipt 102921
of the certification, the Director of Budget and Management may 102922
transfer cash, up to the certified amount, from the General 102923
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 102924
5PW0). 102925

Section 381.190. OHIO LINK 102926

The foregoing appropriation item 235507, OhioLINK, shall be 102927
used by the Chancellor of Higher Education to support OhioLINK, a 102928
consortium organized under division (T) of section 3333.04 of the 102929
Revised Code to serve as the state's electronic library 102930
information and retrieval system, which provides access statewide 102931
to an extensive set of electronic databases and resources, the 102932
library holdings of Ohio's public and participating private 102933
nonprofit colleges and universities, and the State Library of 102934
Ohio. 102935

Section 381.200. AIR FORCE INSTITUTE OF TECHNOLOGY 102936

The foregoing appropriation item 235508, Air Force Institute 102937
of Technology, shall be used to: (A) strengthen the research and 102938
educational linkages between the Wright Patterson Air Force Base 102939
and institutions of higher education in Ohio; and (B) support the 102940
Dayton Area Graduate Studies Institute, an engineering graduate 102941
consortium of Wright State University, the University of Dayton, 102942
and the Air Force Institute of Technology, with the participation 102943
of the University of Cincinnati and The Ohio State University. 102944

Section 381.210. OHIO SUPERCOMPUTER CENTER 102945

The foregoing appropriation item 235510, Ohio Supercomputer 102946
Center, shall be used by the Chancellor of Higher Education to 102947
support the operation of the Ohio Supercomputer Center, a 102948

consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support AweSim, the Ohio Supercomputer Center's industrial outreach program. The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.220. COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.230. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the

implementation of the plan. If the Chancellor determines that 102979
Central State University's use of supplemental funds is not in 102980
accordance with the plan or if the plan is not having the desired 102981
effect, the Chancellor may notify Central State University that 102982
the plan is suspended. Upon receiving such notice, Central State 102983
University shall avoid all unnecessary expenditures under the 102984
plan. The Chancellor shall notify the Controlling Board of the 102985
suspension of the plan and within sixty days prepare a new plan 102986
for the use of any remaining funds. 102987

Section 381.240. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 102988
MEDICINE 102989

The foregoing appropriation item 235515, Case Western Reserve 102990
University School of Medicine, shall be disbursed to Case Western 102991
Reserve University through the Chancellor of Higher Education in 102992
accordance with agreements entered into under section 3333.10 of 102993
the Revised Code, provided that the state support per full-time 102994
medical student shall not exceed that provided to full-time 102995
medical students at state universities. 102996

Section 381.250. FAMILY PRACTICE 102997

The Chancellor of Higher Education shall develop plans 102998
consistent with existing criteria and guidelines as may be 102999
required for the distribution of appropriation item 235519, Family 103000
Practice. 103001

Section 381.260. SHAWNEE STATE SUPPLEMENT 103002

The foregoing appropriation item 235520, Shawnee State 103003
Supplement, shall be disbursed by the Chancellor of Higher 103004
Education to Shawnee State University in accordance with the plan 103005
developed by the Chancellor and submitted to the Governor and the 103006
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 103007

General Assembly. Funds shall be used in a manner consistent with 103008
the goals of improving course completion, increasing the number of 103009
degrees conferred, and furthering the university's mission of 103010
service to the Appalachian region. 103011

The Chancellor shall monitor the implementation of the plan 103012
and the use of funds. Shawnee State University shall provide any 103013
information requested by the Chancellor related to the 103014
implementation of the plan. If the Chancellor determines that 103015
Shawnee State University's use of supplemental funds is not in 103016
accordance with the plan or if the plan is not having the desired 103017
effect, the Chancellor may notify Shawnee State University that 103018
the plan is suspended. Upon receiving such notice, Shawnee State 103019
University shall avoid all unnecessary expenditures under the 103020
plan. The Chancellor shall notify the Controlling Board of the 103021
suspension of the plan and within sixty days prepare a new plan 103022
for the use of any remaining funds. 103023

Section 381.270. GERIATRIC MEDICINE 103024

The Chancellor of Higher Education shall develop plans 103025
consistent with existing criteria and guidelines as may be 103026
required for the distribution of appropriation item 235525, 103027
Geriatric Medicine. 103028

Section 381.280. PRIMARY CARE RESIDENCIES 103029

The Chancellor of Higher Education shall develop plans 103030
consistent with existing criteria and guidelines as may be 103031
required for the distribution of appropriation item 235526, 103032
Primary Care Residencies. 103033

The foregoing appropriation item 235526, Primary Care 103034
Residencies, shall be distributed in each fiscal year of the 103035
biennium, based on whether or not the institution has submitted 103036
and gained approval for a plan. If the institution does not have 103037

an approved plan, it shall receive five per cent less funding per 103038
student than it would have received from its annual allocation. 103039
The remaining funding shall be distributed among those 103040
institutions that meet or exceed their targets. 103041

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 103042
CENTER 103043

The foregoing appropriation item 235535, Ohio Agricultural 103044
Research and Development Center, shall be disbursed through the 103045
Chancellor of Higher Education to The Ohio State University in 103046
monthly payments, unless otherwise determined by the Director of 103047
Budget and Management under section 126.09 of the Revised Code. 103048
The Ohio Agricultural Research and Development Center shall not be 103049
required to remit payment to The Ohio State University during the 103050
biennium ending June 30, 2019, for cost reallocation assessments. 103051
The cost reallocation assessments include, but are not limited to, 103052
any assessment on state appropriations to the Center. 103053

The Ohio Agricultural Research and Development Center, an 103054
entity of the College of Food, Agricultural, and Environmental 103055
Sciences of The Ohio State University, shall further its mission 103056
of enhancing Ohio's economic development and job creation by 103057
continuing to internally allocate on a competitive basis 103058
appropriated funding of programs based on demonstrated 103059
performance. Academic units, faculty, and faculty-driven programs 103060
shall be evaluated and rewarded consistent with agreed-upon 103061
performance expectations as called for in the College's 103062
Expectations and Criteria for Performance Assessment. 103063

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 103064

The foregoing appropriation items 235536, The Ohio State 103065
University Clinical Teaching; 235537, University of Cincinnati 103066
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 103067

235539, Wright State University Clinical Teaching; 235540, Ohio 103068
University Clinical Teaching; and 235541, Northeast Ohio Medical 103069
University Clinical Teaching, shall be distributed through the 103070
Chancellor of Higher Education. 103071

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 103072
DEVELOPMENT 103073

The foregoing appropriation item 235546, Central State 103074
Agricultural Research and Development, shall be used in 103075
conjunction with appropriation item 235548, Central State 103076
Cooperative Extension Services, by Central State University for 103077
its state match requirement as an 1890 land grant university. 103078

Section 381.320. CAPITAL COMPONENT 103079

The foregoing appropriation item 235552, Capital Component, 103080
shall be used by the Chancellor of Higher Education to provide 103081
funding for prior commitments made pursuant to the state's former 103082
capital funding policy for state colleges and universities that 103083
was originally established in Am. H.B. 748 of the 121st General 103084
Assembly. Appropriations from this item shall be distributed to 103085
all campuses for which the estimated campus debt service 103086
attributable to qualifying capital projects was less than the 103087
campus's formula-determined capital component allocation. Campus 103088
allocations shall be determined by subtracting the estimated 103089
campus debt service attributable to qualifying capital projects 103090
from the campus's formula-determined capital component allocation. 103091
Moneys distributed from this appropriation item shall be 103092
restricted to capital-related purposes. 103093

Any campus for which the estimated campus debt service 103094
attributable to qualifying capital projects is greater than the 103095
campus's formula-determined capital component allocation shall 103096
have the difference subtracted from its State Share of Instruction 103097

allocation in each fiscal year. Appropriation equal to the sum of 103098
all such amounts except that of the Ohio Agricultural Research and 103099
Development Center shall be transferred from appropriation item 103100
235501, State Share of Instruction, to appropriation item 235552, 103101
Capital Component. Appropriation equal to any estimated Ohio 103102
Agricultural Research and Development Center debt service 103103
attributable to qualifying capital projects that is greater than 103104
the Center's formula-determined capital component allocation shall 103105
be transferred from appropriation item 235535, Ohio Agricultural 103106
Research and Development Center, to appropriation item 235552, 103107
Capital Component. 103108

Section 381.330. LIBRARY DEPOSITORIES 103109

The foregoing appropriation item 235555, Library 103110
Depositories, shall be distributed to the state's five regional 103111
depository libraries for the cost-effective storage of and access 103112
to lesser-used materials in university library collections. The 103113
depositories shall be administrated by the Chancellor of Higher 103114
Education, or by OhioLINK at the discretion of the Chancellor. 103115

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 103116

The foregoing appropriation item 235556, Ohio Academic 103117
Resources Network, shall be used by the Chancellor of Higher 103118
Education to support the operations of the Ohio Academic Resources 103119
Network, a consortium organized under division (T) of section 103120
3333.04 of the Revised Code, which shall include support for 103121
Ohio's colleges and universities in maintaining and enhancing 103122
network connections, using new network technologies to improve 103123
research, education, and economic development programs, and 103124
sharing information technology services. To the extent network 103125
capacity is available, OARnet shall support allocating bandwidth 103126
to eligible programs directly supporting Ohio's economic 103127

development.	103128
Section 381.350. LONG-TERM CARE RESEARCH	103129
The foregoing appropriation item 235558, Long-term Care	103130
Research, shall be disbursed to Miami University for long-term	103131
care research.	103132
Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT	103133
(A) Except as provided in division (C) of this section:	103134
Of the foregoing appropriation item 235563, Ohio College	103135
Opportunity Grant, \$93,104,152 in fiscal year 2018 and \$95,241,809	103136
in fiscal year 2019 shall be used by the Chancellor of Higher	103137
Education to award need-based financial aid to students enrolled	103138
in eligible public and private nonprofit institutions of higher	103139
education, excluding early college high school and post-secondary	103140
enrollment option participants.	103141
The remainder of the foregoing appropriation item 235563,	103142
Ohio College Opportunity Grant, shall be used by the Chancellor to	103143
award needs-based financial aid to students enrolled in eligible	103144
private for-profit career colleges and schools.	103145
(B)(1) As used in this section:	103146
(a) "Eligible institution" means any institution described in	103147
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised	103148
Code.	103149
(b) The three "sectors" of institutions of higher education	103150
consist of the following:	103151
(i) State colleges and universities, community colleges,	103152
state community colleges, university branches, and technical	103153
colleges;	103154
(ii) Eligible private nonprofit institutions of higher	103155

education;	103156
(iii) Eligible private for-profit career colleges and schools.	103157 103158
(2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education.	103159 103160 103161 103162
(3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.	103163 103164 103165
(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2018 and fiscal year 2019 based on the formula used in fiscal year 2017, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2017-2018 academic year.	103166 103167 103168 103169 103170 103171 103172 103173 103174 103175 103176 103177
(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the Revised Code. In paying for scholarships under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to	103178 103179 103180 103181 103182 103183 103184 103185 103186

the amounts allocated to each sector from the total amounts 103187
appropriated for each sector under the foregoing appropriation 103188
item 235563, Ohio College Opportunity Grant. 103189

In each fiscal year, with the exception of sections 3333.121 103190
and 3333.124 of the Revised Code and the section of this act 103191
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 103192
shall not distribute or obligate or commit to be distributed an 103193
amount greater than what is appropriated under the foregoing 103194
appropriation item 235563, Ohio College Opportunity Grant. 103195

(D) The Chancellor shall establish, and post on the 103196
Department of Higher Education's web site, award tables based on 103197
any formulas created under division (B) of this section. The 103198
Chancellor shall notify students and institutions of any 103199
reductions in awards under this section. 103200

(E) Notwithstanding section 3333.122 of the Revised Code, no 103201
student shall be eligible to receive an Ohio College Opportunity 103202
Grant for more than ten semesters, fifteen quarters, or the 103203
equivalent of five academic years, less the number of semesters or 103204
quarters in which the student received an Ohio Instructional 103205
Grant. 103206

(F) During each fiscal year, the Chancellor, as soon as 103207
possible after cancellation, may certify to the Director of Budget 103208
and Management the amount of canceled prior-year encumbrances in 103209
appropriation item 235563, Ohio College Opportunity Grant. Upon 103210
receipt of the certification, the Director of Budget and 103211
Management may transfer cash, up to the certified amount, from the 103212
General Revenue Fund to the Ohio College Opportunity Grant Program 103213
Reserve Fund (Fund 5PU0). 103214

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 103215

The foregoing appropriation item 235572, The Ohio State 103216

University Clinic Support, shall be distributed through the 103217
Chancellor of Higher Education to The Ohio State University for 103218
support of dental and veterinary medicine clinics. 103219

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 103220

The Chancellor of Higher Education shall disburse funds from 103221
appropriation item 235599, National Guard Scholarship Program. 103222
During each fiscal year, the Chancellor, as soon as possible after 103223
cancellation, may certify to the Director of Budget and Management 103224
the amount of canceled prior-year encumbrances in appropriation 103225
item 235599, National Guard Scholarship Program. Upon receipt of 103226
the certification, the Director of Budget and Management may 103227
transfer cash, up to the certified amount, from the General 103228
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 103229
5BM0). 103230

Section 381.390. PLEDGE OF FEES 103231

Any new pledge of fees, or new agreement for adjustment of 103232
fees, made in the biennium ending June 30, 2019, to secure bonds 103233
or notes of a state institution of higher education for a project 103234
for which bonds or notes were not outstanding on the effective 103235
date of this section shall be effective only after approval by the 103236
Chancellor of Higher Education, unless approved in a previous 103237
biennium. 103238

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 103239
DEBT SERVICE 103240

The foregoing appropriation item 235909, Higher Education 103241
General Obligation Bond Debt Service, shall be used to pay all 103242
debt service and related financing costs during the period from 103243
July 1, 2017, through June 30, 2019, for obligations issued under 103244
sections 151.01 and 151.04 of the Revised Code. 103245

Section 381.410. SALES AND SERVICES 103246

The Chancellor of Higher Education is authorized to charge 103247
and accept payment for the provision of goods and services. Such 103248
charges shall be reasonably related to the cost of producing the 103249
goods and services. Except as otherwise provided by law, no 103250
charges may be levied for goods or services that are produced as 103251
part of the routine responsibilities or duties of the Chancellor. 103252
All revenues received by the Chancellor shall be deposited into 103253
Fund 4560, and may be used by the Chancellor to pay for the costs 103254
of producing the goods and services. 103255

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 103256
ADMINISTRATION 103257

The foregoing appropriation item 235602, Higher Educational 103258
Facility Commission Administration, shall be used by the 103259
Chancellor of Higher Education for operating expenses related to 103260
the Chancellor's support of the activities of the Ohio Higher 103261
Educational Facility Commission. Upon the request of the 103262
Chancellor, the Director of Budget and Management may transfer up 103263
to \$50,000 cash in each fiscal year from the HEFC Operating 103264
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 103265
4E80). 103266

Section 381.430. ACCELERATED COMPLETION OF TECHNICAL STUDIES 103267

(A) The foregoing appropriation item, 235550, Accelerated 103268
Completion of Technical Studies, shall be used by the Chancellor 103269
of Higher Education to work with community colleges, as defined in 103270
section 3354.01 of the Revised Code, state community colleges, as 103271
defined in section 3358.01 of the Revised Code, and technical 103272
colleges, as defined in section 3357.01 of the Revised Code, to 103273
develop a highly structured program to accelerate associate degree 103274
completion in fields that are either emerging or have in-demand 103275

jobs. For the purposes of this section, the identification of 103276
fields and jobs as emerging or in-demand shall be supported by 103277
data from sources that may include the Governor's Office of 103278
Workforce Transformation, OhioMeansJobs, labor market information 103279
from the Department of Job and Family Services, and lists of 103280
in-demand occupations. These funds shall be used to support the 103281
technical assistance for and the start-up costs of up to seven 103282
institutions to develop a structured, intensive program for 103283
student success. 103284

(B) The Chancellor shall select the initial Accelerated 103285
Completion of Technical Studies (ACTS) cohort of up to seven 103286
institutions through a competitive request for proposals process. 103287
The request for proposals shall require institutions to 103288
demonstrate conditions of readiness that would enable them to 103289
implement such a program. Special attention may be given to 103290
institutions that develop a regional proposal that builds on the 103291
efficiency of multiple institutions and comprehensively addresses 103292
the needs of their region through collaboration. 103293

(C) Participating institutions shall do all of the following: 103294

(1) Serve at least two hundred fifty students annually in 103295
majors that fill in-demand or emerging jobs for their region; 103296

(2) Collect program data at the request of the Chancellor; 103297

(3) Develop plans for the sustainability of the program 103298
through revenue growth from improved student retention and 103299
completion metrics; and 103300

(4) Attest that students participating in the program will 103301
receive all of the support to be provided under division (D) of 103302
this section. 103303

(D) Students participating in the program shall receive all 103304
of the following: 103305

(1) Tuition waivers that cover any gap between grant aid and tuition and fees;	103306 103307
(2) Textbooks at no cost for all classes;	103308
(3) Incentive cards that cover modest recurring costs such as gas or other transportation;	103309 103310
(4) Specialized courses and scheduling that enable participating students to better manage college and work while building learning communities; and	103311 103312 103313
(5) Comprehensive support services, including advising from advisors with caseloads no larger than one hundred fifty to one, tutoring, and career services that help students manage the transition to employment.	103314 103315 103316 103317
(E) Students participating in the program shall maintain all of the following requirements to receive the program support provided under division (D) of this section:	103318 103319 103320
(1) Select and continue in a major that fills a pre-identified in-demand job in their region;	103321 103322
(2) Enroll full-time at the participating institution and attempt thirty credit hours within a calendar year;	103323 103324
(3) Enroll in no more than two developmental courses, which, if necessary, shall be taken early in the academic progression; and	103325 103326 103327
(4) Participate in student support services, including comprehensive advising, tutoring, and career services.	103328 103329
(F) The Chancellor may collaborate with the Director of Job and Family Services to expand the scope of program services and the number of institutions served through the ACTS program.	103330 103331 103332
Section 381.440. FEDERAL RESEARCH NETWORK	103333
The foregoing appropriation item 235654, Federal Research	103334

Network, shall be allocated to The Ohio State University to 103335
collaborate with Wright-Patterson Air Force Base, NASA Glenn 103336
Research Center, Ohio's research universities, and the private 103337
sector to align the state's research assets with emerging missions 103338
and job growth opportunities emanating from the two federal 103339
installations, strengthen related workforce development and 103340
technology commercialization programs, and better position the 103341
state's university system to directly impact new job creation in 103342
Ohio. A portion of the foregoing appropriation item 235654, 103343
Federal Research Network, shall be used to support the growth of 103344
small business federal contractors in the state and to expand the 103345
participation of Ohio businesses in the federal Small Business 103346
Innovation Research Program and related federal programs. 103347

Section 381.450. OHIO MEANS JOBS WORKFORCE DEVELOPMENT 103348
REVOLVING LOAN PROGRAM 103349

The foregoing appropriation item 235684, OhioMeansJobs 103350
Workforce Development Revolving Loan Program, shall be used by the 103351
Chancellor of Higher Education to provide administrative support 103352
for the OhioMeansJobs Workforce Development Revolving Loan 103353
Program. 103354

Section 381.460. WORKFORCE AND HIGHER EDUCATION PROGRAMS 103355

Of the foregoing appropriation item 235616, Workforce and 103356
Higher Education Programs, up to \$500,000 in each fiscal year 103357
shall be used by the Chancellor of Higher Education to coordinate 103358
a statewide effort to promote workforce grant programs. The 103359
remainder of the foregoing appropriation item 235616, Workforce 103360
and Higher Education Programs, shall be used by the Chancellor to 103361
distribute the grant awards under section 3333.93 of the Revised 103362
Code. 103363

Section 381.470. COMPLETION AND RETENTION FOR EDUCATIONAL 103364

SUCCESS	103365
(A) The foregoing appropriation item 235566, Completion and Retention for Educational Success, shall be used for the Completion and Retention for Educational Success (Ohio CARES) Program, which is hereby created to provide financial support to in-state undergraduate students who have been admitted to a state institution of higher education, as defined in section 3345.011 of the Revised Code, or a private nonprofit institution but are determined by the institution to be in jeopardy of disenrolling due to a short-term lack of financial resources.	103366 103367 103368 103369 103370 103371 103372 103373 103374
(B) An institution wishing to participate in the program shall apply to the Chancellor, who shall administer the program. In reviewing applications and allocating funds under this section, the Chancellor may give priority to applications from institutions that will focus awards on the following:	103375 103376 103377 103378 103379
(1) Students pursuing their first degree;	103380
(2) Students within thirty semester credit hours of completing the minimum requirements for a degree;	103381 103382
(3) Students with a grade point average in excess of 2.0;	103383
(4) Students taking more than 10 credit hours per semester;	103384
and	103385
(5) Students pursuing a degree for an in-demand field according to data, which may include sources such as the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations.	103386 103387 103388 103389 103390
An allocation to a participating institution under this section shall not exceed \$15,000 in any single fiscal year.	103391 103392
(C) Under the program, the Chancellor shall disburse these funds to a participating public or private institution, in which	103393 103394

eligible students are enrolled, to make awards to those eligible 103395
students. A student determined to be eligible to participate in 103396
the program shall be eligible for a maximum award of \$250 per 103397
term. A student may not receive more than two awards in any 103398
academic year. 103399

(D) Each participating institution shall do all of the 103400
following: 103401

(1) Use the funds allocated under this section to augment 103402
existing aid programs that are already administered by the 103403
institution; 103404

(2) Provide a matching contribution with direct institutional 103405
aid at a ratio of one to one; 103406

(3) Limit awards of the funds to allowable student costs, as 103407
determined by the institution, within existing aid programs that 103408
are already administered by the institution; 103409

(4) Monitor students who receive awards under this section; 103410
and 103411

(5) Provide a report, upon the Chancellor's request, 103412
summarizing the following metrics for students at the institution 103413
who receive awards as compared to students who do not: 103414

(a) Course completion rate; 103415

(b) Retention rate in subsequent semesters; 103416

(c) Cumulative GPA; 103417

(d) Number of credit hours attempted; 103418

(e) Number of credit hours completed; 103419

(f) Other metrics as determined to be appropriate by the 103420
Chancellor. 103421

(E) An amount equal to the unexpended, unencumbered portion 103422
of the foregoing appropriation item 235566, Completion and 103423

Retention for Educational Success, at the end of fiscal year 2018 103424
is hereby reappropriated to the Department of Higher Education for 103425
the same purpose in fiscal year 2019. 103426

Section 381.480. FINISH FOR YOUR FUTURE SCHOLARSHIP PROGRAM 103427

(A) The foregoing appropriation item 235600, Finish for Your 103428
Future Scholarship Program, shall be used to provide scholarship 103429
benefits under the Ohio Finish for Your Future Scholarship 103430
Program, which is hereby created to encourage eligible individuals 103431
that have disenrolled from an eligible institution to re-enroll at 103432
an eligible institution in pursuit of the individual's first 103433
post-secondary credential. The Chancellor of Higher Education 103434
shall administer the program and adopt rules regarding its 103435
implementation and operation. 103436

(B) As used in this section: 103437

(1) "Post-secondary credential" means a degree that is 103438
approved by or a certificate that has been designated as a 103439
technical certificate by the Chancellor of Higher Education. 103440

(2) "Student debt" means money owed by an eligible individual 103441
on a loan, note, or other lending instrument for the primary 103442
purpose of paying for educational expenses. 103443

(3) "Eligible institution" means a state institution of 103444
higher education, as defined in section 3345.011 of the Revised 103445
Code, a private nonprofit institution in Ohio holding a 103446
certificate of authorization pursuant to Chapter 1713. of the 103447
Revised Code, or an Ohio Technical Center recognized by the 103448
Chancellor that provides post-secondary workforce education. 103449

(4) "Eligible individual" means an Ohio resident that: 103450

(a) Possesses student debt acquired while in pursuit of the 103451
individual's first post-secondary credential; 103452

(b) Disenrolled from an eligible institution prior to meeting 103453

the minimum requirements necessary to obtain the individual's 103454
first post-secondary credential and desires to re-enroll at an 103455
eligible institution in pursuit of the individual's first 103456
post-secondary credential; 103457

(c) Disenrolled from an eligible institution at least twelve 103458
months prior to receiving scholarship benefits under this section; 103459
and 103460

(d) Has the following attested to by an eligible institution 103461
in accordance with that institution's minimum requirements: 103462

(i) If pursuing a bachelor or associate degree, needs to 103463
complete thirty semester hours or less to obtain the individual's 103464
first post-secondary credential at that institution; 103465

(ii) If pursuing a technical certificate, needs to complete 103466
fifty per cent or less of the minimum requirements necessary to 103467
obtain the individual's first post-secondary credential at that 103468
institution. 103469

(C) Under the program, the Chancellor shall disburse these 103470
funds to an eligible institution to make awards to eligible 103471
individuals. An eligible individual may receive a maximum state 103472
scholarship benefit of up to \$3,500 annually, which shall be 103473
calculated on an academic year basis, to pay for instructional and 103474
general fees or tuition at an eligible institution, provided that 103475
the scholarship benefit does not exceed the individual's 103476
instructional and general fees or tuition that otherwise would be 103477
charged to the student for any given term. An eligible institution 103478
allocated funds under this section shall reflect an eligible 103479
individual's scholarship benefit as a credit on the individual's 103480
tuition bill. 103481

(D) Eligible institutions shall provide a matching 103482
contribution at a ratio of one to one in the form of direct 103483
institutional aid provided to eligible individuals. Eligible 103484

individuals receiving an award under this section shall also match 103485
the state scholarship benefit at a ratio of one to one. Matching 103486
funds contributed by an eligible individual shall be in a form 103487
determined appropriate by the eligible institution, provided that 103488
the funds are reflected as a valid form of payment on the 103489
individual's tuition bill. 103490

(E) Each eligible institution shall do all of the following: 103491

(1) Monitor students who receive awards under this section; 103492
and 103493

(2) Provide a report, upon the Chancellor's request, 103494
summarizing the following metrics for students at the institution 103495
who receive awards as compared to students who do not: 103496

(a) Course completion rate; 103497

(b) Retention rate in subsequent semesters; 103498

(c) Number of credit hours attempted; 103499

(d) Number of credit hours completed; 103500

(e) Post-secondary credentials received; 103501

(f) Other metrics as determined to be appropriate by the 103502
Chancellor. 103503

(F) An amount equal to the unexpended, unencumbered portion 103504
of the foregoing appropriation item 235600, Finish for Your Future 103505
Scholarship Program, at the end of fiscal year 2018 is hereby 103506
reappropriated to the Department of Higher Education for the same 103507
purpose in fiscal year 2019. 103508

Section 381.490. COLLEGE READY TRANSITION COURSES 103509

The foregoing appropriation item 235653, College Ready 103510
Transition Courses, shall be used by the Chancellor of Higher 103511
Education, in consultation with the Superintendent of Public 103512
Instruction, to develop college ready transition courses for high 103513

school students who have not met the state's remediation free 103514
thresholds in mathematics, English, or other instructional models. 103515

Section 381.500. STATE FINANCIAL AID RECONCILIATION 103516

By the first day of September in each fiscal year, or as soon 103517
as possible thereafter, the Chancellor of Higher Education shall 103518
certify to the Director of Budget and Management the amount 103519
necessary to pay any outstanding prior year obligations to higher 103520
education institutions for the state's financial aid programs. The 103521
amounts certified are hereby appropriated to appropriation item 103522
235618, State Financial Aid Reconciliation, from revenues received 103523
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 103524

Section 381.510. NURSING LOAN PROGRAM 103525

The foregoing appropriation item 235606, Nursing Loan 103526
Program, shall be used to administer the nurse education 103527
assistance program. 103528

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 103529

The foregoing appropriation item 235634, Research Incentive 103530
Third Frontier, shall be used by the Chancellor of Higher 103531
Education to advance collaborative research at institutions of 103532
higher education. Of the foregoing appropriation item 235634, 103533
Research Incentive Third Frontier, up to \$2,000,000 in each fiscal 103534
year may be allocated toward research regarding the improvement of 103535
water quality, up to \$1,000,000 in each fiscal year may be 103536
allocated toward research regarding the reduction of infant 103537
mortality, up to \$1,000,000 in each fiscal year may be allocated 103538
toward research regarding opiate addiction issues in Ohio, up to 103539
\$750,000 in each fiscal year may be allocated toward research 103540
regarding cyber security initiatives, and up to \$500,000 in each 103541
fiscal year may be allocated toward the I-Corps@Ohio program. 103542

Section 381.530. VETERANS PREFERENCES 103543

The Chancellor of Higher Education shall work with the 103544
Department of Veterans Services to develop specific veterans 103545
preference guidelines for higher education institutions. These 103546
guidelines shall ensure that the institutions' hiring practices 103547
are in accordance with the intent of Ohio's veterans preference 103548
laws. 103549

Section 381.540. (A) As used in this section: 103550

(1) "Board of trustees" includes the managing authority of a 103551
university branch district. 103552

(2) "State institution of higher education" has the same 103553
meaning as in section 3345.011 of the Revised Code. 103554

(B) The board of trustees of any state institution of higher 103555
education, notwithstanding any rule of the institution to the 103556
contrary, may adopt a policy providing for mandatory furloughs of 103557
employees, including faculty, to achieve spending reductions 103558
necessitated by institutional budget deficits. 103559

Section 381.550. EFFICIENCY REPORTS 103560

In each fiscal year, the board of trustees of each public 103561
institution of higher education shall approve the institution's 103562
efficiency report submitted to the Chancellor of Higher Education 103563
under section 3333.95 of the Revised Code. Each institution's 103564
report shall be based on the recommendations of the Ohio Task 103565
Force on Affordability and Efficiency in Higher Education, as 103566
established by the Governor's executive order, and shall benchmark 103567
and document institutional progress towards implementing the 103568
recommendations of the Task Force as compared to the institution's 103569
prior fiscal year efficiency report. 103570

Section 381.560. The Chancellor of Higher Education, in 103571
consultation with institutions of higher education and other 103572
parties as determined appropriate by the Chancellor, shall conduct 103573
an analysis of income share agreements used to pay for student 103574
tuition and higher education-related expenses. Not later than June 103575
30, 2018, the Chancellor shall submit the findings of the analysis 103576
to the Governor and the General Assembly in accordance with 103577
section 101.68 of the Revised Code. 103578

Section 381.570. Not later than June 30, 2018, the Chancellor 103579
of Higher Education, in consultation with representatives from the 103580
Inter-University Council of Ohio and the Ohio Association of 103581
Community Colleges, shall develop a model for "3+1" baccalaureate 103582
degree programs for state universities and state community 103583
colleges, community colleges, and technical colleges. The model 103584
shall outline how a student may complete the equivalent of three 103585
academic years, or ninety semester credit hours, at a state 103586
community college, community college, or technical college and 103587
then transfer to a state university to complete the final academic 103588
year, or thirty semester credit hours, or the remainder of the 103589
student's baccalaureate degree program. 103590

In developing the model, the Chancellor shall seek input from 103591
administrators of state institutions of higher education currently 103592
participating in such a program, as well as faculty leaders in the 103593
academic fields or disciplines under consideration for the 103594
program. 103595

Further, the Chancellor shall evaluate existing "3+1" 103596
baccalaureate degree programs for their cost effectiveness for 103597
students. 103598

As used in this section, "state institution of higher 103599
education" and "state university" have the same meanings as in 103600

section 3345.011 of the Revised Code. 103601

Section 381.580. The Chancellor of Higher Education shall 103602
support the continued development of the Ohio Innovation Exchange 103603
for the purpose of showcasing the research expertise of Ohio's 103604
university and college faculty in a variety of fields, including, 103605
but not limited to, engineering, biomedicine, and information 103606
technology, and to identify institutional research equipment 103607
available in the state. 103608

Section 381.590. The Chancellor of Higher Education shall 103609
work with state institutions of higher education, as defined by 103610
section 3345.011 of the Revised Code, Ohio Technical Centers, as 103611
recognized by the Chancellor, and industry partners to develop 103612
program models that include project-based learning to increase 103613
continuing education and non-credit program offerings that lead to 103614
a credential in order to meet the state's in-demand job needs. 103615

Section 381.600. TRANSFER TO THE ECONOMIC DEVELOPMENT 103616
PROGRAMS FUND (FUND 5JC0) 103617

On July 1, 2017, or as soon as possible thereafter, the 103618
Director of Budget and Management, upon the request of the 103619
Chancellor of Higher Education, may transfer up to \$5,000,000 cash 103620
from the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) to 103621
the Economic Development Programs Fund (Fund 5JC0). In fiscal year 103622
2019, the Director of Budget and Management, upon the request of 103623
the Chancellor of Higher Education, may transfer any unobligated, 103624
unencumbered cash balance from the Ohio Incumbent Workforce Job 103625
Training Fund (Fund 5HR0) to the Economic Development Programs 103626
Fund (Fund 5JC0). 103627

Section 381.610. TRANSFERS TO THE COMPLETION, RETENTION, AND 103628
COLLEGE READINESS FUND (FUND 5TF0) 103629

On July 1, 2017, or as soon as possible thereafter, the 103630
Director of Budget and Management may transfer \$10,000,000 cash 103631
from the Casino Operator Settlement Fund (Fund 5KT0) to the 103632
Completion, Retention, and College Readiness Fund (Fund 5TF0) to 103633
fully support the appropriations made to the Ohio Finish for Your 103634
Future Scholarship Program and the College Ready Transition 103635
Courses Program. 103636

On July 1, 2017, or as soon as possible thereafter, the 103637
Chancellor of Higher Education shall certify to the Director of 103638
Budget and Management the unencumbered balance of the General 103639
Revenue Fund appropriations made in the immediately preceding 103640
fiscal year for purposes of the Ohio College Opportunity Grant 103641
Program created in section 3333.122 of the Revised Code. Upon 103642
receipt of the certification, the Director of Budget and 103643
Management may transfer cash in an amount not exceeding \$2,500,000 103644
from the General Revenue Fund to the Completion, Retention, and 103645
College Readiness Fund (Fund 5TF0). 103646

Section 381.620. FUND NAME CHANGES 103647

On July 1, 2017, or as soon as possible thereafter, the 103648
Director of Budget and Management shall rename the Star Schools 103649
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 103650

On July 1, 2017, or as soon as possible thereafter, the 103651
Director of Budget and Management shall rename the Joyce 103652
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 103653
and Awards Fund (Fund 5FR0). 103654

On July 1, 2017, or as soon as possible thereafter, the 103655
Director of Budget and Management shall rename the Federal Grants 103656
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 103657
(Fund 3N60). 103658

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 103659

CORRECTION					103660
General Revenue Fund					103661
GRF 501321	Institutional Operations	\$ 1,046,997,529	\$ 1,048,320,794		103662
GRF 501405	Halfway House	\$ 66,770,618	\$ 66,770,618		103663
GRF 501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 78,505,000	\$ 78,540,400		103664
GRF 501407	Community Nonresidential Programs	\$ 61,293,426	\$ 81,056,884		103665
GRF 501408	Community Misdemeanor Programs	\$ 14,356,800	\$ 14,356,800		103666
GRF 501501	Community Residential Programs - Community Based Correctional Facilities	\$ 78,531,698	\$ 78,531,698		103667
GRF 503321	Parole and Community Operations	\$ 80,883,748	\$ 82,807,332		103668
GRF 504321	Administrative Operations	\$ 24,034,553	\$ 24,611,945		103669
GRF 505321	Institution Medical Services	\$ 267,275,288	\$ 273,206,517		103670
GRF 506321	Institution Education Services	\$ 32,581,211	\$ 33,372,312		103671
TOTAL GRF General Revenue Fund		\$ 1,751,229,871	\$ 1,781,575,300		103672
Dedicated Purpose Fund Group					103673
4B00 501601	Sewer Treatment Services	\$ 2,230,000	\$ 2,230,000		103674
4D40 501603	Prisoner Programs	\$ 1,300,000	\$ 1,300,000		103675
4L40 501604	Transitional Control	\$ 1,950,000	\$ 1,950,000		103676

4S50	501608	Education Services	\$	4,725,000	\$	4,725,000	103677
5AF0	501609	State and Non-Federal Awards	\$	875,000	\$	875,000	103678
5H80	501617	Offender Financial Responsibility	\$	2,500,000	\$	3,110,000	103679
TOTAL DPF Dedicated Purpose Fund Group			\$	13,580,000	\$	14,190,000	103680
Internal Service Activity Fund Group							103681
1480	501602	Institutional Services	\$	2,925,000	\$	2,925,000	103682
2000	501607	Ohio Penal Industries	\$	52,900,000	\$	52,900,000	103683
4830	501605	Leased Property Maintenance & Operating	\$	2,000,000	\$	2,000,000	103684
5710	501606	Corrections Training Maintenance & Operating	\$	480,000	\$	480,000	103685
5L60	501611	Information Technology Services	\$	1,300,000	\$	1,300,000	103686
TOTAL ISA Internal Activity Fund Group							103687
			\$	59,605,000	\$	59,605,000	103688
Federal Fund Group							103689
3230	501619	Federal Grants	\$	1,985,000	\$	1,985,000	103690
3CW0	501622	Federal Equitable Sharing	\$	455,000	\$	455,000	103691
TOTAL FED Federal Fund Group							103692
			\$	2,440,000	\$	2,440,000	103693
TOTAL ALL BUDGET FUND GROUPS			\$	1,826,854,871	\$	1,857,810,300	103694
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							103695
The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30,							103696 103697 103698

2019, by the Department of Rehabilitation and Correction under the 103699
primary leases and agreements for those buildings made under 103700
Chapters 152. and 154. of the Revised Code. These appropriations 103701
are the source of funds pledged for bond service charges on 103702
related obligations issued under Chapters 152. and 154. of the 103703
Revised Code. 103704

OSU MEDICAL CHARGES 103705

Notwithstanding section 341.192 of the Revised Code, at the 103706
request of the Department of Rehabilitation and Correction, The 103707
Ohio State University Medical Center, including the Arthur G. 103708
James Cancer Hospital and Richard J. Solove Research Institute and 103709
the Richard M. Ross Heart Hospital, shall provide necessary care 103710
to persons who are confined in state adult correctional 103711
facilities. The provision of necessary inpatient care billed to 103712
the Department shall be reimbursed at a rate not to exceed the 103713
authorized reimbursement rate for the same service established by 103714
the Department of Medicaid under the Medicaid Program. 103715

Section 385.10. RCB RESPIRATORY CARE BOARD 103716

Dedicated Purpose Fund Group 103717
4K90 872609 Operating Expenses \$ 363,106 \$ 0 103718
TOTAL DPF Dedicated Purpose 103719
Fund Group \$ 363,106 \$ 0 103720
TOTAL ALL BUDGET FUND GROUPS \$ 363,106 \$ 0 103721

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 103723

General Revenue Fund Group 103724
GRF 110908 Property Tax \$ 641,015,200 \$ 645,785,000 103725
Reimbursement - Local
Government
GRF 200903 Property Tax \$ 1,180,084,800 \$ 1,199,315,000 103726
Reimbursement -

Education			
TOTAL GRF General Revenue Fund	\$ 1,821,100,000	\$ 1,845,100,000	103727
Group			
Revenue Distribution Fund Group			103728
5JG0 110633 Gross Casino Revenue	\$ 128,400,000	\$ 126,500,000	103729
Payments-County			
5JH0 110634 Gross Casino Revenue	\$ 85,600,000	\$ 84,300,000	103730
Payments- School			
Districts			
5JJ0 110636 Gross Casino Revenue	\$ 12,500,000	\$ 12,400,000	103731
- Host City			
7047 200902 Property Tax	\$ 201,811,667	\$ 162,729,141	103732
Replacement Phase			
Out-Education			
7049 336900 Indigent Drivers	\$ 2,250,000	\$ 2,250,000	103733
Alcohol Treatment			
7050 762900 International	\$ 22,000,000	\$ 22,000,000	103734
Registration Plan			
Distribution			
7051 762901 Auto Registration	\$ 325,000,000	\$ 325,000,000	103735
Distribution			
7060 110960 Gasoline Excise Tax	\$ 380,000,000	\$ 380,000,000	103736
Fund			
7065 110965 Public Library Fund	\$ 381,800,000	\$ 393,500,000	103737
7066 800966 Undivided Liquor	\$ 14,600,000	\$ 14,600,000	103738
Permits			
7068 110968 State and Local	\$ 196,000,000	\$ 196,000,000	103739
Government Highway			
Distributions			
7069 110969 Local Government Fund	\$ 381,800,000	\$ 393,500,000	103740
7081 110907 Property Tax	\$ 30,844,526	\$ 16,700,147	103741
Replacement Phase			
Out-Local Government			

7082	110982	Horse Racing Tax	\$	60,000	\$	60,000	103742
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	103743
7104	110997	Medicaid Local Sales	\$	207,000,000	\$	0	103744
		Tax Transition Fund					
TOTAL RDF Revenue Distribution							103745
Fund Group				\$ 2,370,666,193	\$ 2,130,539,288		103746
Fiduciary Fund Group							103747
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	103748
		Improvement Fund					
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000	103749
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	103750
		Local Government					
		Payments					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	103751
		Tax Distribution					
7063	110963	Permissive Sales Tax	\$	2,577,800,000	\$	2,653,900,000	103752
		Distribution					
7067	110967	School District	\$	435,200,000	\$	451,200,000	103753
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	103754
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	103755
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	103756
		Government Assistance					
7095	110995	Municipal Income Net	\$	300,000,000	\$	660,000,000	103757
		Profits Tax					
7099	762902	Permission Tax	\$	182,000,000	\$	182,000,000	103758
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group							103759
Holding Account Fund Group							103760

R045 110617 International Fuel	\$	36,100,000	\$	36,100,000	103761
Tax Distribution					
TOTAL HLD Holding Account Fund	\$	36,100,000	\$	36,100,000	103762
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,894,406,193	\$	8,150,379,288	103763

Section 387.20. ADDITIONAL APPROPRIATIONS 103765

Appropriation items in this section shall be used for the 103766
purpose of administering and distributing the designated revenue 103767
distribution funds according to the Revised Code. If it is 103768
determined that additional appropriations are necessary for this 103769
purpose, such amounts are hereby appropriated. 103770

GENERAL REVENUE FUND TRANSFERS 103771

Notwithstanding any provision of law to the contrary, in 103772
fiscal year 2018 and fiscal year 2019, the Director of Budget and 103773
Management may transfer from the General Revenue Fund to the Local 103774
Government Tangible Property Tax Replacement Fund (Fund 7081) and 103775
the School District Tangible Property Tax Replacement Fund (Fund 103776
7047) in the Revenue Distribution Fund Group, those amounts 103777
necessary to reimburse local taxing units and school districts 103778
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 103779
fiscal year 2018 and fiscal year 2019, the Director of Budget and 103780
Management may make temporary transfers from the General Revenue 103781
Fund to ensure sufficient balances in the Local Government 103782
Tangible Property Tax Replacement Fund (Fund 7081) and the School 103783
District Tangible Property Tax Replacement Fund (Fund 7047) and to 103784
replenish the General Revenue Fund for such transfers. 103785

MUNICIPAL INCOME NET PROFITS TAX 103786

The foregoing appropriation item 110995, Municipal Income Net 103787
Profits Tax, shall be used to make payments to municipal 103788
corporations under section 5745.05 of the Revised Code. If it is 103789
determined that additional appropriations are necessary to make 103790

such payments, such amounts are hereby appropriated. 103791

PROPERTY TAX REIMBURSEMENT - EDUCATION 103792

The foregoing appropriation item 200903, Property Tax 103793
Reimbursement - Education, is appropriated to pay for the state's 103794
costs incurred because of the homestead exemption, the property 103795
tax rollback, and payments required under division (C) of section 103796
5705.2110 of the Revised Code. In cooperation with the Department 103797
of Taxation, the Department of Education shall distribute these 103798
funds directly to the appropriate school districts of the state, 103799
notwithstanding sections 321.24 and 323.156 of the Revised Code, 103800
which provide for payment of the homestead exemption and property 103801
tax rollback by the Tax Commissioner to the appropriate county 103802
treasurer and the subsequent redistribution of these funds to the 103803
appropriate local taxing districts by the county auditor. 103804

Upon receipt of these amounts, each school district shall 103805
distribute the amount among the proper funds as if it had been 103806
paid as real or tangible personal property taxes. Payments for the 103807
costs of administration shall continue to be paid to the county 103808
treasurer and county auditor as provided for in sections 319.54, 103809
321.26, and 323.156 of the Revised Code. 103810

Any sums, in addition to the amount specifically appropriated 103811
in appropriation item 200903, Property Tax Reimbursement - 103812
Education, for the homestead exemption and the property tax 103813
rollback payments, and payments required under division (C) of 103814
section 5705.2110 of the Revised Code, which are determined to be 103815
necessary for these purposes, are hereby appropriated. 103816

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 103817

The foregoing appropriation item 110908, Property Tax 103818
Reimbursement-Local Government, is hereby appropriated to pay for 103819
the state's costs incurred due to the Homestead Exemption, the 103820
Manufactured Home Property Tax Rollback, and the Property Tax 103821

Rollback. The Tax Commissioner shall distribute these funds 103822
directly to the appropriate local taxing districts, except for 103823
school districts, notwithstanding the provisions in sections 103824
321.24 and 323.156 of the Revised Code, which provide for payment 103825
of the Homestead Exemption, the Manufactured Home Property Tax 103826
Rollback, and Property Tax Rollback by the Tax Commissioner to the 103827
appropriate county treasurer and the subsequent redistribution of 103828
these funds to the appropriate local taxing districts by the 103829
county auditor. 103830

Upon receipt of these amounts, each local taxing district 103831
shall distribute the amount among the proper funds as if it had 103832
been paid as real property taxes. Payments for the costs of 103833
administration shall continue to be paid to the county treasurer 103834
and county auditor as provided for in sections 319.54, 321.26, and 103835
323.156 of the Revised Code. 103836

Any sums, in addition to the amounts specifically 103837
appropriated in appropriation item 110908, Property Tax Allocation 103838
- Local Government, for the Homestead Exemption, the Manufactured 103839
Home Property Tax Rollback, and the Property Tax Rollback 103840
payments, which are determined to be necessary for these purposes, 103841
are hereby appropriated. 103842

MEDICAID LOCAL SALES TAX TRANSITION FUND 103843

(A) There is hereby created in the state treasury the 103844
Medicaid Local Sales Tax Transition Fund. The fund shall consist 103845
of money transferred to it. The fund shall be used to mitigate the 103846
effects of, and assist in the adjustment to, the reduced sales tax 103847
revenues of counties and affected transit authorities caused by 103848
the repeal of sales tax collected by Medicaid health insuring 103849
corporations on health care service transactions. 103850

Amounts provided to counties and transit authorities under 103851
this section from the Medicaid Local Sales Tax Transition Fund use 103852

the jurisdictions' annualized Medicaid sales tax revenues during 103853
the calendar year 2015 and 2016 periods. Based on these figures, 103854
the payments provided in this section provide full replacement of 103855
the calculated foregone Medicaid sales tax revenues in calendar 103856
year 2017, which will occur during the October 2017 through 103857
December 2017 period. The payments under this section also reflect 103858
a computation of the ability of the counties and transit 103859
authorities to reasonably adjust to the effects of foregone 103860
Medicaid sales tax revenues. Over time, each jurisdiction will be 103861
able to absorb an increasing portion of its foregone Medicaid 103862
sales tax revenue until it has adjusted to the full foregone 103863
revenue. Before such full adjustment to the Medicaid sales tax 103864
change finally occurs, for each year in which the jurisdiction's 103865
annualized Medicaid sales tax revenue exceeds the amount it is 103866
computed as being able to reasonably absorb in that year, such 103867
difference becomes part of the overall distribution provided under 103868
this section. The amount the jurisdiction is able to absorb in a 103869
given year is the product derived from multiplying the 103870
jurisdiction's annualized total sales tax revenues for calendar 103871
years 2015 and 2016 by the total absorption rate assigned to the 103872
jurisdiction. The absorption rate, which grows by the same 103873
increment each year, is initially established at a level that 103874
takes into account the relative sales tax capacity of a 103875
jurisdiction; the assigned initial absorption rate is four percent 103876
but is a smaller amount to the extent the jurisdiction's sales tax 103877
capacity is below statewide average sales tax capacity. 103878

(B) If the Tax Commissioner orders the cessation of 103879
collection of sales and use taxes pursuant to division (A)(11)(b) 103880
of section 5739.01 of the Revised Code, the Commissioner shall 103881
certify such result to the Director of Budget and Management. 103882
After receipt of this certification by the Director, the 103883
requirements in divisions (C), (D), and (E) of this section shall 103884
take effect. 103885

(C) On or before October 15, 2017, each county and transit authority that as of January 1, 2017, levies any tax under sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall establish a County and Transit Authority Medicaid Sales Tax Transition Fund. The fund shall consist of money distributed to it under this section. Money provided to such fund shall be transferred to the general fund or other fund that receives a lawful portion of the county's or transit authority's sales tax revenue in accordance with a resolution adopted by the board of county commissioners, the county transit board, or trustees of a regional transit authority, as appropriate. Money may be transferred from the County and Transit Authority Medicaid Sales Tax Transition Fund at any time and in any quantity as indicated by the resolution.

(D) On or before November 1, 2017, the Tax Commissioner shall provide for payment to each county and transit authority in the amounts provided in division (E) of this section. The county treasurer or transit authority fiscal officer shall deposit such amount into the County and Transit Authority Medicaid Sales Tax Transition Fund within five business days of its receipt.

(E) Distributions made to counties and transit authorities under this section shall equal the following amounts:

Counties:		
Adams	\$2,338,462	
Allen	\$499,518	
Ashland	\$247,665	
Ashtabula	\$1,953,705	
Athens	\$1,361,470	
Auglaize	\$164,879	
Belmont	\$513,695	
Brown	\$2,608,692	
Butler	\$2,131,220	

Carroll	\$222,196	103918
Champaign	\$696,332	103919
Clark	\$6,072,014	103920
Clermont	\$1,385,155	103921
Clinton	\$648,501	103922
Columbiana	\$4,912,012	103923
Coshocton	\$1,095,382	103924
Crawford	\$1,747,652	103925
Cuyahoga	\$25,041,192	103926
Darke	\$394,752	103927
Defiance	\$142,872	103928
Delaware	\$223,143	103929
Erie	\$152,337	103930
Fairfield	\$868,591	103931
Fayette	\$392,342	103932
Franklin	\$14,101,763	103933
Fulton	\$368,374	103934
Gallia	\$950,776	103935
Geauga	\$104,067	103936
Greene	\$681,774	103937
Guernsey	\$550,466	103938
Hamilton	\$9,611,825	103939
Hancock	\$116,906	103940
Hardin	\$662,553	103941
Harrison	\$122,629	103942
Henry	\$216,876	103943
Highland	\$1,802,649	103944
Hocking	\$982,451	103945
Holmes	\$35,327	103946
Huron	\$781,761	103947
Jackson	\$1,628,743	103948
Jefferson	\$1,717,858	103949
Knox	\$472,792	103950

Lake	\$640,963	103951
Lawrence	\$4,457,248	103952
Licking	\$1,325,897	103953
Logan	\$404,753	103954
Lorain	\$2,425,083	103955
Lucas	\$12,058,600	103956
Madison	\$534,899	103957
Mahoning	\$5,235,592	103958
Marion	\$1,688,310	103959
Medina	\$240,830	103960
Meigs	\$3,504,185	103961
Mercer	\$70,711	103962
Miami	\$426,061	103963
Monroe	\$162,021	103964
Montgomery	\$9,198,720	103965
Morgan	\$1,165,475	103966
Morrow	\$1,497,739	103967
Muskingum	\$1,580,290	103968
Noble	\$268,375	103969
Ottawa	\$226,182	103970
Paulding	\$651,361	103971
Perry	\$3,014,204	103972
Pickaway	\$2,027,117	103973
Pike	\$2,030,999	103974
Portage	\$1,168,359	103975
Preble	\$1,050,742	103976
Putnam	\$126,494	103977
Richland	\$955,179	103978
Ross	\$1,903,651	103979
Sandusky	\$558,488	103980
Scioto	\$6,331,880	103981
Seneca	\$904,551	103982
Shelby	\$201,342	103983

Stark	\$1,471,853	103984
Summit	\$2,309,202	103985
Trumbull	\$3,958,878	103986
Tuscarawas	\$353,741	103987
Union	\$111,287	103988
Van Wert	\$300,928	103989
Vinton	\$2,803,310	103990
Warren	\$317,939	103991
Washington	\$521,996	103992
Wayne	\$585,869	103993
Williams	\$496,855	103994
Wood	\$237,910	103995
Wyandot	\$121,144	103996
Transit Authorities:		103997
Greater Cleveland Regional Transit Authority	\$20,068,166	103998
Central Ohio Regional Transit Authority	\$5,273,867	103999
Laketran Transit Authority	\$160,420	104000
Western Reserve Transit Authority	\$1,055,799	104001
Greater Dayton Regional Transit Authority	\$4,605,453	104002
Portage Area Regional Transit Authority	\$234,905	104003
Stark Area Regional Transit Authority	\$735,589	104004
Metro Regional Transit Authority	\$2,315,641	104005
Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION		104006
Dedicated Purpose Fund Group		104007
4K90 893609 Operating Expenses	\$ 174,533	\$ 178,120 104008
TOTAL DPF Dedicated Purpose		104009

Fund Group	\$	174,533	\$	178,120	104010
TOTAL ALL BUDGET FUND GROUPS	\$	174,533	\$	178,120	104011

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 104013

General Revenue Fund 104014

GRF 226321 Operations	\$	10,302,302	\$	10,544,099	104015

TOTAL GRF General Revenue Fund	\$	10,302,302	\$	10,544,099	104016

Dedicated Purpose Fund Group 104017

4H80 226602 Education Reform Grants	\$	354,000	\$	354,000	104018

4M50 226601 Work Study and Technology Investment	\$	461,521	\$	461,521	104019

5NJ0 226622 Food Service Program	\$	9,500	\$	9,500	104020

TOTAL DPF Dedicated Purpose					104021

Fund Group	\$	825,021	\$	825,021	104022

Federal Fund Group 104023

3100 226626 Federal Grants	\$	183,000	\$	183,000	104024

3DT0 226621 Ohio Transition Collaborative	\$	650,000	\$	650,000	104025

3P50 226643 Medicaid Professional Services Reimbursement	\$	100,000	\$	100,000	104026

TOTAL FED Federal Fund Group	\$	933,000	\$	933,000	104027

TOTAL ALL BUDGET FUND GROUPS	\$	12,060,323	\$	12,302,120	104028

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 104030

General Revenue Fund 104031

GRF 221321 Operations	\$	11,022,322	\$	11,248,544	104032

TOTAL GRF General Revenue Fund	\$	11,022,322	\$	11,248,544	104033

Dedicated Purpose Fund Group 104034

4M00 221601 Educational Program Expenses	\$	105,000	\$	105,000	104035

4M10	221602	Education Reform	\$	370,000	\$	370,000	104036
		Grants					
5H60	221609	Even Start Fees and	\$	62,999	\$	63,000	104037
		Gifts					
5NK0	221610	Food Service Program	\$	9,500	\$	9,500	104038
TOTAL DPF Dedicated Purpose							104039
Fund Group			\$	547,499	\$	547,500	104040
Federal Fund Group							104041
3110	221625	Federal Grants	\$	385,000	\$	385,000	104042
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000	104043
		Services					
		Reimbursement					
TOTAL FED Federal Fund Group			\$	591,000	\$	591,000	104044
TOTAL ALL BUDGET FUND GROUPS			\$	12,160,821	\$	12,387,044	104045

Section 395.10. SOS SECRETARY OF STATE 104047

Dedicated Purpose Fund Group							104048
4120	050609	Notary Commission	\$	475,000	\$	475,000	104049
4S80	050610	Board of Voting	\$	7,200	\$	7,200	104050
		Machine Examiners					
5990	050603	Business Services	\$	14,385,400	\$	14,385,400	104051
		Operating Expenses					
5990	050629	Statewide Voter	\$	700,000	\$	700,000	104052
		Registration Database					
5990	050630	Elections Support	\$	2,144,030	\$	2,144,030	104053
		Supplement					
5990	050631	Precinct Election	\$	234,196	\$	234,196	104054
		Officials Training					
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000	104055
		Education					
5SN0	050626	Address	\$	50,000	\$	50,000	104056
		Confidentiality					

TOTAL DPF Dedicated Purpose Fund Group	\$	18,075,826	\$	18,075,826	104057
Holding Account Fund Group					104058
R001 050605 Uniform Commercial Code Refunds	\$	30,000	\$	30,000	104059
R002 050606 Corporate/Business Filing Refunds	\$	85,000	\$	85,000	104060
TOTAL HLD Holding Account Fund Group	\$	115,000	\$	115,000	104061
TOTAL ALL BUDGET FUND GROUPS	\$	18,190,826	\$	18,190,826	104062

Section 395.20. PRECINCT ELECTION OFFICIAL TRAINING 104064

The foregoing appropriation item 050631, Precinct Election Official Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2018, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050631, Precinct Election Official Training, is hereby reappropriated in fiscal year 2019 for the same purpose.

BOARD OF VOTING MACHINE EXAMINERS 104073

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP 104085

The foregoing appropriation items 050605, Uniform Commercial 104086
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 104087
be used to hold revenues until they are directed to the 104088
appropriate accounts or until they are refunded. If it is 104089
determined by the Secretary of State that additional appropriation 104090
amounts are necessary, the Secretary of State may request that the 104091
Director of Budget and Management approve such amounts. Such 104092
amounts are hereby appropriated. 104093

MISCELLANEOUS FEDERAL GRANTS 104094

Appropriation item 050624, Miscellaneous Federal Grants, 104095
shall be used to support programs that are supported by federal 104096
grants deposited into the Miscellaneous Federal Grants Fund (Fund 104097
3FM0) pursuant to Section 111.28 of the Revised Code. 104098

ADDRESS CONFIDENTIALITY PROGRAM 104099

Upon the request of the Secretary of State, the Director of 104100
Budget and Management may transfer up to \$50,000 per fiscal year 104101
in cash from the Business Services Operating Expenses Fund (Fund 104102
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 104103

LITIGATION RELATED EXPENSES 104104

Upon the request of the Secretary of State, the Director of 104105
Budget and Management may transfer cash and appropriation from any 104106
fund and appropriation item used by the Secretary of State to 104107
Litigation Related Expenses Fund (Fund 5QE0) appropriation item 104108
050625, Litigation Related Expenses, or Business Services 104109
Operating Expenses Fund (Fund 5990) appropriation item 050628, 104110
Litigation Related Expenses. The amounts transferred shall be used 104111
to pay for any expenses related to lawsuits or legal proceedings 104112
against the Secretary of State. 104113

ABSENT VOTER'S BALLOT APPLICATION MAILING 104114

Notwithstanding Division (B) of Section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots.

BALLOT ADVERTISING COSTS

Notwithstanding Division (G) of Section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

Section 397.10. SEN THE OHIO SENATE

General Revenue Fund

GRF 020321 Operating Expenses	\$	15,982,305	\$	15,982,305
TOTAL GRF General Revenue Fund	\$	15,982,305	\$	15,982,305

Internal Service Activity Fund Group

1020 020602 Senate Reimbursement	\$	425,800	\$	425,800
4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497
TOTAL ISA Internal Service Activity Fund Group	\$	460,297	\$	460,297
TOTAL ALL BUDGET FUND GROUPS	\$	16,442,602	\$	16,442,602

OPERATING EXPENSES

On July 1, 2017, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the

end of fiscal year 2017 to be reappropriated to fiscal year 2018. 104145
The amount certified is hereby reappropriated to the same 104146
appropriation item for fiscal year 2018. 104147

On July 1, 2018, or as soon as possible thereafter, the Clerk 104148
of the Senate may certify to the Director of Budget and Management 104149
an amount up to the unexpended, unencumbered balance of the 104150
foregoing appropriation item 020321, Operating Expenses, at the 104151
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 104152
The amount certified is hereby reappropriated to the same 104153
appropriation item for fiscal year 2019. 104154

Section 399.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 104155

General Revenue Fund 104156

GRF 866321 CSV Operations	\$	322,547	\$	322,547	104157

TOTAL GRF General Revenue Fund	\$	322,547	\$	322,547	104158

Dedicated Purpose Fund Group 104159

5GN0 866605 Serve Ohio Support	\$	7,594	\$	0	104160

TOTAL DPF Dedicated Purpose Fund	\$	7,594	\$	0	104161

Group

Federal Fund Group 104162

3R70 866617 AmeriCorps Programs	\$	8,462,255	\$	8,462,545	104163

TOTAL FED Federal Fund Group	\$	8,462,255	\$	8,462,545	104164

TOTAL ALL BUDGET FUND GROUPS	\$	8,792,396	\$	8,785,092	104165

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 104167

Debt Service Fund Group 104168

7070 155905 Third Frontier	\$	87,015,000	\$	95,039,900	104169

Research and
Development Bond
Retirement Fund

7072 155902 Highway Capital	\$	117,606,700	\$	135,589,800	104170

		Improvement Bond					
		Retirement Fund					
7073	155903	Natural Resources Bond	\$	25,450,300	\$	19,317,800	104171
		Retirement Fund					
7074	155904	Conservation Projects	\$	39,367,200	\$	44,001,700	104172
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	6,319,500	\$	7,820,600	104173
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	232,380,100	\$	229,892,200	104174
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	376,134,900	\$	405,025,700	104175
		Retirement Fund					
7079	155909	Higher Education Bond	\$	272,425,600	\$	300,094,600	104176
		Retirement Fund					
7080	155901	Persian Gulf,	\$	7,118,300	\$	5,090,700	104177
		Afghanistan, and Iraq					
		Conflict Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	15,657,175	\$	15,591,200	104178
		Development Bond					
		Retirement Fund					
TOTAL	DSF	Debt Service Fund Group	\$	1,179,474,775	\$	1,257,464,200	104179
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,179,474,775	\$	1,257,464,200	104180
		ADDITIONAL APPROPRIATIONS					104181
		Appropriation items in this section are for the purpose of					104182
		paying debt service and financing costs during the period from					104183
		July 1, 2017 through June 30, 2019 on bonds or notes of the state					104184
		issued under the Ohio Constitution and acts of the General					104185
		Assembly. If it is determined that additional amounts are					104186
		necessary for this purpose, such amounts are hereby appropriated.					104187

Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				104188
DEVELOPMENT FOUNDATION				104189
Dedicated Purpose Fund Group				104190
5M90 945601 Operating Expenses	\$	352,930	\$ 352,930	104191
TOTAL DPF Dedicated Purpose Fund Group	\$	352,930	\$ 352,930	104192
TOTAL ALL BUDGET FUND GROUPS	\$	352,930	\$ 352,930	104193
Section 405.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY				104195
Dedicated Purpose Fund Group				104196
4K90 886609 Operating Expenses	\$	333,269	\$ 0	104197
TOTAL DPF Dedicated Purpose Fund Group	\$	333,269	\$ 0	104198
TOTAL ALL BUDGET FUND GROUPS	\$	333,269	\$ 0	104199
Section 407.10. BTA BOARD OF TAX APPEALS				104202
General Revenue Fund				104203
GRF 116321 Operating Expenses	\$	1,850,307	\$ 1,886,042	104204
TOTAL GRF General Revenue Fund	\$	1,850,307	\$ 1,886,042	104205
TOTAL ALL BUDGET FUND GROUPS	\$	1,850,307	\$ 1,886,042	104206
Section 409.10. TAX DEPARTMENT OF TAXATION				104208
General Revenue Fund				104209
GRF 110321 Operating Expenses	\$	67,940,382	\$ 70,440,382	104210
GRF 110404 Tobacco Settlement Enforcement	\$	0	\$ 167,567	104211
TOTAL GRF General Revenue Fund	\$	67,940,382	\$ 70,607,949	104212
Dedicated Purpose Fund Group				104213
2280 110628 CAT Administration	\$	19,196,584	\$ 16,696,584	104214
4330 110602 Municipal Data	\$	178,156	\$ 178,156	104215

		Exchange Administration				
4350	110607	Local Tax	\$	23,825,558	\$	23,825,558 104216
		Administration				
4360	110608	Motor Vehicle Audit	\$	1,523,113	\$	1,523,113 104217
		Administration				
4370	110606	Income Tax Refund	\$	38,800	\$	38,800 104218
		Contribution Administration				
4380	110609	School District	\$	6,427,960	\$	6,427,960 104219
		Income Tax Administration				
4C60	110616	International	\$	705,869	\$	705,869 104220
		Registration Plan Administration				
4R60	110610	Tire Tax	\$	255,836	\$	255,836 104221
		Administration				
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794 104222
		Administration				
5JM0	110637	Casino Tax	\$	75,000	\$	75,000 104223
		Administration				
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000 104224
		Implementation				
5N50	110605	Municipal Income Tax	\$	3,150,000	\$	6,750,000 104225
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 104226
		Administration				
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000 104227
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	5,175,897	\$	5,175,897 104228
		Administration				
5V80	110623	Property Tax	\$	6,000,000	\$	6,000,000 104229
		Administration				

5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	104230
6390	110614	Cigarette Tax Enforcement	\$	1,965,511	\$	1,797,944	104231
6880	110615	Local Excise Tax Administration	\$	500,000	\$	500,000	104232
TOTAL DPF Dedicated Purpose Fund Group			\$	73,466,578	\$	74,399,011	104233
Fiduciary Fund Group							104234
4250	110635	Tax Refunds	\$	1,911,472,500	\$	1,876,628,500	104235
5CZ0	110631	Vendor's License Application	\$	380,000	\$	380,000	104236
6420	110613	Ohio Political Party Distributions	\$	180,000	\$	180,000	104237
TOTAL FID Fiduciary Fund Group			\$	1,912,032,500	\$	1,877,188,500	104238
Holding Account Fund Group							104239
R010	110611	Tax Distributions	\$	25,000	\$	25,000	104240
R011	110612	Miscellaneous Income Tax Receipts	\$	500	\$	500	104241
TOTAL HLD Holding Account Fund Group			\$	25,500	\$	25,500	104242
TOTAL ALL BUDGET FUND GROUPS			\$	2,053,464,960	\$	2,022,220,960	104243

Section 409.20. TAX REFUNDS 104245

The foregoing appropriation item 110635, Tax Refunds, shall 104246
be used to pay refunds under section 5703.052 of the Revised Code. 104247
If it is determined that additional appropriations are necessary 104248
for this purpose, such amounts are hereby appropriated. 104249

VENDOR'S LICENSE PAYMENTS 104250

The foregoing appropriation item 110631, Vendor's License 104251
Application, shall be used to make payments to county auditors 104252
under section 5739.17 of the Revised Code. If it is determined 104253

that additional appropriations are necessary to make such 104254
payments, such amounts are hereby appropriated. 104255

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 104256

The foregoing appropriation item 110616, International 104257
Registration Plan Administration, shall be used under section 104258
5703.12 of the Revised Code for audits of persons with vehicles 104259
registered under the International Registration Plan. 104260

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 104261

Of the foregoing appropriation item 110607, Local Tax 104262
Administration, the Tax Commissioner may disburse funds, if 104263
available, for the purposes of paying travel expenses incurred by 104264
members of Ohio's delegation to the Streamlined Sales Tax Project, 104265
as appointed under section 5740.02 of the Revised Code. Any travel 104266
expense reimbursement paid for by the Department of Taxation shall 104267
be done in accordance with applicable state laws and guidelines. 104268

TOBACCO SETTLEMENT ENFORCEMENT 104269

The foregoing appropriation item 110404, Tobacco Settlement 104270
Enforcement, shall be used by the Tax Commissioner to pay costs 104271
incurred in the enforcement of divisions (F) and (G) of section 104272
5743.03 of the Revised Code. In fiscal year 2018, expenses 104273
associated with these enforcement activities will be covered by 104274
appropriation item 110614, Cigarette Tax Enforcement. 104275

STARS DEVELOPMENT AND IMPLEMENTATION FUND 104276

The foregoing appropriation item 110638, STARS Development 104277
and Implementation, shall be used to pay costs incurred in the 104278
development and implementation of the department's State Tax 104279
Accounting and Revenue System. The Director of Budget and 104280
Management, under a plan submitted by the Tax Commissioner, or as 104281
otherwise determined by the Director of Budget and Management, 104282
shall set a schedule to transfer cash from the Revenue Enhancement 104283

Fund, Local Sales Tax Administrative Fund, General School District 104284
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 104285
Property Tax Administration Fund, and the Motor Fuel Tax 104286
Administration Fund to the credit of the STARS Development and 104287
Implementation Fund (Fund 5MN0). The transfers of cash shall not 104288
exceed \$6,000,000 in the biennium. 104289

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL 104290
INCOME TAX ADMINISTRATION FUND 104291

(A) During fiscal year 2018 and fiscal year 2019, if the Tax 104292
Commissioner determines that the Municipal Income Tax 104293
Administration Fund (Fund 5N50) created in section 5745.03 of the 104294
Revised Code has insufficient cash balances to pay expenses 104295
required by administering the new tax imposed by section 5718.041 104296
of the Revised Code, the Tax Commissioner shall certify to the 104297
Director of Budget and Management the additional cash necessary to 104298
carry out the duties imposed by section 5718.041 of the Revised 104299
Code. After receiving the certification from the Commissioner and 104300
if the Director determines that sufficient funds are available in 104301
the General Revenue Fund, the Director shall transfer cash from 104302
the General Revenue Fund to Fund 5N50 in an amount that will 104303
enable the Commissioner to carry out the duties imposed by section 104304
5718.041 of the Revised Code. 104305

(B) If a cash transfer is made from the General Revenue Fund 104306
to the Municipal Income Tax Administration Fund under division (A) 104307
of this section, the Director of Budget and Management and the Tax 104308
Commissioner shall jointly develop a plan to repay the General 104309
Revenue Fund as soon as is deemed practical. 104310

(C) During fiscal year 2018 and fiscal year 2019, if the Tax 104311
Commissioner determines that the Municipal Income Tax 104312
Administration Fund (Fund 5N50) has insufficient appropriations 104313
due to the new tax administration obligations imposed by section 104314
5718.041 of the Revised Code, the Tax Commissioner shall certify 104315

to the Director of Budget and Management the additional 104316
appropriations necessary to carry out the duties imposed by 104317
section 5718.041 of the Revised Code. After receiving the 104318
certification from the Commissioner and if the Director determines 104319
that sufficient funds are available in Fund 5N50, the Director 104320
shall approve the certified appropriation increase. Any approved 104321
appropriation increase is hereby appropriated. 104322

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 104323

General Revenue Fund 104324

GRF 775451 Public Transportation \$ 7,309,348 \$ 7,309,348 104325
- State

GRF 776465 Rail Development \$ 1,000,000 \$ 2,000,000 104326

GRF 777471 Airport Improvements \$ 6,000,000 \$ 6,000,000 104327
- State

TOTAL GRF General Revenue Fund \$ 14,309,348 \$ 15,309,348 104328

TOTAL ALL BUDGET FUND GROUPS \$ 14,309,348 \$ 15,309,348 104329

Section 411.20. AIRPORT IMPROVEMENTS - STATE 104331

The foregoing appropriation item 777471, Airport Improvements 104332
- State, shall be used by the Department of Transportation to 104333
continue the Ohio Airport Grant Program in supporting capital 104334
improvements, maintaining infrastructure, and ensuring safety at 104335
publicly owned, public use airports in the state, provided that 104336
the airports receive neither Federal Aviation Administration Air 104337
Carrier Enplanement Funds nor Air Cargo Entitlements. 104338

Section 413.10. TOS TREASURER OF STATE 104339

General Revenue Fund 104340

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 104341

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 104342
Fund

GRF 090402	Continuing Education	\$	325,000	\$	325,000	104343
GRF 090406	Treasury Management	\$	1,113,900	\$	1,114,700	104344
	System Lease Rental					
	Payments					
GRF 090407	ABLE Promotion	\$	250,000	\$	250,000	104345
GRF 090613	ABLE Account	\$	1,750,000	\$	1,750,000	104346
	Administration					
TOTAL GRF General Revenue Fund		\$	12,060,983	\$	12,061,033	104347
Dedicated Purpose Fund Group						104348
4E90 090603	Securities Lending	\$	5,200,000	\$	5,200,000	104349
	Income					
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000	104350
	Reimbursement					
5C50 090602	County Treasurer	\$	170,057	\$	170,057	104351
	Education					
5NH0 090610	OhioMeansJobs	\$	23,250,000	\$	0	104352
	Workforce Development					
6050 090609	Treasurer of State	\$	700,000	\$	700,000	104353
	Administrative Fund					
TOTAL DPF Dedicated Purpose						104354
Fund Group		\$	30,370,057	\$	7,120,057	104355
Fiduciary Fund Group						104356
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	104357
TOTAL FID Fiduciary Fund Group		\$	12,000,000	\$	12,000,000	104358
TOTAL ALL BUDGET FUND GROUPS		\$	54,431,040	\$	31,181,090	104359

Section 413.20. OFFICE OF THE SINKING FUND 104361

The foregoing appropriation item 090401, Office of the 104362
Sinking Fund, shall be used for costs incurred by or on behalf of 104363
the Commissioners of the Sinking Fund and the Ohio Public 104364
Facilities Commission with respect to State of Ohio general 104365
obligation bonds or notes, and the Treasurer of State with respect 104366

to State of Ohio general obligation and special obligation bonds 104367
or notes, including, but not limited to, printing, advertising, 104368
delivery, rating fees and the procurement of ratings, professional 104369
publications, membership in professional organizations, and other 104370
services referred to in division (D) of section 151.01 of the 104371
Revised Code. The General Revenue Fund shall be reimbursed for 104372
such costs relating to the issuance and administration of Highway 104373
Capital Improvement bonds or notes authorized under Ohio 104374
Constitution, Article VIII, Section 2m and Chapter 151. of the 104375
Revised Code. That reimbursement shall be made from appropriation 104376
item 155902, Highway Capital Improvement Bond Retirement Fund, by 104377
intrastate transfer voucher pursuant to a certification by the 104378
Office of the Sinking Fund of the actual amounts used. The amounts 104379
necessary to make such a reimbursement are hereby appropriated 104380
from the Highway Capital Improvement Bond Retirement Fund created 104381
in section 151.06 of the Revised Code. 104382

ABLE ACCOUNT ADMINISTRATION 104383

The foregoing appropriation item 090613, ABLE Account 104384
Administration, shall be used for administration of an Achieve a 104385
Better Living Experience (ABLE) account program. 104386

TAX REFUNDS 104387

The foregoing appropriation item 090635, Tax Refunds, shall 104388
be used to pay refunds under section 5703.052 of the Revised Code. 104389
If the Director of Budget and Management determines that 104390
additional amounts are necessary for this purpose, such amounts 104391
are hereby appropriated. 104392

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 104393
PAYMENTS 104394

The foregoing appropriation item 090406, Treasury Management 104395
System Lease Rental Payments, shall be used for payments during 104396

the period from July 1, 2017, through June 30, 2019, pursuant to 104397
leases and agreements entered into under Section 701.20 of Am. 104398
Sub. H.B. 497 of the 130th General Assembly with respect to 104399
financing the costs associated with the acquisition and 104400
implementation of the Treasury Management System. If it is 104401
determined that additional appropriations are necessary for this 104402
purpose, the amounts are hereby appropriated. 104403

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 104404
LOAN PROGRAM 104405

The foregoing appropriation item 090610, OhioMeansJobs 104406
Workforce Development Revolving Loan Program, shall be used for 104407
the OhioMeansJobs Workforce Development Revolving Loan Program to 104408
provide loans to individuals for workforce training. 104409

Of the foregoing appropriation item 090610, OhioMeansJobs 104410
Workforce Development Revolving Loan Program, up to \$250,000 in 104411
fiscal year 2018 may be used by the Treasurer of State to 104412
administer the program. 104413

Any unexpended and unencumbered portion of the foregoing 104414
appropriation item 090610, OhioMeansJobs Workforce Development 104415
Revolving Loan Program, at the end of fiscal year 2018 is hereby 104416
reappropriated for the same purpose in fiscal year 2019. To the 104417
extent that reappropriated funds are available, of the foregoing 104418
appropriation item 090610, OhioMeansJobs Workforce Development 104419
Revolving Loan Program, up to \$250,000 in fiscal year 2019 may be 104420
used by the Treasurer of State to administer the program. 104421

Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES 104422
General Revenue Fund 104423

GRF	900321	Veterans' Homes	\$	27,853,594	\$	27,853,594	104424
GRF	900402	Hall of Fame	\$	114,980	\$	114,980	104425
GRF	900408	Department of	\$	2,842,545	\$	2,842,545	104426

		Veterans Services				
GRF	900501	Veterans	\$	1,887,986	\$	2,000,000 104427
		Organizations				
GRF	900901	Veterans Compensation	\$	7,118,300	\$	5,090,700 104428
		General Obligation				
		Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	39,817,405	\$	37,901,819 104429
		Dedicated Purpose Fund Group				104430
4840	900603	Veterans' Homes	\$	990,000	\$	995,000 104431
		Services				
4E20	900602	Veterans' Homes	\$	13,389,605	\$	13,400,000 104432
		Operating				
5DB0	900643	Military Injury	\$	1,000,000	\$	1,000,000 104433
		Relief Program				
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000 104434
6040	900604	Veterans' Homes	\$	500,000	\$	500,000 104435
		Improvement				
TOTAL DPF		Dedicated Purpose Fund	\$	15,949,605	\$	15,965,000 104436
		Group				
		Debt Service Fund Group				104437
7041	900615	Veteran Bonus Program	\$	330,163	\$	272,687 104438
		- Administration				
7041	900641	Persian Gulf,	\$	1,132,362	\$	1,132,706 104439
		Afghanistan, and Iraq				
		Compensation				
TOTAL DSF		Debt Service				104440
		Fund Group	\$	1,462,525	\$	1,405,393 104441
		Federal Fund Group				104442
3680	900614	Veterans Training	\$	782,898	\$	805,851 104443
3740	900606	Troops to Teachers	\$	125,002	\$	130,001 104444
3BX0	900609	Medicare Services	\$	3,352,135	\$	3,578,278 104445
3L20	900601	Veterans' Homes	\$	32,021,561	\$	33,378,119 104446

Operations - Federal

TOTAL FED Federal Fund Group	\$	36,281,596	\$	37,892,249	104447
TOTAL ALL BUDGET FUND GROUPS	\$	93,511,131	\$	93,164,461	104448

VETERANS ORGANIZATIONS' RENT 104449

The foregoing appropriation item 900408, Department of 104450
Veterans Services, shall be used to pay veterans organizations' 104451
rent in buildings managed by the Department of Administrative 104452
Services. 104453

VETERANS ORGANIZATIONS' SUBSIDIES 104454

Of the foregoing appropriation item 900501, Veterans 104455
Organizations, in fiscal year 2018, \$28,910 shall be allocated to 104456
the American Ex-Prisoners of War, \$63,539 shall be allocated to 104457
the Army Navy Union, USA, Inc., \$57,118 shall be allocated to the 104458
Korean War Veterans, \$34,321 shall be allocated to the Jewish War 104459
Veterans, \$66,978 shall be allocated to the Catholic War Veterans, 104460
\$65,116 shall be allocated to the Military Order of the Purple 104461
Heart, \$214,776 shall be allocated to the Vietnam Veterans of 104462
America, \$349,189 shall be allocated to the American Legion of 104463
Ohio, \$332,547 shall be allocated to the AMVETS, \$249,836 shall be 104464
allocated to the Disabled American Veterans, \$133,947 shall be 104465
allocated to the Marine Corps League, \$6,868 shall be allocated to 104466
the 37th Division Veterans' Association, and \$284,841 shall be 104467
allocated to the Veterans of Foreign Wars. 104468

Not later than July 30, 2017, each organization listed in the 104469
preceding paragraph shall submit a report to the Director of 104470
Veterans Services that meets the requirements established by the 104471
Director. The Director may request that an organization supplement 104472
any report with additional information to sufficiently meet the 104473
established requirements. No funds shall be disbursed from 104474
appropriation item 900501, Veterans Organizations, to any 104475
organization listed in the preceding paragraph, until the Director 104476
determines that the organization has provided information to the 104477

Director that sufficiently meets the established requirements. 104478

In fiscal year 2019, the foregoing appropriation item 900501, 104479
Veterans Organizations, shall be used to provide grants to 104480
veterans organizations pursuant to division (W) of section 5902.02 104481
of the Revised Code to improve access for veterans and their 104482
families to benefits and resources from the United States 104483
Department of Veterans Affairs or programs that enhance access to 104484
employment services and opportunities, or other resources. 104485

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 104486

The foregoing appropriation item 900901, Veterans 104487
Compensation General Obligation Bond Debt Service, shall be used 104488
to pay all debt service and related financing costs during the 104489
period from July 1, 2017, through June 30, 2019, on obligations 104490
issued under sections 151.01 and 151.12 of the Revised Code. 104491

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 104492

Dedicated Purpose Fund Group 104493

4K90 888609 Operating Expenses	\$	396,369	\$	439,369	104494

TOTAL DPF Dedicated Purpose					104495

Fund Group	\$	396,369	\$	439,369	104496

Internal Service Activity Fund Group 104497

5BU0 888602 Veterinary Student	\$	30,000	\$	30,000	104498

Loan Program

TOTAL ISA Internal Service Activity					104499

Fund Group	\$	30,000	\$	30,000	104500

TOTAL ALL BUDGET FUND GROUPS	\$	426,369	\$	469,369	104501

Section 419.10. VHP STATE VISION AND HEARING PROFESSIONAL 104503

BOARD 104504

Dedicated Purpose Fund Group 104505

4K90 129609 Operating Expenses	\$	627,824	\$	1,128,095	104506

TOTAL DPF Dedicated Purpose Fund Group	\$	627,824	\$	1,128,095	104507
TOTAL ALL BUDGET FUND GROUPS	\$	627,824	\$	1,128,095	104508
 Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES					104510
General Revenue Fund					104511
GRF 470401 RECLAIM Ohio	\$	157,960,263	\$	161,652,421	104512
GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments	\$	17,782,100	\$	17,346,900	104513
GRF 470510 Youth Services	\$	16,702,728	\$	16,702,728	104514
GRF 472321 Parole Operations	\$	10,595,771	\$	10,750,545	104515
GRF 477321 Administrative Operations	\$	11,574,760	\$	11,894,332	104516
TOTAL GRF General Revenue Fund	\$	214,615,622	\$	218,346,926	104517
Dedicated Purpose Fund Group					104518
1470 470612 Vocational Education	\$	1,690,000	\$	1,463,162	104519
1750 470613 Education Services	\$	3,385,248	\$	3,492,983	104520
4790 470609 Employee Food Service	\$	60,273	\$	44,107	104521
4A20 470602 Child Support	\$	187,998	\$	153,968	104522
4G60 470605 Juvenile Special Revenue - Non-Federal	\$	115,000	\$	115,000	104523
5BN0 470629 E-Rate Program	\$	75,000	\$	75,000	104524
TOTAL DPF Dedicated Purpose Fund Group	\$	5,513,519	\$	5,344,220	104525
Federal Fund Group					104527
3210 470601 Education	\$	947,275	\$	961,519	104528
3210 470603 Juvenile Justice Prevention	\$	2,144,540	\$	2,232,533	104529
3210 470606 Nutrition	\$	930,000	\$	930,000	104530
3210 470614 Title IV-E Reimbursements	\$	5,766,624	\$	5,766,624	104531

3FC0 470642	Federal Juvenile Programs FFY 12	\$	1,000	\$	0	104532
3GB0 470643	Federal Juvenile Programs FFY 13	\$	16,352	\$	200	104533
3V50 470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	104534
TOTAL FED Federal						104535
Fund Group		\$	11,525,791	\$	11,610,876	104536
TOTAL ALL BUDGET FUND GROUPS						104537
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						104538
The foregoing appropriation item 470412, Juvenile						104539
Correctional Facilities Lease Rental Bond Payments, shall be used						104540
to meet all payments during the period from July 1, 2017, through						104541
June 30, 2019, by the Department of Youth Services under the						104542
leases and agreements for facilities made under Chapters 152. and						104543
154. of the Revised Code. This appropriation is the source of						104544
funds pledged for bond service charges on related obligations						104545
issued under Chapters 152. and 154. of the Revised Code.						104546
EDUCATION SERVICES						104547
The foregoing appropriation item 470613, Education Services,						104548
shall be used to fund the operating expenses of providing						104549
educational services to youth supervised by the Department of						104550
Youth Services. Operating expenses include, but are not limited						104551
to, teachers' salaries, maintenance costs, and educational						104552
equipment.						104553
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES						104554
In collaboration with the county family and children first						104555
council, the juvenile court of that county that receives						104556
allocations from one or both of the foregoing appropriation items						104557
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer						104558

portions of those allocations to a flexible funding pool as 104559
authorized by the section of this act titled "FAMILY AND CHILDREN 104560
FIRST FLEXIBLE FUNDING POOL." 104561

Section 503.10. PERSONAL SERVICE EXPENSES 104562

Unless otherwise prohibited by law, any appropriation from 104563
which personal service expenses are paid shall bear the employer's 104564
share of public employees' retirement, workers' compensation, 104565
disabled workers' relief, and insurance programs; and the costs of 104566
centralized financial services, centralized payroll processing, 104567
and related reports and services; centralized human resources 104568
services, including affirmative action and equal employment 104569
opportunity programs; the Office of Collective Bargaining; 104570
centralized information technology management services; 104571
administering the enterprise resource planning system; and 104572
administering the state employee merit system as required by 104573
section 124.07 of the Revised Code. These costs shall be 104574
determined in conformity with the appropriate sections of law and 104575
paid in accordance with procedures specified by the Office of 104576
Budget and Management. Expenditures from appropriation item 104577
070601, Public Audit Expense - Intra-State, may be exempted from 104578
the requirements of this section. 104579

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 104580
AGAINST THE STATE 104581

Except as otherwise provided in this section, an 104582
appropriation in this act or any other act may be used for the 104583
purpose of satisfying judgments, settlements, or administrative 104584
awards ordered or approved by the Court of Claims or by any other 104585
court of competent jurisdiction in connection with civil actions 104586
against the state. This authorization does not apply to 104587
appropriations to be applied to or used for payment of guarantees 104588

by or on behalf of the state, or for payments under lease 104589
agreements relating to, or debt service on, bonds, notes, or other 104590
obligations of the state. Notwithstanding any other statute to the 104591
contrary, this authorization includes appropriations from funds 104592
into which proceeds of direct obligations of the state are 104593
deposited only to the extent that the judgment, settlement, or 104594
administrative award is for, or represents, capital costs for 104595
which the appropriation may otherwise be used and is consistent 104596
with the purpose for which any related obligations were issued or 104597
entered into. Nothing contained in this section is intended to 104598
subject the state to suit in any forum in which it is not 104599
otherwise subject to suit, and is not intended to waive or 104600
compromise any defense or right available to the state in any suit 104601
against it. 104602

Section 503.30. CAPITAL PROJECT SETTLEMENTS 104603

This section specifies an additional and supplemental 104604
procedure to provide for payments of judgments and settlements if 104605
the Director of Budget and Management determines, pursuant to 104606
division (C)(4) of section 2743.19 of the Revised Code, that 104607
sufficient unencumbered moneys do not exist in the fund to support 104608
a particular appropriation to pay the amount of a final judgment 104609
rendered against the state or a state agency, including the 104610
settlement of a claim approved by a court, in an action upon and 104611
arising out of a contractual obligation for the construction or 104612
improvement of a capital facility if the costs under the contract 104613
were payable in whole or in part from a state capital projects 104614
appropriation. In such a case, the Director may either proceed 104615
pursuant to division (C)(4) of section 2743.19 of the Revised Code 104616
or apply to the Controlling Board to increase an appropriation or 104617
create an appropriation out of any unencumbered moneys in the 104618
state treasury to the credit of the capital projects fund from 104619
which the initial state appropriation was made. The amount of an 104620

increase in appropriation or new appropriation approved by the 104621
Controlling Board is hereby appropriated from the applicable 104622
capital projects fund and made available for the payment of the 104623
judgment or settlement. 104624

If the Director does not make the application authorized by 104625
this section or the Controlling Board disapproves the application, 104626
and the Director does not make application under division (C)(4) 104627
of section 2743.19 of the Revised Code, the Director shall for the 104628
purpose of making that payment make a request to the General 104629
Assembly as provided for in division (C)(5) of that section. 104630

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 104631

In order to provide funds for the reissuance of voided 104632
warrants under section 126.37 of the Revised Code, there is hereby 104633
appropriated, out of moneys in the state treasury from the fund 104634
credited as provided in section 126.37 of the Revised Code, that 104635
amount sufficient to pay such warrants when approved by the Office 104636
of Budget and Management. 104637

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 104638
BALANCES OF OPERATING APPROPRIATIONS 104639

(A) Notwithstanding the original year of appropriation or 104640
encumbrance the unexpended balance of an operating appropriation 104641
or reappropriation that a state agency lawfully encumbered prior 104642
to the close of fiscal year 2017 or fiscal year 2018 is hereby 104643
reappropriated on the first day of July of the following fiscal 104644
year from the fund from which it was originally appropriated or 104645
reappropriated for the period of time listed in this section and 104646
shall remain available only for the purpose of discharging the 104647
encumbrance: 104648

(1) For an encumbrance for personal services, maintenance, 104649
equipment, or items for resale not otherwise identified in this 104650

section for a period of not more than five months from the end of 104651
the fiscal year; 104652

(2) For an encumbrance for an item of special order 104653
manufacture not available on state contract or in the open market, 104654
for a period of not more than five months from the end of the 104655
fiscal year or, with the written approval of the Director of 104656
Budget and Management, for a period of not more than twelve months 104657
from the end of the fiscal year; 104658

(3) For an encumbrance for reclamation of land or oil and gas 104659
wells, for a period ending when the encumbered appropriation is 104660
expended provided such period does not extend beyond the FY 2018 - 104661
FY 2019 biennium; 104662

(4) For an encumbrance for any other expense not otherwise 104663
identified in this section, for such period as the Director 104664
approves, provided such period does not extend beyond the FY 2018 104665
- FY 2019 biennium. 104666

(B) Any operating appropriations for which unexpended 104667
balances are reappropriated in fiscal year 2018 or fiscal year 104668
2019 pursuant to division (A)(2) of this section shall be reported 104669
to the Controlling Board by the Director of Budget and Management 104670
by the thirty-first day of December of each year. The report shall 104671
include the item, the cost of the item, and the name of the 104672
vendor. The report shall be updated on a quarterly basis for 104673
encumbrances remaining open. 104674

(C) Upon the expiration of the reappropriation period set out 104675
in division (A) of this section, a reappropriation made by this 104676
section lapses, and the Director of Budget and Management shall 104677
cancel the encumbrance of the unexpended reappropriation not later 104678
than the end of the weekend following the expiration of the 104679
reappropriation period. 104680

(D) If the Controlling Board approved a purchase, that 104681

approval remains in effect so long as the appropriation used to 104682
make that purchase remains encumbered. 104683

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 104684

(A) The Director of Budget and Management may correct 104685
accounting errors committed by the staff of the Office of Budget 104686
and Management, such as reestablishing encumbrances or 104687
appropriations canceled in error, during the cancellation of 104688
operating encumbrances in November and of non-operating 104689
encumbrances in December. 104690

(B) The Director of Budget and Management may at any time 104691
correct accounting errors committed by staff or a state agency or 104692
state institution of higher education, as defined in section 104693
3345.011 of the Revised Code, such as reestablishing prior year 104694
non-operating encumbrances canceled or modified in error. The 104695
reestablished encumbrance amounts are hereby appropriated. 104696

Section 503.70. TEMPORARY REVENUE HOLDING 104697

The Director of Budget and Management may create funds in the 104698
state treasury solely for the purpose of temporarily holding 104699
revenue required to be credited to a fund in the state treasury, 104700
whose disposition is not immediately known at the time of receipt. 104701
Once identified, the Director shall credit the revenue to the 104702
appropriate fund in the state treasury. 104703

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 104704
RE-ESTABLISHMENT OF ENCUMBRANCES 104705

Any cash transferred by the Director of Budget and Management 104706
under section 126.15 of the Revised Code is hereby appropriated. 104707
Any amounts necessary to re-establish appropriations or 104708
encumbrances under section 126.15 of the Revised Code are hereby 104709
appropriated. 104710

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 104711

The Director of Budget and Management may transfer 104712
appropriations between the Third Frontier Research and Development 104713
Fund (Fund 7011) and the Third Frontier Research and Development 104714
Taxable Bond Fund (Fund 7014) as necessary to maintain the 104715
exclusion from the calculation of gross income for federal income 104716
taxation purposes under the "Internal Revenue Code of 1986," 100 104717
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 104718
issued to fund projects appropriated from the Third Frontier 104719
Research and Development Fund (Fund 7011). 104720

The Director may also create new appropriation items within 104721
the Third Frontier Research and Development Taxable Bond Fund 104722
(Fund 7014) and make transfers of appropriations to them for 104723
projects originally funded from appropriations made from the Third 104724
Frontier Research and Development Fund (Fund 7011). 104725

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 104726

There are hereby appropriated out of any moneys in the state 104727
treasury to the credit of the General Revenue Fund, which are not 104728
otherwise appropriated, funds sufficient to make any payment 104729
required by division (B)(2) of section 5747.03 of the Revised 104730
Code. 104731

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 104732
APPROVED BY THE CONTROLLING BOARD 104733

Any money that the Controlling Board approves for expenditure 104734
or any increase in appropriation that the Controlling Board 104735
approves under sections 127.14, 131.35, and 131.39 of the Revised 104736
Code or any other provision of law is hereby appropriated for the 104737
period ending June 30, 2019. 104738

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE 104739
104740

If the Governor's Residence Fund (Fund 4H20) receives payment 104741
for use of the residence pursuant to section 107.40 of the Revised 104742
Code, the amounts so received are hereby appropriated to 104743
appropriation item 100604, Governor's Residence Gift. 104744

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 104745

Unless the agency and nuclear electric utility mutually agree 104746
to a higher amount by contract, the maximum amounts that may be 104747
assessed against nuclear electric utilities under division (B)(2) 104748
of section 4937.05 of the Revised Code and deposited into the 104749
specified funds are as follows: 104750

<u>Fund</u>	<u>User</u>	<u>FY 2018</u>	<u>FY 2019</u>	
Utility	Department of	\$ 125,000	\$ 125,000	104751 104752
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,086,098	\$ 1,086,098	104753
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 298,304	\$ 303,174	104754
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,200,000	\$ 1,200,000	104755

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 104756
104757

Notwithstanding any provision of law to the contrary, the 104758

Director of Budget and Management, through June 30, 2019, may 104759
transfer interest earned by any state fund to the General Revenue 104760
Fund. This section does not apply to funds whose source of revenue 104761
is restricted or protected by the Ohio Constitution, federal tax 104762
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 104763
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 104764

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 104765
FROM NON-GRF FUNDS 104766

Notwithstanding any provision of law to the contrary, the 104767
Director of Budget and Management may transfer up to \$200,000,000 104768
in cash, during the biennium ending June 30, 2019, from 104769
non-General Revenue Funds that are not constitutionally restricted 104770
to the General Revenue Fund. 104771

Section 512.30. RACETRACK RELOCATION FUND 104772

On July 1, 2017, or as soon as possible thereafter, the 104773
Director of Budget and Management shall transfer the cash balance 104774
of the Racetrack Relocation Fund (Fund 5MG0) to the General 104775
Revenue Fund. Upon completion of the transfer, the Racetrack 104776
Relocation Fund is hereby abolished. On and after July 1, 2017, 104777
any payment that is otherwise required to be credited to the 104778
Racetrack Relocation Fund shall be credited to the General Revenue 104779
Fund. 104780

Section 512.40. UNCLAIMED FUND REMITTANCE 104781

Notwithstanding division (A) of section 169.05 of the Revised 104782
Code, during the biennium ending June 30, 2019, the Director of 104783
Budget and Management may request the Director of Commerce to 104784
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 104785
funds that have been reported by holders of unclaimed funds under 104786
section 169.05 of the Revised Code, irrespective of the allocation 104787

of the unclaimed funds under that section. The Director of 104788
Commerce shall remit the funds at the time requested by the 104789
Director of Budget and Management. 104790

Section 512.50. FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING 104791
BALANCE 104792

Notwithstanding divisions (B) and (C) of section 131.44 of 104793
the Revised Code, the Director of Budget and Management shall 104794
determine the surplus General Revenue Fund revenue that existed on 104795
June 30, 2017, in excess of the amount required under division 104796
(A)(3) of section 131.44 of the Revised Code, and allocate that 104797
amount, to the extent of the amount so determined, as follows: 104798

(A) First, the Director of Budget and Management shall 104799
transfer a cash amount of up to \$207,000,000 to the Medicaid Local 104800
Sales Tax Transition Fund; 104801

(B) Second, the Director shall transfer a cash amount of up 104802
to \$273,415 to the Lake Erie Protection Fund. 104803

Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND 104804

Not later than October 20, 2018, the Tax Commissioner shall 104805
calculate the growth in fiscal year 2017 revenue relative to the 104806
prior fiscal year from the sales tax imposed under section 5739.02 104807
of the Revised Code on categories that have been determined to be 104808
related to tourism and certify that amount to the Director of 104809
Budget and Management. On or before the last day of October 2018, 104810
the Director of Budget and Management may transfer from the 104811
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 104812
certified by the Commissioner under this division, except that the 104813
transfer shall not exceed the amount transferred from the General 104814
Revenue Fund to the Tourism Fund in fiscal year 2018. 104815

Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 104816

On October 1, 2017, or as soon as possible thereafter, the
Director of Commerce and the Executive Director of the Board of
Pharmacy shall consult with the Director of Budget and Management
to determine a repayment schedule for the biennium ending June 30,
2019, to fully repay the fiscal year 2017 transfer on behalf of
each agency from the Emergency Purposes/Contingency Fund (Fund
5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0).
Payments made by the Department of Commerce and the Board of
Pharmacy in accordance with this repayment schedule shall be
credited to the General Revenue Fund.

Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund
(Fund 7002), used by the Department of Transportation, a Diesel
Emissions Reduction Grant Program. The Director of Environmental
Protection shall administer the program and shall solicit,
evaluate, score, and select projects submitted by public and
private entities that are eligible for the federal Congestion
Mitigation and Air Quality (CMAQ) Program. The Director of
Transportation shall process Federal Highway
Administration-approved projects as recommended by the Director of
Environmental Protection.

In addition to the allowable expenditures set forth in
section 122.861 of the Revised Code, Diesel Emissions Reduction
Grant Program funds also may be used to fund projects involving
the purchase or use of hybrid and alternative fuel vehicles that
are allowed under guidance developed by the Federal Highway
Administration for the CMAQ Program.

Public entities eligible to receive funds under section
122.861 of the Revised Code and CMAQ shall be reimbursed from
moneys in Fund 7002 designated for the Department of
Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 104848
122.861 of the Revised Code and CMAQ shall be reimbursed at the 104849
direction of the local public agency sponsor and upon approval of 104850
the Department of Transportation, through direct payments. These 104851
reimbursements shall be made from moneys in Fund 7002 designated 104852
for the Department of Transportation's Diesel Emissions Reduction 104853
Grant Program. Total expenditures from Fund 7002 for the Diesel 104854
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 104855
both fiscal year 2018 and fiscal year 2019. 104856

Any allocations under this section represent CMAQ program 104857
moneys within the Department of Transportation for use by the 104858
Diesel Emissions Reduction Grant Program by the Environmental 104859
Protection Agency. These allocations shall not reduce the amount 104860
of such moneys designated for metropolitan planning organizations. 104861

The Director of Environmental Protection, in consultation 104862
with the Director of Transportation, shall develop guidance for 104863
the distribution of funds and for the administration of the Diesel 104864
Emissions Reduction Grant Program. The guidance shall include a 104865
method of prioritization for projects, acceptable technologies, 104866
and procedures for awarding grants. 104867

Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 104868

(A) On July 1, 2017, or as soon as possible thereafter, the 104869
Director of Budget and Management shall transfer the cash balance 104870
from each of the funds as indicated in the table below to the fund 104871
also indicated in the table below. Upon completion of each 104872
transfer and on the effective date of its repeal by this act, 104873
where applicable, the fund from which the cash balance was 104874
transferred is hereby abolished. 104875

User	Transfer from:	Transfer to:	
Agency	Fund	Fund	
Code	Code	Code	Fund Name
			104876
			104877
			104878

AGE	4J40	Passport/Preferred Choices	GRF	General Revenue Fund	104879
AGE	5AA0	Ohio's Best Rx Administration	GRF	General Revenue Fund	104880
AGE	5R50	Ohio Reads/Stars	GRF	General Revenue Fund	104881
AGR	5880	Brand Registration	6520	Animal and Consumer Protection Laboratory Fund	104882
AGR	5CP0	Ohio Agriculture License Scholarship	4900	AGRO Ohio Fund	104883
BOR	3BE0	AEFLA Incentive Grant	GRF	General Revenue Fund	104884
BOR	3T00	Ohio Loan Repayment	GRF	General Revenue Fund	104885
BOR	5FN0	College Access Challenge Grant	GRF	General Revenue Fund	104886
BOR	5HZ0	Distance Learning Clearinghouse	GRF	General Revenue Fund	104887
BOR	HJT0	Health Care Assessment Fee	GRF	General Revenue Fund	104888
BOR	5JV0	Ohio Articulation and Transfer Network	GRF	General Revenue Fund	104889
BOR	5QF0	Student Debt Reduction	GRF	General Revenue Fund	104890
BOR	5SF0	STEM Degree Loan Repayment	GRF	General Revenue Fund	104891
BOR	5X20	STEM and Foreign Language Academy	GRF	General Revenue Fund	104892
COM	7043	Liquor Control	GRF	General Revenue Fund	104893
COM	5450	Savings Institution	5440	Banks	104894
DAS	5RT0	Electronic Pollbook	GRF	General Revenue Fund	104895
DAS	5C30	Minor Construction Project Management	1320	Building Management	104896
DDD	5CT0	Intensive Behavioral Needs	5GE0	Operating and Services	104897
DDD	3M70	Community Alternative	3A40	Medicaid-Medicare	104898

Funding Source					
DDD	3G60	Medicaid Waiver	3A40	Medicaid-Medicare	104899
DEV	5Y60	Economic Development	GRF	General Revenue Fund	104900
Contingency					
DNR	5EN0	Watercraft Law	5EM0	Natural Resources Law	104901
		Enforcement		Enforcement	
DNR	2070	Real Estate	1550	Departmental Projects	104902
DNR	5260	Coal Mining	5290	Mining Regulation and	104903
		Administration and		Safety	
		Reclamation Reserve			
DNR	5270	Surface Mining	5290	Mining Regulation and	104904
				Safety	
DNR	5B30	Mining Regulation	5290	Mining Regulation and	104905
				Safety	
DNR	4J20	Injection Well Review	5110	Geological Mapping	104906
DNR	4M70	Wildfire Suppression	5090	State Forest	104907
EPA	3F50	Nonpoint Source	3BU0	Water Quality	104908
		Pollution Management		Protection	
EPA	3540	Federal Hazardous Waste	3F30	Federally Supported	104909
		Management		Cleanup and Response	
LEC	5D80	Lake Erie Resources	4C00	Lake Erie Protection	104910
MCD	5KW0	Managed Care Performance	GRF	General Revenue Fund	104911
		Payment			
MCD	5U30	Health Care Services	5DL0	Medicaid Support and	104912
		Administration		Recoveries	
MHA	5CH0	Residential State	4750	Statewide Treatment and	104913
		Supplement		Prevention	

(B) On July 1, 2017, or as soon as possible thereafter, the 104914
Director of Budget and Management shall cancel any existing 104915
encumbrances against each appropriation item as indicated in the 104916
table below and reestablish them against the appropriation item 104917
also indicated in the table below. In addition, if any other 104918
existing encumbrances must be cancelled and reestablished to 104919

properly close out the funds identified in division (A) of this	104920
section, the Director is hereby authorized to carry out those	104921
necessary transactions. These amounts are hereby appropriated.	104922
Cancel existing encumbrances	Reestablish encumbrances
against:	against:
Fund	Fund
Code Appropriation Item	Code Appropriation Item
5CT0 653607 - Intensive Behavioral Needs	5GE0 653606 - ICF/IID and Waiver Match
3M70 653650 - CAFS Medicaid	3A40 653605 - DC and Residential Facilities Services and Support
3G60 653639 - Medicaid Waiver Program Support	3A40 653605 - DC and Residential Facilities Services and Support
2070 725690 - Real Estate Services	1550 725601 - Departmental Projects
5EN0 725614 - Watercraft Law Enforcement	5EM0 725613 - Natural Resources Law Enforcement
4J20 725628 - Injection Well Review	5110 725646 - Ohio Geological Mapping
5260 725610 - Strip Mining Administration Fee	5290 725639 - Mining Regulation and Safety
5270 725637 - Surface Mining Administration	5290 725639 - Mining Regulation and Safety
5B30 725674 - Mining Reclamation	5290 725639 - Mining Regulation and Safety
4M70 725686 - Wildfire Suppression	5090 725602 - State Forest
3F50 715641 - Nonpoint Source Pollution Management	3F30 715632 - Federally Supported Cleanup and Response
3540 715614 - Hazardous Waste	3F30 715632 - Federally

Management - Federal			Supported Cleanup and Response	
5D80	780602 - Lake Erie Resources	4C00	780601 - Lake Erie Protection	104938
5KW0	651612 - Managed Care Performance Payments	GRF	651525 - Medicaid/Health Care Services	104939
5U30	651654 - Medicaid Program Support	5DL0	651685 - Medicaid Recoveries - Program Support	104940
(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).				104941 104942 104943 104944
(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).				104945 104946 104947 104948
(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).				104949 104950 104951
(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their repeal by this act: the Water Resources Council Fund (Fund 4X80).				104952 104953 104954
Section 512.100. CASH TRANSFER FROM THE SMALL BUSINESS ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND				104955 104956
On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,500,000 cash from the Small Business Assistance Fund (Fund 5A00) used by the Air Quality Development Authority to the Title V Clean Air Fund (Fund 4T30) used by the Environmental Protection Agency.				104957 104958 104959 104960 104961

Section 512.120. CASH TRANSFER FROM SAVINGS INSTITUTION FUND 104962

On the effective date of section 1121.30 of the Revised Code, 104963
as amended by this act, or as soon as possible thereafter, the 104964
Director of Budget and Management, upon the written request of the 104965
Director of the Department of Commerce, may transfer the cash 104966
balance in the Savings Institution Fund (Fund 5450) to the Banks 104967
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 104968
hereby abolished. 104969

Section 515.10. (A) On the effective date of this section, 104970
the Ohio School Facilities Commission is hereby abolished and all 104971
of its functions, assets, and liabilities are transferred to the 104972
Ohio Facilities Construction Commission. The Ohio Facilities 104973
Construction Commission is successor to, assumes the power and 104974
obligations and authority of, and otherwise constitutes the 104975
continuation of the Ohio School Facilities Commission as if 104976
completed by the Ohio School Facilities Commission. Whenever the 104977
Ohio School Facilities Commission is referred to in any law, 104978
contract, or other document, the reference shall be deemed to 104979
refer to the Ohio Facilities Construction Commission. 104980

(B) Any business commenced but not completed by the Ohio 104981
School Facilities Commission shall be completed by the Ohio 104982
Facilities Construction Commission in the same manner and with the 104983
same effect as if completed by the Ohio School Facilities 104984
Commission. No validation, cure, right, privilege, remedy, 104985
obligation, or liability is lost or impaired by reason of the 104986
transfer and shall be recognized, administered, performed, or 104987
enforced by the Ohio Facilities Construction Commission. All 104988
rules, orders, resolutions, and determinations of the Ohio School 104989
Facilities Commission continue in effect as rules, orders, 104990
resolutions, and determinations of the Ohio Facilities 104991
Construction Commission until modified or rescinded by the Ohio 104992

Facilities Construction Commission. If necessary to ensure the integrity of the numbering system of the Ohio Administrative Code, the Director of the Legislative Service Commission shall renumber the Ohio School Facilities Commission's rules to reflect their transfer to the Ohio Facilities Construction Commission.

(C) No judicial or administrative action or proceeding to which the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission is a party that is pending on the effective date of this section, or on such later date as may be established by an authorized officer of the Ohio Facilities Construction Commission, is affected by the abolishment. Any such action or proceeding shall be prosecuted or defended in the name of the Ohio Facilities Construction Commission. On application to the court or agency, the Ohio Facilities Construction Commission or an authorized officer of the Ohio Facilities Construction Commission may be substituted for the Ohio School Facilities Commission or an authorized officer of the Ohio School Facilities Commission as a party to the action or proceeding.

(D) Notwithstanding any provision of the law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the abolishment, if any, including administrative organization, program transfers, the renaming of funds, the creation of new funds, the transfer of state funds, and the consolidation of funds as authorized by this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2018 and 2019 in the appropriate fund and appropriation items for the same purpose and for payment to the same vendor. The established encumbrances are hereby appropriated.

(E) All records, documents, files, equipment, assets, and

other materials of the Ohio School Facilities Commission are 105025
transferred to the Ohio Facilities Construction Commission. 105026

Section 515.20. (A) On January 21, 2018, the Manufactured 105027
Homes Commission is abolished. The Department of Commerce is 105028
successor to, assumes the obligations, and assumes the authority 105029
of the Manufactured Homes Commission. Any business commenced but 105030
not completed by the Manufactured Homes Commission on that date 105031
shall be completed by the Department of Commerce. Any validation, 105032
right, cure, privilege, remedy, obligation, or liability is not 105033
lost or impaired solely by this abolishment and shall be 105034
administered by the Department of Commerce. Any action or 105035
proceeding pending on the effective date of this section is not 105036
affected by the abolishment of the Commission and shall be 105037
prosecuted or defended in the name of the Department. In all such 105038
actions and proceedings, the Department may be substituted as a 105039
party upon application to the court or other tribunal. 105040

(B) Whenever the Manufactured Homes Commission is referred to 105041
in any law, contract, or other document, the reference shall be 105042
deemed to refer to the Department of Commerce or the Director of 105043
Commerce, whichever is appropriate in context. 105044

(C) The Department of Commerce shall designate the positions 105045
and employees of the Manufactured Homes Commission, if any, to be 105046
transferred to the Department, along with any equipment assigned 105047
to those positions and employees. Any employee transferred to the 105048
Department retains the employee's respective classification, 105049
however the Department may reassign and reclassify the employee's 105050
position and compensation as the Department determines to be in 105051
the best interest of administration. 105052

(D) Notwithstanding section 145.297 of the Revised Code, the 105053
Department of Commerce may, at the Department's discretion and 105054
with approval from the Office of Budget and Management, establish 105055

a retirement incentive plan for eligible employees of the 105056
Manufactured Homes Commission who are members of the Public 105057
Employees Retirement System. Any retirement incentive plan 105058
established pursuant to this section shall remain in effect until 105059
January 20, 2018. 105060

(E) On January 21, 2018, all equipment, assets, supplies, 105061
records, and other property of the Manufactured Homes Commission 105062
are transferred to the Department of Commerce. 105063

(F) All rules, orders, and determinations made or undertaken 105064
by the Manufactured Homes Commission shall continue in effect as 105065
the rules, orders, and determinations of the Department of 105066
Commerce until modified, rescinded, or replaced. If necessary to 105067
ensure the integrity of the administrative code, the Director of 105068
the Legislative Service Commission shall renumber the rules 105069
relating to the Manufactured Homes Commission to reflect its 105070
abolishment pursuant to this section and the transfer of duties to 105071
the Department of Commerce pursuant to this act. Within one 105072
hundred eighty days after the effective date of this section, the 105073
Department of Commerce shall submit proposed rules to the Joint 105074
Committee on Agency Rule Review addressing fees and fines 105075
previously assessed by the Manufactured Homes Commission pursuant 105076
to Chapter 4781. of the Revised Code and, where reasonably 105077
possible, shall reduce the amount and frequency of collection and 105078
assessment. 105079

Section 515.21. MANUFACTURED HOMES COMMISSION TRANSFER TO 105080
DEPARTMENT OF COMMERCE 105081

On January 21, 2018, or as soon as possible thereafter, in 105082
accordance with Section 515.20 of this act, the Director of Budget 105083
and Management shall transfer the cash balance in the Manufactured 105084
Homes Commission Regulatory Fund (Fund 5MC0) used by the 105085
Manufactured Homes Commission to the Industrial Compliance 105086

Operating Fund (Fund 5560) used by the Department of Commerce. 105087
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 105088
The Director of Budget and Management shall cancel any existing 105089
encumbrances against appropriation item 996610, Manufactured Homes 105090
Regulation, and reestablish them against appropriation item 105091
800615, Industrial Compliance. The reestablished amounts are 105092
hereby appropriated. Any business commenced but not completed 105093
under appropriation item 996610, Manufactured Homes Regulation, 105094
shall be completed under appropriation item 800615, Industrial 105095
Compliance. 105096

On or before March 21, 2018, the Director of the Department 105097
of Commerce shall certify to the Director of Budget and Management 105098
an amount of cash in the Occupational Licensing Regulatory Fund 105099
(Fund 4K90) representing the amount of remaining receipts 105100
deposited into the fund by reducing the revenue deposited to the 105101
fund by the Manufactured Homes Commission from the expenditures 105102
charged to the fund by the Manufactured Homes Commission. The 105103
Director of Budget and Management may transfer up to the amount 105104
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 105105
The Director of Budget and Management shall cancel any existing 105106
encumbrances against appropriation item 996609, Manufactured Homes 105107
Operating Expenses, and reestablish them against appropriation 105108
item 800649, Manufactured Homes Regulation. The reestablished 105109
amounts are hereby appropriated. Any business commenced but not 105110
completed under appropriation item 996609, Manufactured Homes 105111
Operating Expenses, shall be completed under appropriation item 105112
800649, Manufactured Homes Regulation. Upon written request of the 105113
Director of Commerce, the Director of Budget and Management may 105114
transfer up to \$200,000 in cash from the Industrial Compliance 105115
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 105116
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 105117
regulatory and licensing functions required under Chapter 4781. of 105118
the Revised Code. 105119

Notwithstanding any provision of law to the contrary, on and 105120
after January 21, 2018, the Director of Budget and Management may 105121
make budget changes necessary by Section 515.20 of this act, if 105122
any, including administrative reorganization or program transfers. 105123
If it is determined by the Director of Commerce that additional 105124
appropriation is necessary in appropriation item 800615, 105125
Industrial Compliance, or appropriation item 800649, Manufactured 105126
Homes Regulation, to carry out the regulatory and licensing 105127
functions required by the amendments to Chapter 4781 of the 105128
Revised Code as enacted herein, the Director of Commerce shall 105129
certify the amount of additional appropriation needed to the 105130
Director of Budget and Management. Upon the approval of the 105131
Director of Budget and Management, amounts up to those certified 105132
by the Director of Commerce are hereby appropriated. 105133

Section 515.30. (A) Effective January 21, 2018, the Chemical 105134
Dependency Professionals Board, the Counselor, Social Worker, and 105135
Marriage and Family Therapist Board, and the State Board of 105136
Psychology are abolished. 105137

(B) Any business commenced but not completed by January 21, 105138
2018, by the Chemical Dependency Professionals Board, the 105139
Counselor, Social Worker, and Marriage and Family Therapist Board, 105140
and the State Board of Psychology or by the executive directors of 105141
those boards shall be completed by the State Behavioral Health and 105142
Social Work Board or the Executive Director of the State 105143
Behavioral Health and Social Work Board in the same manner, and 105144
with the same effect, as if completed by the Chemical Dependency 105145
Professionals Board, the Counselor, Social Worker, and Marriage 105146
and Family Therapist Board, and the State Board of Psychology, or 105147
by the executive directors of those boards. 105148

(C) All rules, orders, and determinations of the Chemical 105149
Dependency Professionals Board, the Counselor, Social Worker, and 105150

Marriage and Family Therapist Board, and the State Board of 105151
Psychology, or by the executive directors of those boards shall 105152
continue in effect as rules, orders, and determinations of the 105153
State Behavioral Health and Social Work Board until modified or 105154
rescinded by the State Behavioral Health and Social Work Board. If 105155
necessary to ensure the integrity of the numbering of the 105156
Administrative Code, the Director of the Legislative Service 105157
Commission shall renumber any rule to reflect its transfer to the 105158
State Behavioral Health and Social Work Board. 105159

Any licenses, certificates, permits, registrations, or 105160
endorsements issued before January 21, 2018, by the Chemical 105161
Dependency Professionals Board, the Counselor, Social Worker, and 105162
Marriage and Family Therapist Board, and the State Board of 105163
Psychology shall continue in effect as if issued by the State 105164
Behavioral Health and Social Work Board. 105165

(D) Effective January 21, 2018, whenever the term "Chemical 105166
Dependency Professionals Board," "Counselor, Social Worker, and 105167
Marriage and Family Therapist Board," or "State Board of 105168
Psychology" is used in any statute, rule, contract, or other 105169
document, the use shall be construed to mean the "State Behavioral 105170
Health Professionals Board." 105171

Whenever the Executive Director of the "Chemical Dependency 105172
Professionals Board," "Counselor, Social Worker, and Marriage and 105173
Family Therapist Board," or "State Board of Psychology" is used in 105174
any statute, rule, contract, or other document, the use shall be 105175
construed to mean the Executive Director of the State Behavioral 105176
Health Professionals Board. 105177

(E)(1) Subject to the lay-off provisions of sections 124.321 105178
to 124.382 of the Revised Code, all employees of the Chemical 105179
Dependency Professionals Board, the Counselor, Social Worker, and 105180
Marriage and Family Therapist Board, and the State Board of 105181
Psychology are transferred to the State Behavioral Health and 105182

Social Work Board. The employees shall retain their positions and 105183
benefits. 105184

(2) During the period beginning January 21, 2018, and ending 105185
June 30, 2019, the Executive Director of the State Behavioral 105186
Health and Social Work Board may establish, change, and abolish 105187
positions on the Board and assign, reassign, classify, reclassify, 105188
transfer, reduce, promote, or demote all employees of the Board 105189
who are not subject to Chapter 4117. of the Revised Code. 105190

(3) The authority granted to the Executive Director of the 105191
Board under division (E)(2) of this section includes assigning or 105192
reassigning an exempt employee, as defined in section 124.152 of 105193
the Revised Code, to a bargaining unit classification that the 105194
Executive Director determines is the proper classification for 105195
that employee. If an employee in the E-1 pay range is to be 105196
assigned, reassigned, classified, reclassified, transferred, 105197
reduced, or demoted to a position in a lower classification during 105198
the period specified in this section, the Executive Director, or 105199
in the case of a transfer to a position outside the Board, the 105200
Director of Administrative Services, shall assign the employee to 105201
the appropriate classification and place the employee in Step X. 105202
The employee shall not receive any increase in compensation until 105203
the maximum rate of pay for that classification exceeds the 105204
employee's compensation. 105205

(4) Actions taken by the Executive Director pursuant to 105206
division (E) of this section are not subject to appeal to the 105207
State Personnel Board of Review. 105208

(F) Notwithstanding section 145.297 of the Revised Code, the 105209
Chemical Dependency Professionals Board, the Counselor, Social 105210
Worker, and Marriage and Family Therapist Board, and the State 105211
Board of Psychology may, at that board's discretion and with 105212
approval from the Office of Budget and Management, establish a 105213
retirement incentive plan for eligible employees of those boards 105214

who are members of the Public Employees Retirement System. Any 105215
retirement incentive plan established pursuant to this section 105216
shall remain in effect until January 20, 2018. 105217

(G) No validation, cure, right, privilege, remedy, 105218
obligation, or liability is lost or impaired by reason of the 105219
transfer required by this section and shall be administered by the 105220
State Behavioral Health and Social Work Board. No action or 105221
proceeding pending on the effective date of this act is affected 105222
by the transfer, and shall be prosecuted or defended in the name 105223
of the State Behavioral Health and Social Work Board or the 105224
Board's Executive Director, as appropriate. In all such actions 105225
and proceedings, the State Behavioral Health and Social Work Board 105226
or the Board's Executive Director shall be substituted as a party. 105227

(H) Effective January 21, 2018, all records, documents, 105228
files, equipment, assets, and other materials of the Chemical 105229
Dependency Professionals Board, the Counselor, Social Worker, and 105230
Marriage and Family Therapist Board, and the State Board of 105231
Psychology are transferred to the State Behavioral Health and 105232
Social Work Board. 105233

Section 515.31. (A) Effective January 21, 2018, the Ohio 105234
Board of Dietetics is abolished. 105235

(B) Any business commenced but not completed by January 21, 105236
2018, by the Ohio Board of Dietetics, or by the Executive 105237
Secretary of the Board, shall be completed by the State Medical 105238
Board or the Executive Director of the State Medical Board in the 105239
same manner, and with the same effect, as if completed by the Ohio 105240
Board of Dietetics, or by the Executive Secretary of the Board. 105241

(C) All rules, orders, and determinations of the Ohio Board 105242
of Dietetics, or by the Executive Secretary of the Board shall 105243
continue in effect as rules, orders, and determinations of the 105244
State Medical Board until modified or rescinded by the State 105245

Medical Board. If necessary to ensure the integrity of the 105246
numbering of the Administrative Code, the Director of the 105247
Legislative Service Commission shall renumber any rule to reflect 105248
its transfer to the State Medical Board. 105249

Any licenses, certificates, permits, registrations, or 105250
endorsements issued before January 21, 2018, by the Ohio Board of 105251
Dietetics shall continue in effect as if issued by the State 105252
Medical Board. 105253

(D) Effective January 21, 2018, whenever the term "Ohio Board 105254
of Dietetics" is used in any statute, rule, contract, or other 105255
document, the use shall be construed to mean the "State Medical 105256
Board." 105257

Whenever the Executive Secretary of the Ohio Board of 105258
Dietetics is used in any statute, rule, contract, or other 105259
document, the use shall be construed to mean the Executive 105260
Director of the State Medical Board. 105261

(E)(1) Subject to the lay-off provisions of sections 124.321 105262
to 124.382 of the Revised Code, all employees of the Ohio Board of 105263
Dietetics are transferred to the State Medical Board. The 105264
employees shall retain their positions and benefits. 105265

(2) During the period beginning January 21, 2018, and ending 105266
June 30, 2019, the Executive Director of the State Medical Board 105267
may establish, change, and abolish positions on the Board and 105268
assign, reassign, classify, reclassify, transfer, reduce, promote, 105269
or demote all employees transferred to the Board under this 105270
section who are not subject to Chapter 4117. of the Revised Code. 105271

(3) The authority granted to the Executive Director of the 105272
Board under division (E)(2) of this section includes assigning or 105273
reassigning an exempt employee, as defined in section 124.152 of 105274
the Revised Code, to a bargaining unit classification that the 105275
Executive Director determines is the proper classification for 105276

that employee. If an employee in the E-1 pay range is to be 105277
assigned, reassigned, classified, reclassified, transferred, 105278
reduced, or demoted to a position in a lower classification during 105279
the period specified in this section, the Executive Director, or 105280
in the case of a transfer to a position outside the Board, the 105281
Director of Administrative Services, shall assign the employee to 105282
the appropriate classification and place the employee in Step X. 105283
The employee shall not receive any increase in compensation until 105284
the maximum rate of pay for that classification exceeds the 105285
employee's compensation. 105286

(4) Actions taken by the Executive Director pursuant to 105287
division (E) of this section are not subject to appeal to the 105288
State Personnel Board of Review. 105289

(F) Notwithstanding section 145.297 of the Revised Code, the 105290
Ohio Board of Dietetics may, at that Board's discretion and with 105291
approval from the Office of Budget and Management, establish a 105292
retirement incentive plan for eligible employees of the Board who 105293
are members of the Public Employees Retirement System. Any 105294
retirement incentive plan established pursuant to this section 105295
shall remain in effect until January 20, 2018. 105296

(G) No validation, cure, right, privilege, remedy, 105297
obligation, or liability is lost or impaired by reason of the 105298
transfer required by this section and shall be administered by the 105299
State Medical Board. No action or proceeding pending on the 105300
effective date of this act is affected by the transfer, and shall 105301
be prosecuted or defended in the name of the State Medical Board 105302
or the Board's Executive Director, as appropriate. In all such 105303
actions and proceedings, the State Medical Board or the Board's 105304
Executive Director shall be substituted as a party. 105305

(H) Effective January 21, 2018, all records, documents, 105306
files, equipment, assets, and other materials of the Ohio Board of 105307
Dietetics are transferred to the State Medical Board. 105308

Section 515.32. (A) Effective January 21, 2018, the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers
Board and the State Board of Orthotics, Prosthetics, and
Pedorthics are abolished.

(B) Any business commenced but not completed by January 21,
2018, by the Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board and the State Board of Orthotics,
Prosthetics, and Pedorthics, or by the executive directors of
those boards shall be completed by the State Physical Health
Services Board or the Executive Director of the State Physical
Health Services Board in the same manner, and with the same
effect, as if completed by the Ohio Occupational Therapy, Physical
Therapy, and Athletic Trainers Board or the State Board of
Orthotics, Prosthetics, and Pedorthics, or by the executive
directors of those boards.

(C) All rules, orders, and determinations of the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers
Board and the State Board of Orthotics, Prosthetics, and
Pedorthics, or by the executive directors of those boards continue
in effect as rules, orders, and determinations of the State
Physical Health Services Board until modified or rescinded by the
State Physical Health Services Board. If necessary to ensure the
integrity of the numbering of the Administrative Code, the
Director of the Legislative Service Commission shall renumber any
rule to reflect its transfer to the State Physical Health Services
Board.

Any licenses, certificates, permits, registrations, or
endorsements issued before January 21, 2018, by the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers
Board or the State Board of Orthotics, Prosthetics, and Pedorthics
shall continue in effect as if issued by the State Physical Health

Services Board. 105340

(D) Effective January 21, 2018, whenever the term "Ohio 105341
Occupational Therapy, Physical Therapy, and Athletic Trainers 105342
Board" or "State Board of Orthotics, Prosthetics, and Pedorthics" 105343
is used in any statute, rule, contract, or other document, the use 105344
shall be construed to mean the "State Physical Health Services 105345
Board." 105346

Whenever the Executive Director of the "Ohio Occupational 105347
Therapy, Physical Therapy, and Athletic Trainers Board" or "State 105348
Board of Orthotics, Prosthetics, and Pedorthics" is used in any 105349
statute, rule, contract, or other document, the use shall be 105350
construed to mean the Executive Director of the State Physical 105351
Health Services Board. 105352

(E)(1) Subject to the lay-off provisions of sections 124.321 105353
to 124.382 of the Revised Code, all employees of the Ohio 105354
Occupational Therapy, Physical Therapy, and Athletic Trainers 105355
Board and the State Board of Orthotics, Prosthetics, and 105356
Pedorthics are transferred to the State Physical Health Services 105357
Board. The employees shall retain their positions and benefits. 105358

(2) During the period beginning January 21, 2018, and ending 105359
June 30, 2019, the Executive Director of the State Physical Health 105360
Services Board may establish, change, and abolish positions on the 105361
Board and assign, reassign, classify, reclassify, transfer, 105362
reduce, promote, or demote all employees of the Board who are not 105363
subject to Chapter 4117. of the Revised Code. 105364

(3) The authority granted to the Executive Director of the 105365
Board under division (E)(2) of this section includes assigning or 105366
reassigning an exempt employee, as defined in section 124.152 of 105367
the Revised Code, to a bargaining unit classification that the 105368
Executive Director determines is the proper classification for 105369
that employee. If an employee in the E-1 pay range is to be 105370

assigned, reassigned, classified, reclassified, transferred, 105371
reduced, or demoted to a position in a lower classification during 105372
the period specified in this section, the Executive Director, or 105373
in the case of a transfer to a position outside the Board, the 105374
Director of Administrative Services, shall assign the employee to 105375
the appropriate classification and place the employee in Step X. 105376
The employee shall not receive any increase in compensation until 105377
the maximum rate of pay for that classification exceeds the 105378
employee's compensation. 105379

(4) Actions taken by the Executive Director pursuant to 105380
division (E) of this section are not subject to appeal to the 105381
State Personnel Board of Review. 105382

(F) Notwithstanding section 145.297 of the Revised Code, the 105383
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 105384
Board and the State Board of Orthotics, Prosthetics, and 105385
Podiatric Medicine may, at that board's discretion and with approval from 105386
the Office of Budget and Management, establish a retirement 105387
incentive plan for eligible employees of those boards who are 105388
members of the Public Employees Retirement System. Any retirement 105389
incentive plan established pursuant to this section shall remain 105390
in effect until January 20, 2018. 105391

(G) No validation, cure, right, privilege, remedy, 105392
obligation, or liability is lost or impaired by reason of the 105393
transfer required by this section and shall be administered by the 105394
State Physical Health Services Board. No action or proceeding 105395
pending on the effective date of this act is affected by the 105396
transfer, and shall be prosecuted or defended in the name of the 105397
State Physical Health Services Board or the Board's Executive 105398
Director, as appropriate. In all such actions and proceedings, the 105399
State Physical Health Services Board or the Board's Executive 105400
Director shall be substituted as a party. 105401

(H) Effective January 21, 2018, all records, documents, 105402

files, equipment, assets, and other materials of the Ohio 105403
Occupational Therapy, Physical Therapy, and Athletic Trainers 105404
Board and the State Board of Orthotics, Prosthetics, and 105405
Pedorthics are transferred to the State Physical Health Services 105406
Board. 105407

Section 515.33. (A) Effective January 21, 2018, the State 105408
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105409
Aid Dealers and Fitters Licensing Board, and the Board of 105410
Speech-Language Pathology and Audiology are abolished. 105411

(B) Any business commenced but not completed by January 21, 105412
2018, by the State Board of Optometry, the Ohio Optical Dispensers 105413
Board, the Hearing Aid Dealers and Fitters Licensing Board, and 105414
the Board of Speech-Language Pathology and Audiology or by the 105415
executive directors, executive secretary-treasurer, or secretary 105416
of those boards, as applicable, shall be completed by the State 105417
Vision and Hearing Professionals Board or the Executive Director 105418
of the State Vision and Hearing Professionals Board in the same 105419
manner, and with the same effect, as if completed by the State 105420
Board of Optometry, the Ohio Optical Dispensers Board, the Hearing 105421
Aid Dealers and Fitters Licensing Board, or the Board of 105422
Speech-Language Pathology and Audiology or by the executive 105423
directors, executive secretary-treasurer, or secretary of those 105424
boards, as applicable. 105425

(C) All rules, orders, and determinations of the State Board 105426
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105427
Dealers and Fitters Licensing Board, and the Board of 105428
Speech-Language Pathology and Audiology or by the executive 105429
directors, executive secretary-treasurer, or secretary of those 105430
boards, as applicable, shall continue in effect as rules, orders, 105431
and determinations of the State Vision and Hearing Professionals 105432
Board until modified or rescinded by the State Vision and Hearing 105433

Professionals Board. If necessary to ensure the integrity of the 105434
numbering of the Administrative Code, the Director of the 105435
Legislative Service Commission shall renumber any rule to reflect 105436
its transfer to the State Vision and Hearing Professionals Board. 105437

Any licenses, certificates, permits, registrations, or 105438
endorsements issued before January 21, 2018, by the State Board of 105439
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105440
Dealers and Fitters Licensing Board, or the Board of 105441
Speech-Language Pathology and Audiology shall continue in effect 105442
as if issued by the State Vision and Hearing Professionals Board. 105443

(D) Effective January 21, 2018, whenever the term "State 105444
Board of Optometry," "Ohio Optical Dispensers Board," "Hearing Aid 105445
Dealers and Fitters Licensing Board," or "Board of Speech-Language 105446
Pathology and Audiology" is used in any statute, rule, contract, 105447
or other document, the use shall be construed to mean the "State 105448
Vision and Hearing Professionals Board." 105449

Whenever the term "Executive Director of the State Board of 105450
Optometry," "Executive Secretary-Treasurer of the Ohio Optical 105451
Dispensers Board," "Secretary of the Hearing Aid Dealers and 105452
Fitters Licensing Board," or "Executive Director of the Board of 105453
Speech-Language Pathology and Audiology" is used in a statute, 105454
rule, contract, or other document, the use shall be construed to 105455
mean the Executive Director of the State Vision and Hearing 105456
Professionals Board. 105457

(E)(1) Subject to the lay-off provisions of sections 124.321 105458
to 124.382 of the Revised Code, all employees of the State Board 105459
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105460
Dealers and Fitters Licensing Board, and the Board of 105461
Speech-Language Pathology and Audiology are transferred to the 105462
State Vision and Hearing Professionals Board. The employees shall 105463
retain their positions and benefits. 105464

(2) During the period beginning January 21, 2018, and ending 105465
June 30, 2019, the Executive Director of the State Vision and 105466
Hearing Professionals Board may establish, change, and abolish 105467
positions on the Board and assign, reassign, classify, reclassify, 105468
transfer, reduce, promote, or demote all employees of the Board 105469
who are not subject to Chapter 4117. of the Revised Code. 105470

(3) The authority granted to the Executive Director of the 105471
Board under division (E)(2) of this section includes assigning or 105472
reassigning an exempt employee, as defined in section 124.152 of 105473
the Revised Code, to a bargaining unit classification that the 105474
Executive Director determines is the proper classification for 105475
that employee. If an employee in the E-1 pay range is to be 105476
assigned, reassigned, classified, reclassified, transferred, 105477
reduced, or demoted to a position in a lower classification during 105478
the period specified in this section, the Executive Director, or 105479
in the case of a transfer to a position outside the Board, the 105480
Director of Administrative Services, shall assign the employee to 105481
the appropriate classification and place the employee in Step X. 105482
The employee shall not receive any increase in compensation until 105483
the maximum rate of pay for that classification exceeds the 105484
employee's compensation. 105485

(4) Actions taken by the Executive Director pursuant to 105486
division (E) of this section are not subject to appeal to the 105487
State Personnel Board of Review. 105488

(F) Notwithstanding section 145.297 of the Revised Code, the 105489
State Board of Optometry, the Ohio Optical Dispensers Board, the 105490
Hearing Aid Dealers and Fitters Licensing Board, and the Board of 105491
Speech-Language Pathology and Audiology may, at that board's 105492
discretion and with approval from the Office of Budget and 105493
Management, establish a retirement incentive plan for eligible 105494
employees of those boards who are members of the Public Employees 105495
Retirement System. Any retirement incentive plan established 105496

pursuant to this section shall remain in effect until January 20, 105497
2018. 105498

(G) No validation, cure, right, privilege, remedy, 105499
obligation, or liability is lost or impaired by reason of the 105500
transfer required by this section and shall be administered by the 105501
State Vision and Hearing Professionals Board. No action or 105502
proceeding pending on the effective date of this act is affected 105503
by the transfer, and shall be prosecuted or defended in the name 105504
of the State Vision and Hearing Professionals Board or the Board's 105505
Executive Director, as appropriate. In all such actions and 105506
proceedings, the State Vision and Hearing Professionals Board or 105507
the Board's Executive Director shall be substituted as a party. 105508

(H) Effective January 21, 2018, all records, documents, 105509
files, equipment, assets, and other materials of the State Board 105510
of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 105511
Dealers and Fitters Licensing Board, and the Board of 105512
Speech-Language Pathology and Audiology are transferred to the 105513
State Vision and Hearing Professionals Board. 105514

Section 515.34. (A) Effective January 21, 2018, the Ohio 105515
Respiratory Care Board is abolished. 105516

(B) Any business commenced but not completed by January 21, 105517
2018, by the Ohio Respiratory Care Board, or by the Executive 105518
Director of the Board, shall be completed by the State Board of 105519
Pharmacy, with respect to implementing Chapter 4752. of the 105520
Revised Code, and the State Medical Board, with respect to 105521
implementing Chapter 4761. of the Revised Code, or by the 105522
executive directors of those boards in the same manner, and with 105523
the same effect, as if completed by the Ohio Respiratory Care 105524
Board, or by the Executive Director of the Board. 105525

(C) All rules, orders, and determinations of the Ohio 105526
Respiratory Care Board, or by the Executive Director of the Board 105527

shall continue in effect as rules, orders, and determinations of 105528
the State Board of Pharmacy, with respect to implementing Chapter 105529
4752. of the Revised Code, and the State Medical Board, with 105530
respect to implementing Chapter 4761. of the Revised Code, until 105531
modified or rescinded by the State Board of Pharmacy or the State 105532
Medical Board. If necessary to ensure the integrity of the 105533
numbering of the Administrative Code, the Director of the 105534
Legislative Service Commission shall renumber any rule to reflect 105535
its transfer to the State Board of Pharmacy or the State Medical 105536
Board. 105537

Any licenses, certificates, permits, registrations, or 105538
endorsements issued before January 21, 2018, by the Ohio 105539
Respiratory Care Board shall continue in effect as if issued by 105540
the State Board of Pharmacy, with respect to implementing Chapter 105541
4752. of the Revised Code, and the State Medical Board, with 105542
respect to implementing Chapter 4761. of the Revised Code. 105543

(D) Effective January 21, 2018, whenever the term "Ohio 105544
Respiratory Care Board" is used in any statute, rule, contract, or 105545
other document, the use shall be construed to mean the "State 105546
Board of Pharmacy," with respect to implementing Chapter 4752. of 105547
the Revised Code, or the "State Medical Board," with respect to 105548
implementing Chapter 4761. of the Revised Code. 105549

Whenever the Executive Director of the Ohio Respiratory Care 105550
Board is used in any statute, rule, contract, or other document, 105551
the use shall be construed to mean the Executive Director of the 105552
State Board of Pharmacy, with respect to implementing Chapter 105553
4752. of the Revised Code, or the Executive Director of the State 105554
Medical Board, with respect to implementing Chapter 4761. of the 105555
Revised Code. 105556

(E)(1) Subject to the lay-off provisions of sections 124.321 105557
to 124.382 of the Revised Code, all employees of the Ohio 105558
Respiratory Care Board are transferred to the State Board of 105559

Pharmacy, with respect to implementing Chapter 4752. of the 105560
Revised Code, or the State Medical Board, with respect to 105561
implementing Chapter 4761. of the Revised Code. The employees 105562
shall retain their positions and benefits. 105563

(2) During the period beginning January 21, 2018, and ending 105564
June 30, 2019, the executive directors of the State Board of 105565
Pharmacy and the State Medical Board may establish, change, and 105566
abolish positions on those boards and assign, reassign, classify, 105567
reclassify, transfer, reduce, promote, or demote all employees 105568
transferred to those boards under this section who are not subject 105569
to Chapter 4117. of the Revised Code. 105570

(3) The authority granted to the executive directors of the 105571
State Board of Pharmacy and the State Medical Board under division 105572
(E)(2) of this section includes assigning or reassigning an exempt 105573
employee, as defined in section 124.152 of the Revised Code, to a 105574
bargaining unit classification that the executive directors 105575
determine is the proper classification for that employee. If an 105576
employee in the E-1 pay range is to be assigned, reassigned, 105577
classified, reclassified, transferred, reduced, or demoted to a 105578
position in a lower classification during the period specified in 105579
this section, the executive directors, or in the case of a 105580
transfer to a position outside those boards, the Director of 105581
Administrative Services, shall assign the employee to the 105582
appropriate classification and place the employee in Step X. The 105583
employee shall not receive any increase in compensation until the 105584
maximum rate of pay for that classification exceeds the employee's 105585
compensation. 105586

(4) Actions taken by the executive directors pursuant to 105587
division (E) of this section are not subject to appeal to the 105588
State Personnel Board of Review. 105589

(F) Notwithstanding section 145.297 of the Revised Code, the 105590
Ohio Respiratory Care Board may, at the Board's discretion and 105591

with approval from the Office of Budget and Management, establish 105592
a retirement incentive plan for eligible employees of the Board 105593
who are members of the Public Employees Retirement System. Any 105594
retirement incentive plan established pursuant to this section 105595
shall remain in effect until January 20, 2018. 105596

(G) No validation, cure, right, privilege, remedy, 105597
obligation, or liability is lost or impaired by reason of the 105598
transfer required by this section and shall be administered by the 105599
State Board of Pharmacy, with respect to implementing Chapter 105600
4752. of the Revised Code, and the State Medical Board, with 105601
respect to implementing Chapter 4761. of the Revised Code. No 105602
action or proceeding pending on the effective date of this act is 105603
affected by the transfer, and shall be prosecuted or defended in 105604
the name of the State Board of Pharmacy or the State Medical 105605
Board, as applicable, or that board's executive director, as 105606
appropriate. In all such actions and proceedings, the State Board 105607
of Pharmacy or the State Medical Board, as applicable, or that 105608
board's executive director shall be substituted as a party. 105609

(H) Effective January 21, 2018, all records, documents, 105610
files, equipment, assets, and other materials of the Ohio 105611
Respiratory Care Board are transferred to the State Board of 105612
Pharmacy, with respect to implementing Chapter 4752. of the 105613
Revised Code and the State Medical Board, with respect to 105614
implementing Chapter 4761. of the Revised Code. 105615

Section 515.35. Notwithstanding any provision of the law to 105616
the contrary, on or after the effective date of this section, the 105617
Director of Budget and Management shall make any accounting 105618
changes made necessary by the transfers and consolidations 105619
contained in Sections 515.30 to 515.34 of this act. 105620

On or after January 21, 2018, the Director of Budget and 105621
Management may cancel any existing encumbrances of any agency 105622

abolished in Sections 515.30 to 515.34 of this act and reestablish 105623
those encumbrances to a licensing board established in Chapter 105624
4744. of the Revised Code, the State Pharmacy Board, or the State 105625
Medical Board as necessary. The reestablished encumbrance amounts 105626
are hereby appropriated. 105627

Section 515.40. (A) On January 21, 2018, the Barber Board is 105628
abolished. The State Cosmetology and Barber Board is successor to, 105629
assumes the obligations, and authority of the Barber Board. Any 105630
business commenced but not completed by the Barber Board shall be 105631
completed by the State Cosmetology and Barber Board. Any 105632
validation, right, cure, privilege, remedy, obligation, or 105633
liability is not lost or impaired solely by this abolishment and 105634
shall be administered by the State Cosmetology and Barber Board. 105635
Any action or proceeding pending on January 21, 2018, that is not 105636
affected by the abolishment of the Barber Board and shall be 105637
prosecuted or defended in the name of the State Cosmetology and 105638
Barber Board. In all such actions and proceedings, the State 105639
Cosmetology and Barber Board may be substituted as a party upon 105640
application to the court or other tribunal. 105641

(B)(1) Subject to the layoff provisions of sections 124.321 105642
to 124.382 of the Revised Code, on January 21, 2018, all employees 105643
of the Barber Board are transferred to the State Cosmetology and 105644
Barber Board. The employees shall retain their positions and 105645
benefits. 105646

(2) During the period beginning January 21, 2018, and ending 105647
June 30, 2019, the Executive Director of the State Cosmetology and 105648
Barber Board may establish, change, and abolish positions of the 105649
State Cosmetology and Barber Board and assign, reassign, classify, 105650
reclassify, transfer, reduce, promote, or demote all employees of 105651
the Board who are not subject to Chapter 4117. of the Revised 105652
Code. 105653

(3) The authority granted under division (B)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Executive Director determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in division (B)(2) of this section, the Executive Director, or in the case of a transfer outside the Board the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (B) of this section are not subject to appeal to the State Personnel Board of Review.

(C) Notwithstanding section 145.297 of the Revised Code, the Barber Board may at the Board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Barber Board who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(D) On January 21, 2018, all equipment, assets, supplies, records, and other property of the Barber Board is transferred to the State Cosmetology and Barber Board.

(E) All rules, orders, and determinations made or undertaken by the Barber Board shall continue in effect as the rules, orders, and determinations of the State Cosmetology and Barber Board until modified, rescinded, or replaced. If necessary to ensure the

integrity of the Administrative Code, the Director of the 105686
Legislative Service Commission shall renumber the rules relating 105687
to the Barber Board to reflect its abolishment pursuant to this 105688
provision and transfer of duties to the State Cosmetology and 105689
Barber Board pursuant to the provisions contained within this act. 105690
Within one hundred eighty days after the effective date of this 105691
section, the State Cosmetology and Barber Board shall submit 105692
proposed rules to the Joint Committee on Agency Rule Review 105693
addressing fees and fines previously assessed by the Barber Board 105694
pursuant to Chapter 4709. of the Revised Code, and where 105695
reasonably possible, shall reduce the amount and frequency of 105696
collection and assessment. 105697

(F) Any licenses, certificates, permits, registrations, or 105698
endorsements issued before January 21, 2018, by the Barber Board 105699
shall continue in effect as if issued by the State Cosmetology and 105700
Barber Board. 105701

(G) On or after January 21, 2018, notwithstanding any 105702
provision of law to the contrary, the Director of Budget and 105703
Management may make budget changes made necessary by this section, 105704
including cancelling encumbrances of the Barber Board and 105705
reestablishing them as encumbrances of the State Cosmetology and 105706
Barber Board. Any reestablished encumbrances are hereby 105707
appropriated. 105708

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 105709

Certain appropriations are in this act for the purpose of 105710
paying debt service and financing costs on general obligation 105711
bonds or notes of the state issued pursuant to the Ohio 105712
Constitution and acts of the General Assembly. If it is determined 105713
that additional appropriations are necessary for this purpose, 105714
such amounts are hereby appropriated. 105715

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 105716

Certain appropriations are in this act for the purpose of 105717
making lease rental payments pursuant to leases and agreements 105718
relating to bonds or notes issued by the Treasurer of State, or 105719
previously by the Ohio Building Authority, pursuant to the Ohio 105720
Constitution and acts of the General Assembly. If it is determined 105721
that additional appropriations are necessary for this purpose, 105722
such amounts are hereby appropriated. 105723

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 105724
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 105725

The Office of Budget and Management shall process payments 105726
from general obligation and lease rental payment appropriation 105727
items during the period from July 1, 2017, through June 30, 2019, 105728
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 105729
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 105730
and Chapters 151., 152., and 154. of the Revised Code. Payments 105731
shall be made upon certification by the Treasurer of State of the 105732
dates and the amounts due on those dates. 105733

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 105734

If it is determined that a payment is necessary in the amount 105735
computed at the time to represent the portion of investment income 105736
to be rebated or amounts in lieu of or in addition to any rebate 105737
amount to be paid to the federal government in order to maintain 105738
the exclusion from gross income for federal income tax purposes of 105739
interest on those state obligations under section 148(f) of the 105740
Internal Revenue Code, such an amount is hereby appropriated from 105741
those funds designated by or pursuant to the applicable 105742
proceedings authorizing the issuance of state obligations. 105743

Payments for this purpose shall be approved and vouchered by 105744

the Office of Budget and Management. 105745

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 105746

Whenever the Director of Budget and Management determines 105747
that an appropriation made to a state agency from a fund of the 105748
state is insufficient to provide for the recovery of statewide 105749
indirect costs under section 126.12 of the Revised Code, the 105750
amount required for such purpose is hereby appropriated from the 105751
available receipts of such fund. 105752

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 105753
COST ALLOCATION PLAN 105754

The total transfers made from the General Revenue Fund by the 105755
Director of Budget and Management under this section shall not 105756
exceed the amounts transferred into the General Revenue Fund under 105757
section 126.12 of the Revised Code. 105758

The director of an agency may certify to the Director of 105759
Budget and Management the amount of expenses not allowed to be 105760
included in the Statewide Indirect Cost Allocation Plan under 105761
federal regulations, from any fund included in the Statewide 105762
Indirect Cost Allocation Plan, prepared as required by section 105763
126.12 of the Revised Code. 105764

Upon determining that no alternative source of funding is 105765
available to pay for such expenses, the Director of Budget and 105766
Management may transfer cash from the General Revenue Fund into 105767
the fund for which the certification is made, up to the amount of 105768
the certification. The director of the agency receiving such funds 105769
shall include, as part of the next budget submission prepared 105770
under section 126.02 of the Revised Code, a request for funding 105771
for such activities from an alternative source such that further 105772
federal disallowances would not be required. 105773

The director of an agency may certify to the Director of 105774

Budget and Management the amount of expenses paid in error from a 105775
fund included in the Statewide Indirect Cost Allocation Plan. The 105776
Director of Budget and Management may transfer cash from the fund 105777
from which the expenditure should have been made into the fund 105778
from which the expenses were erroneously paid, up to the amount of 105779
the certification. 105780

The director of an agency may certify to the Director of 105781
Budget and Management the amount of expenses or revenues not 105782
allowed to be included in the Statewide Indirect Cost Allocation 105783
Plan under federal regulations, for any fund included in the 105784
Statewide Indirect Cost Allocation Plan, for which the federal 105785
government requires payment. If the Director of Budget and 105786
Management determines that an appropriation made to a state agency 105787
from a fund of the state is insufficient to pay the amount 105788
required by the federal government, the amount required for such 105789
purpose is hereby appropriated from the available receipts of such 105790
fund, up to the amount of the certification. 105791

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 105792

Notwithstanding any provision of law to the contrary, on or 105793
before the first day of September of each fiscal year, the 105794
Director of Budget and Management, in order to reduce the payment 105795
of adjustments to the federal government, as determined by the 105796
plan prepared under division (A) of section 126.12 of the Revised 105797
Code, may designate such funds as the Director considers necessary 105798
to retain their own interest earnings. 105799

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 105800

Pursuant to the plan for compliance with the Federal Cash 105801
Management Improvement Act required by section 131.36 of the 105802
Revised Code, the Director of Budget and Management may cancel and 105803
re-establish all or part of encumbrances in like amounts within 105804

the funds identified by the plan. The amounts necessary to 105805
re-establish all or part of encumbrances are hereby appropriated. 105806

Section 610.10. That Section 369.540 of Am. Sub. H.B. 64 of 105807
the 131st General Assembly be amended and that Section 369.540 of 105808
Am. Sub. H.B. 64 of the 131st General Assembly be amended to 105809
codify it as section 3333.95 of the Revised Code to read as 105810
follows: 105811

Sec. ~~369.540~~ 3333.95. EFFICIENCY ADVISORY COMMITTEE 105812

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 105813
education shall maintain an efficiency advisory committee for the 105814
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 105815
reports for campuses, identifying shared services opportunities, 105816
streamlining administrative operations, and sharing best practices 105817
in efficiencies among public institutions of higher education. The 105818
committee shall meet at the call of the ~~Chancellor~~ chancellor or 105819
the ~~Chancellor's~~ chancellor's designee. Each state institution of 105820
higher education shall designate an employee to serve as its 105821
efficiency officer responsible for the evaluation and improvement 105822
of operational efficiencies on campus. Each efficiency officer 105823
shall serve on the efficiency advisory committee. 105824

By the thirty-first day of December ~~31~~ of each year, the 105825
~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall 105826
provide a report to the ~~Office~~ office of ~~Budget~~ budget and 105827
Management management, the ~~Governor~~ governor, and the ~~General~~ 105828
~~Assembly~~ president of the senate, and the speaker of the house of 105829
representatives compiling efficiency reports from all public 105830
institutions of higher education ~~and benchmarking efficiency gains~~ 105831
~~realized over the preceding year. The reports from each~~ 105832
~~institution shall identify efficiencies at each public institution~~ 105833
~~of higher education, and quantify revenue enhancements,~~ 105834

~~reallocation of resources, expense reductions, and cost avoidance~~ 105835
~~where possible in the areas of general operational functions,~~ 105836
~~academic program delivery, energy usage, and information~~ 105837
~~technology and procurement reforms. The reports shall particularly~~ 105838
~~emphasize areas where these reforms are demonstrating savings or~~ 105839
~~cost avoidance to students. The report shall also be made~~ 105840
available to the public on the ~~Department~~ department of Higher 105841
Education's higher education's web site. 105842

Section 610.11. That existing Section 369.540 of Am. Sub. 105843
H.B. 64 of the 131st General Assembly is hereby repealed. 105844

Section 610.20. That Section 529.10 of S.B. 310 of the 131st 105845
General Assembly be amended and that Section 529.10 of S.B. 310 of 105846
the 131st General Assembly be amended to codify it as section 105847
123.211 of the Revised Code to read as follows: 105848

Sec. ~~529.10~~ 123.211. ~~AGENCY ADMINISTRATION OF CAPITAL~~ 105849
~~FACILITIES PROJECTS~~ 105850

(A) Notwithstanding any contrary provision of section 123.21 105851
of the Revised Code, the ~~Executive Director~~ executive director of 105852
the Ohio ~~Facilities Construction Commission~~ facilities 105853
construction commission may authorize any of the ~~Departments of~~ 105854
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 105855
~~Agriculture, Job and Family Services, Rehabilitation and~~ 105856
~~Correction, Youth Services, Public Safety, Transportation,~~ 105857
~~Veterans Services, and the Bureau of Workers' Compensation~~ 105858
following agencies to administer any capital facilities ~~projects~~ 105859
project, the estimated cost of which, including design fees, 105860
construction, equipment, and contingency amounts, is less than 105861
~~\$1,500,000~~ one million five hundred thousand dollars: 105862

(1) The department of mental health and addiction services; 105863

<u>(2) The department of developmental disabilities;</u>	105864
<u>(3) The department of agriculture;</u>	105865
<u>(4) The department of job and family services;</u>	105866
<u>(5) The department of rehabilitation and correction;</u>	105867
<u>(6) The department of youth services;</u>	105868
<u>(7) The department of public safety;</u>	105869
<u>(8) The department of transportation;</u>	105870
<u>(9) The department of veterans services;</u>	105871
<u>(10) The bureau of workers' compensation;</u>	105872
<u>(11) The department of administrative services;</u>	105873
<u>(12) The state school for the deaf;</u>	105874
<u>(13) The state school for the blind. Requests</u>	105875
<u>(B) A state agency that wishes to administer a project under</u>	105876
<u>division (A) of this section shall submit a request for</u>	105877
<u>authorization to administer capital facilities projects shall be</u>	105878
<u>made through the OAKS-CI Ohio administrative knowledge system</u>	105879
<u>capital improvements application by the applicable state agency.</u>	105880
<u>Upon the release of funds for the projects by the Controlling</u>	105881
<u>Board controlling board or the Director director of Budget budget</u>	105882
<u>and Management management, the agency may administer the capital</u>	105883
<u>project or projects for which agency administration has been</u>	105884
<u>authorized without the supervision, control, or approval of the</u>	105885
<u>Executive Director executive director of the Ohio Facilities</u>	105886
<u>Construction Commission facilities construction commission.</u>	105887
<u>(C) A state agency authorized by the Executive Director</u>	105888
<u>executive director of the Ohio Facilities Construction Commission</u>	105889
<u>facilities construction commission to administer capital</u>	105890
<u>facilities projects pursuant to this section shall comply with the</u>	105891
<u>applicable procedures and guidelines established in Chapter 153.</u>	105892

of the Revised Code and shall track all project information in 105893
~~OAKS-CI~~ the Ohio administrative knowledge system capital 105894
improvements application pursuant to Ohio ~~Facilities Construction~~ 105895
~~Commission~~ facilities construction commission guidelines. 105896

Section 610.21. That existing Section 529.10 of S.B. 310 of 105897
the 131st General Assembly is hereby repealed. 105898

Section 610.30. That Section 203.10 of S.B. 310 of the 131st 105899
General Assembly, as amended by Sub. H.B. 390 of the 131st General 105900
Assembly, be amended to read as follows: 105901

Sec. 203.10. ADJ ADJUTANT GENERAL 105902

Army National Guard Service Contract Fund (Fund 3420) 105903

C74537	Renovation Projects - Federal Share	\$	7,100,000	105904
C74539	Renovations and Improvements - Federal	\$	15,000,000	105905
TOTAL Army National Guard Service Contract Fund			\$	22,100,000 105906

Administrative Building Fund (Fund 7026) 105907

C74528	Camp Perry Improvements	\$	2,250,000	105908
C74535	Renovations and Improvements	\$	5,100,000	105909
C74540	Aerial Port of Embarkation/Debarcation	\$	250,000	105910
TOTAL Administrative Building Fund			\$	7,600,000 105911
TOTAL ALL FUNDS			\$	29,700,000 105912

RENOVATIONS AND IMPROVEMENTS - FEDERAL 105913

The foregoing appropriation item C74539, Renovations and 105914
Improvements - Federal, shall be used to fund capital projects 105915
that are coded as receiving one hundred per cent federal support 105916
pursuant to the agreement support code identified in the 105917
Facilities Inventory and Support Plan between the Office of the 105918
Adjutant General and the Army National Guard. Notwithstanding 105919
section 131.35 of the Revised Code, if after the effective date of 105920
this section, additional federal funds are made available to the 105921

Adjutant General to carry out the Facilities Inventory Support 105922
Plan, the Adjutant General may request that the Director of Budget 105923
and Management authorize expenditures in excess of the amounts 105924
appropriated to appropriation item C74539, Renovations and 105925
Improvements - Federal. Upon approval of the Director of Budget 105926
and Management the additional amounts are hereby appropriated. 105927
Notwithstanding section 126.14 of the Revised Code, if the 105928
Adjutant General is approved by the federal government to complete 105929
additional, unanticipated one hundred per cent federally funded 105930
projects after July 1, 2017, and before October 1, 2017, the 105931
appropriations for these additional projects may be released upon 105932
written approval of the Director of Budget and Management. 105933

AERIAL PORT OF EMBARKATION/DEBARKATION 105934

The foregoing appropriation item C74540, Aerial Port of 105935
Embarkation/Debarcation, shall be used to acquire a cargo 105936
facility, tarmac, and the surrounding property from the Western 105937
Reserve Port Authority. 105938

Section 610.31. That existing Section 203.10 of S.B. 310 of 105939
the 131st General Assembly, as amended by Sub. H.B. 390 of the 105940
131st General Assembly, is hereby repealed. 105941

Section 610.40. That Sections 125.10 and 125.11 of Am. Sub. 105942
H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 105943
64 of the 131st General Assembly, be amended to read as follows: 105944

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 105945
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 105946
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 105947
repealed, effective October 16, ~~2017~~ 2019. 105948

~~(B) Notwithstanding the repeal by this act of section 5168.12~~ 105949
~~of the Revised Code, any money remaining in the Legislative Budget~~ 105950

~~Services Fund on the effective date of the repeal of that section~~ 105951
~~shall be used solely for the purposes stated in then former~~ 105952
~~section 5168.12 of the Revised Code. When all money in the~~ 105953
~~Legislative Budget Services Fund has been spent after then former~~ 105954
~~section 5168.12 of the Revised Code is repealed, the fund shall~~ 105955
~~cease to exist.~~ 105956

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 105957
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 105958
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 105959

Section 610.41. That existing Sections 125.10 and 125.11 of 105960
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 105961
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 105962

Section 610.50. That Section 2 of Am. Sub. S.B. 1 of the 105963
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 105964
131st General Assembly, be amended to read as follows: 105965

Sec. 2. (A) As used in this section: 105966

(1) "Institution" means any of the following: 105967

(a) A state institution of higher education, as defined in 105968
section 3345.011 of the Revised Code; 105969

(b) A private career school, as defined in section 3332.01 of 105970
the Revised Code; 105971

(c) A private, nonprofit institution in this state holding a 105972
certificate of authorization pursuant to Chapter 1713. of the 105973
Revised Code; 105974

(d) A private institution exempt from regulation under 105975
Chapter 3332. of the Revised Code as prescribed in section 105976
3333.046 of the Revised Code, if the program has a certificate of 105977
authorization pursuant to Chapter 1713. of the Revised Code; 105978

(e) A career-technical center, joint vocational school	105979
district, comprehensive career-technical center, or compact	105980
career-technical center offering adult training.	105981
(2) "Workforce training program" includes any of the	105982
following:	105983
(a) Courses, programs, or a degree from an institution;	105984
(b) Vocational education classes offered to adult learners;	105985
(c) <u>Non-Credit certificate programs that align with the</u>	105986
<u>state's in-demand jobs, as determined by the list of in-demand</u>	105987
<u>jobs posted to the web site of OhioMeansJobs.</u>	105988
(d) Any other training program designed to meet the special	105989
requirements of a particular employer.	105990
(B)(1) The OhioMeansJobs Workforce Development Revolving Loan	105991
Program is hereby established for the purpose of assisting with	105992
job growth and advancement through training and retraining. The	105993
Chancellor of Higher Education shall award funds to an institution	105994
that the institution shall use to award loans to participants in a	105995
workforce training program that is approved by the Chancellor and	105996
that is administered by the institution.	105997
(2) In awarding funds under this section, the Chancellor	105998
shall give a preference to an institution for a workforce training	105999
program in which the institution partners with a business that is	106000
willing to repay all or part of the loan on behalf of a program	106001
participant or with a business that also provides funding for the	106002
program, in comparison to a program that does not have such a	106003
partnership. The Chancellor shall consider a program that has	106004
employment opportunities in areas that are in demand, including,	106005
but not limited to, energy exploration.	106006
(3) The Chancellor also shall consider all of the following	106007
factors when determining whether to award funds under this section	106008

to an institution for a workforce training program, to the extent 106009
that these factors apply to the program: 106010

(a) The success rate of the workforce training program 106011
offered by the institution; 106012

(b) The cost of the workforce training program based upon a 106013
comparison of similar workforce training programs offered in this 106014
state; 106015

(c) The rate that the workforce training program participants 106016
obtain employment in the field in which they receive training 106017
under the program; 106018

(d) The willingness of the institution to assist a 106019
participant in paying for the costs of participating in the 106020
workforce training program; 106021

(e) The extent to which the program has demonstrated support 106022
from business partners. 106023

(4) After the initial funds are awarded to institutions under 106024
this section, the Chancellor, in awarding subsequent funds under 106025
this section, shall give greater weight to the factors listed in 106026
division (B)(3)(a) of this section in comparison to the other 106027
factors listed in division (B)(3) of this section, but shall not 106028
give that factor greater weight than the preference given in 106029
division (B)(2) of this section. 106030

(C) Funds shall be disbursed to successful applicants using 106031
moneys from the OhioMeansJobs Workforce Development Revolving Loan 106032
Fund established in section 6301.14 of the Revised Code. The 106033
Chancellor shall not award to an institution more than ~~one~~ two 106034
hundred fifty thousand dollars per workforce training program per 106035
year under this section. An institution receiving funds under this 106036
section shall establish, in consultation with the Department of 106037
Higher Education, eligibility requirements that a participant in 106038
the workforce training program for which the institution received 106039

the funds shall satisfy to receive a loan under this section, and 106040
the institution shall apply the loan proceeds to program costs for 106041
those participants who satisfy those requirements. A loan applied 106042
by an institution to program costs for a participant under this 106043
section shall not exceed ten thousand dollars per program in which 106044
the participant participates. 106045

(D) Except as provided in the rules adopted by the Treasurer 106046
of State pursuant to division (G) of this section, a loan to a 106047
program participant shall remain interest-free until six months 106048
after the date the participant successfully completes the 106049
workforce training program, if the participant also continues to 106050
reside in this state. Beginning on the earlier of the date that is 106051
six months after the individual completes the workforce training 106052
program for which the participant received a loan under this 106053
section, the date the individual terminates enrollment in the 106054
workforce training program without completion, or the date the 106055
participant ceases to reside in this state, the Treasurer of State 106056
shall assess a rate of interest of not more than four per cent per 106057
annum on any outstanding principal balance of that loan. The 106058
Treasurer of State shall not assess a zero per cent interest rate. 106059
The Treasurer of State shall establish a payment schedule not to 106060
exceed seven years after the date a participant successfully 106061
completes the workforce training program. 106062

(E) The Chancellor shall prescribe, by rule adopted in 106063
accordance with Chapter 119. of the Revised Code, procedures 106064
necessary to carry out this section, including all of the 106065
following: 106066

(1) Application procedures for funds under this section, 106067
which shall require an applicant to include a description of the 106068
workforce training program for which the institution intends to 106069
award loans and the number of individuals who will be 106070
participating in that program; 106071

(2) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to comply with continuing eligibility requirements, who fails to complete the workforce training program for which the participant received the loan, or whose participation in the program is on a staggered basis;

(4) Disburse funds to an institution.

(H) The Treasurer of State may adopt any additional rules pursuant to section 111.15 of the Revised Code that the Treasurer of State considers necessary to implement division (G) of this

section.	106102
(I) The loan servicing fee established pursuant to division	106103
(G)(1) of this section shall not exceed the actual cost of	106104
servicing the loan.	106105
(J)(1) The Chancellor shall prepare a report outlining the	106106
amount each institution received under this section during the	106107
previous year, including the amount awarded to each individual	106108
workforce training program.	106109
(2) Beginning on July 1, 2014, and continuing every year	106110
thereafter for so long as the Chancellor awards funds under the	106111
Program, the Chancellor shall submit the report prepared in	106112
division (J)(1) of this section to the Governor, the Speaker and	106113
Minority Leader of the House of Representatives, and the President	106114
and Minority Leader of the Senate.	106115
 Section 610.51. That existing Section 2 of Am. Sub. S.B. 1 of	106116
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the	106117
131st General Assembly, is hereby repealed.	106118
 Section 620.10. That Section 7 of Am. Sub. H.B. 52 of the	106119
131st General Assembly is hereby repealed.	106120
 Section 733.10. Notwithstanding division (O)(6)(a) of section	106121
3301.0711 of the Revised Code, as amended by this act, in 2017,	106122
the Department of Education shall not release as public records	106123
any questions and corresponding preferred answers from the English	106124
language arts and mathematics assessments prescribed under	106125
division (A) of section 3301.0710 of the Revised Code that were	106126
administered in the 2015-2016 school year.	106127
 Section 733.20. The revisions by this act to section 3365.03	106128
of the Revised Code shall first apply to students seeking to	106129

participate in the College Credit Plus program during the 106130
2018-2019 school year. For participation during the 2017-2018 106131
school year, students shall meet the eligibility requirements 106132
prescribed by section 3365.03 of the Revised Code, as it existed 106133
prior to the effective date of this section. 106134

Section 733.30. The revisions by this act to section 3365.07 106135
of the Revised Code regarding textbooks, and the provisions of 106136
section 3365.072 of the Revised Code, shall first apply to 106137
textbook arrangements under the College Credit Plus program for 106138
the 2018-2019 school year. For the 2017-2018 school year, textbook 106139
arrangements under the program shall be governed by section 106140
3365.07 of the Revised Code, as it existed prior to the effective 106141
date of this section. 106142

Section 733.40. Not later than July 1, 2018, the Department 106143
of Education, in consultation with the Department of Higher 106144
Education and the Governor's Office of Workforce Transformation, 106145
shall develop both of the following: 106146

(A) A plan that permits and encourages school districts and 106147
chartered nonpublic schools to integrate academic content in 106148
subject areas for which the State Board of Education adopts 106149
standards under section 3301.079 of the Revised Code into other 106150
coursework so that students may earn simultaneous credit in 106151
accordance with division (I) of section 3313.603 of the Revised 106152
Code; 106153

(B) Guidance to assist school districts and schools that 106154
choose to implement integrated coursework under division (I) of 106155
section 3313.603 of the Revised Code that includes guidance on 106156
appropriate licensure teachers must have to teach integrated 106157
coursework and guidance on appropriately integrating subject area 106158
content into course curriculum to ensure that students receive 106159

instruction in the academic content necessary to meet graduation requirements. 106160
106161

Section 733.50. The Chancellor of Higher Education, in 106162
consultation with the Director of the Governor's Office of 106163
Workforce Transformation and the Superintendent of Public 106164
Instruction, shall work with the business community and higher 106165
education institutions to develop a program targeted at increasing 106166
the number of high school students in Ohio who pursue certificates 106167
or degrees in the field of advanced technology and cyber security. 106168

Section 737.10. All money received by the Director of 106169
Environmental Protection under section 3751.05 of the Revised Code 106170
as that section existed prior to its amendment by this act shall 106171
remain in the Toxic Chemical Release Reporting Fund, to be used 106172
exclusively for purposes of implementing, administering, and 106173
enforcing Chapter 3751. of the Revised Code and rules adopted and 106174
orders issued under it. In addition, any money received by the 106175
Director after the act's effective date under section 3751.05 of 106176
the Revised Code for filing fees or late fees required to be paid 106177
under that section prior to the act's effective date shall be 106178
deposited in the Fund and used for those purposes. 106179

Section 749.10. (A) The Public Utilities Commission shall 106180
explore, in whatever format it considers appropriate, the latest 106181
technological and regulatory innovations for the electric 106182
distribution system, which may include researching the following: 106183

- (1) Distributed energy resources, including battery storage; 106184
- (2) Advanced metering infrastructure; 106185
- (3) Electric distribution automation, sensors, controls, and 106186
data exchange and use; 106187
- (4) Associated electric rate design; 106188

(5) Any other available technological and regulatory 106189
innovations, including those that may be developed in the future. 106190

(B) Upon completion of the research under division (A) of 106191
this section, and if the Commission finds it necessary, the 106192
Commission may examine any resulting work product and issue a 106193
report that summarizes the major findings and recommends a course 106194
of action to implement cost-effective distribution system 106195
innovations. 106196

Section 753.10. (A) The Governor may execute one or more 106197
deeds in the name of the state conveying to a purchaser or 106198
purchasers, their heirs, successors, and assigns, to be determined 106199
in the manner provided in division (C) of this section, all of the 106200
state's right, title, and interest in the following described real 106201
estate: 106202

Warren County, Lebanon 106203

Begin at the northwest corner of Warren County parcel number 106204
11052000120, said corner also being on the south right-of-way line 106205
of State Route 63 (SR63) and the east line of Norfolk Southern 106206
Railroad lands (Warren County parcel number 11055020030), thence 106207
westerly along the south right-of-way line of State Route 63 106208
(SR63) 465 +/- feet to a fence line projected from the south, 106209
thence southerly along the fence line 650 +/- feet to the east 106210
line of the said Norfolk Southern Railroad lands, thence 106211
northwesterly along the said east line of the said Norfolk 106212
Southern Railroad lands 320 +/- feet to an angle point in the east 106213
line of the said Norfolk Southern Railroad lands, thence westerly 106214
along the said east line of the said Norfolk Southern Railroad 106215
lands 140 +/- feet to an angle point in the east line of the said 106216
Norfolk Southern Railroad lands, thence northwesterly along the 106217
said east line of the said Norfolk Southern Railroad lands 570 +/- 106218
feet to the beginning and containing approximately 3.2 acres. 106219

Begin at the southeast corner of lands now or formerly owned 106220
by Warren General Property (Warren County parcel number 106221
11064000201) said corner also being on the north right-of-way line 106222
of State Route 63 (SR 63), thence northerly along the east line of 106223
said Warren General Property lands 2035 +/- feet to the northeast 106224
corner of said Warren General Property lands, thence westerly 106225
along the north line of said Warren General Property lands 2635 106226
+/- feet to the easterly right-of-way of North Union Road, thence 106227
along the easterly right-of-way of North Union Road 3475 +/- feet 106228
to the southwest corner of lands now or formerly owned by Warren 106229
County Commissioners (Warren County parcel number 08313000040), 106230
thence easterly along the south line of said Commissioners lands 106231
and lands now or formerly owned by FRL Real Estate LLC (Warren 106232
County parcel number 08313000082) 2420 +/- feet to a point on the 106233
south line of said FRL Real Estate lands and the northwest corner 106234
of lands now or formerly owned by Grand Communities LTD. (Warren 106235
County parcel number 12362000190), thence southerly along the west 106236
line of said Grand Communities LTD. lands 1400 +/- feet to a 106237
corner of Grand Communities LTD. lands, thence westerly along said 106238
Grand Communities LTD. lands 585 +/- feet to a corner of said 106239
Grand Communities LTD. lands, thence southerly along said Grand 106240
Communities LTD. lands extended 3685 +/- feet extended to a fence 106241
line that surrounds a wastewater treatment facility, thence 106242
westerly along the fence line 195 +/- feet to the southerly top of 106243
bank of Shaker Creek, thence southwesterly along the top of bank 106244
270 +/- feet to a point, thence southerly 125 +/- feet to the 106245
north right-of-way line of State Route 63 (SR 63), thence westerly 106246
along the north right-of-way line of State Route 63 (SR 63) 750 106247
+/- feet to the beginning and containing 292 acres. 106248

Begin at the southwest corner of lands now or formerly owned 106249
by Warren County Commissioners (Warren County parcel number 106250
12364000010), said corner also being in the centerline of State 106251
Route 63 (SR 63), thence westerly with the center of State Route 106252

63 (SR 63) 1255 +/- feet to the extension of a fence line from the 106253
north that surrounds a wastewater treatment facility, thence 106254
northerly along the fence line 280 +/- feet to a fence corner, 106255
thence westerly along the fence line 205 +/- feet to a point where 106256
the extension of the west line of lands now or formerly owned by 106257
Grand Communities LTD. (Warren County parcel number 12362000190), 106258
thence northerly along said extended line 1870 +/- feet to a 106259
southwest corner of said Grand Communities LTD. lands, thence 106260
easterly along the south line of said Grand Communities, LTD. 106261
lands and the south line of lands now or formerly owned by Shaker 106262
Run Capital Funding (Warren County parcel number 12301000040), 106263
6030 feet to a point on the west line of lands now or formerly 106264
owned by Otterbein Lebanon LLC (Warren County parcel number 106265
12302000031), thence southerly along the west line of said 106266
Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a 106267
fence line from the west that surrounds a Department of 106268
Transportation Outpost facility, thence westerly along the fence 106269
line 310 +/- feet to a fence corner, thence southerly along the 106270
fence line 435 +/- feet to the centerline of State Route 63 (SR 106271
63), thence westerly along the centerline of State route 63 (SR 106272
63) 455 +/- feet to the southeast corner of lands now or formerly 106273
owned by Cincinnati Gas & Electric (Warren County parcel number 106274
12303000020), thence with the boundaries of the said Cincinnati 106275
Gas & Electric lands the following three (3) courses and 106276
distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- 106277
feet, (3) southerly 560 +/- feet to the centerline of State Route 106278
63 (SR 63), thence westerly along the centerline of State Route 63 106279
(SR 63) 2155 +/- feet to the extension of a fence line projected 106280
from the northeast, thence northeasterly along the fence line 675 106281
+/- feet to an angle point in the fence, thence northerly along 106282
the fence line 200 +/- feet to a fence corner, thence 106283
southwesterly along the fence line 320 +/- feet to a point on the 106284
north line of the above referenced Warren County Commissioners 106285

lands (Warren County parcel number 12364000010), thence with the 106286
boundaries of said County Commissioners lands the following two 106287
(2) courses and distances: (1) westerly 550 +/- feet, (2) 106288
southerly 435 +/- feet to the place of beginning containing 106289
approximately 273 acres. 106290

Begin at the northeast corner of lands now or formerly owned 106291
by Leah Margaret White (Warren County parcel number 12294000010), 106292
said corner also being in the centerline of State Route 741 (SR 106293
741), thence westerly along the north line of said White lands 106294
2655 +/- feet to the northeast corner of said White lands, thence 106295
northerly along the projected west line of said White lands 3850 106296
+/- feet to the southerly right-of-way line of State Route 63 (SR 106297
63), thence with the said southerly right-of-way the following 106298
eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) 106299
southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) 106300
southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) 106301
southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) 106302
easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 106303
250.20 feet, (11) southeasterly 32.74 feet to the westerly 106304
right-of-way of State Route 741 (SR 741), thence along the 106305
westerly right-of-way of State Route 741 (SR 741) the following 106306
eight (8) courses and distances: (1) southwesterly 388.87 feet, 106307
(2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) 106308
southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) 106309
southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) 106310
southwesterly 240 +/- feet to the northeast corner of lands owned 106311
by The State of Ohio - Department of Transportation (Warren County 106312
parcel number 12294000020), thence with the boundaries of said 106313
Department of Transportation lands the following three (3) courses 106314
and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- 106315
feet, (3) easterly 1600 +/- feet to the centerline of State Route 106316
741 (SR 741), thence southerly along the centerline of State Route 106317
741 (SR 741) 880 +/- feet to the beginning and containing 106318

approximately 216 acres. 106319

All of Warren County parcel number 12281000030 106320

The foregoing legal descriptions may be corrected or modified 106321
by the Department of Administrative Services as necessary in order 106322
to facilitate the recording of the deed or deeds to define the 106323
description of the real estate identified as no longer obligatory 106324
by the state. 106325

(B)(1) The conveyance or conveyances include improvements and 106326
chattels situated on the real estate, and is or are subject to all 106327
easements, covenants, conditions, and restrictions of record; all 106328
legal highways and public rights-of-way; zoning, building, and 106329
other laws, ordinances, restrictions, and regulations; and real 106330
estate taxes and assessments not yet due and payable. The real 106331
estate shall be conveyed in "as-is, where-is, with all faults" 106332
condition. 106333

(2) The deed or deeds for the conveyance of the real estate 106334
may contain restrictions, covenants, exceptions, reservations, 106335
reversionary interests, and other terms and conditions the 106336
Director of Administrative Services determines to be in the best 106337
interest of the state. 106338

(3) Subsequent to the conveyance or conveyances, any 106339
restrictions, exceptions, reservations, reversionary interests, or 106340
other terms and conditions contained in the deed or deeds may be 106341
released by the state or the Department of Rehabilitation and 106342
Correction without the necessity of further legislation. 106343

(4) The deed or deeds shall contain restrictions prohibiting 106344
the purchaser or purchasers from occupying, using, developing, or 106345
selling the real estate if the occupation, use, development, or 106346
sale will interfere with the quiet enjoyment of neighboring 106347
state-owned land. 106348

(5) The real estate described in division (A) of this section 106349

shall be conveyed only if the Director of Administrative Services 106350
and the Director of Rehabilitation and Correction first have 106351
determined that the real estate is surplus real property no longer 106352
needed by the state and that the conveyance or conveyances are in 106353
the best interest of the state. 106354

(C)(1) The Director of Administrative Services and the 106355
Director of Rehabilitation and Correction shall offer the sale of 106356
the real estate in the manner described in divisions (C)(2) or 106357
(C)(3) of this section. 106358

(2) The Director of Administrative Services may offer the 106359
sale of the real estate to a purchaser or purchasers to be 106360
determined, through a negotiated real estate purchase agreement or 106361
agreements. 106362

Consideration for the conveyance of the real estate shall be 106363
at a price and at terms and conditions acceptable to the Director 106364
of Administrative Services and the Director of Rehabilitation and 106365
Correction. The consideration shall be paid at closing. 106366

(3) The Director of Administrative Services shall conduct a 106367
sale of the real estate by sealed bid auction or public auction, 106368
and the real estate shall be sold to the highest bidder at a price 106369
acceptable to the Director of Administrative Services and the 106370
Director of Rehabilitation and Correction. The Director of 106371
Administrative Services shall advertise the sealed bid auction or 106372
public auction by publication in a newspaper of general 106373
circulation in Warren County, once a week for three consecutive 106374
weeks before the date on which the sealed bids are to be opened or 106375
the public auction is to be held. The Director of Administrative 106376
Services shall notify the successful bidder in writing. The 106377
Director of Administrative Services may reject any or all bids. 106378

The purchaser or purchasers shall pay ten percent of the 106379
purchase price to the Director of Administrative Services not 106380

later than five business days after receiving the notice the bid 106381
has been accepted, and shall enter into a real estate purchase 106382
agreement, in the form prescribed by the Department of 106383
Administrative Services. Payment may be made by bank draft or 106384
certified check made payable to the Treasurer of State. The 106385
purchaser or purchasers shall submit the balance of the purchase 106386
price to the Director of Administrative Services not later than 106387
sixty days after receiving notice the bid has been accepted. A 106388
purchaser who does not complete the conditions of the sale as 106389
prescribed in this division shall forfeit as liquidated damages 106390
the ten percent of the purchase price paid to the state. If a 106391
purchaser fails to complete the purchase of the real estate, the 106392
Director of Administrative Services may accept the next highest 106393
bid, subject to the foregoing conditions. If the Director of 106394
Administrative Services rejects all bids, the Director may repeat 106395
the sealed bid auction or public auction, or may use an 106396
alternative sale process that is acceptable to the Director of 106397
Administrative Services and the Director of Rehabilitation and 106398
Correction. 106399

The Department of Rehabilitation and Correction shall pay 106400
advertising costs incident to the sale of the real estate. 106401

(D) The real estate described in division (A) of this section 106402
may be conveyed as an entire tract or as multiple parcels as 106403
determined by the Director of Administrative Services and the 106404
Director of Rehabilitation and Correction. The real estate 106405
described in division (A) of this section may be conveyed to a 106406
single purchaser or multiple purchasers as determined by the 106407
Director of Administrative Services and the Director of 106408
Rehabilitation and Correction. 106409

(E) Except as otherwise specified in this section, the 106410
purchaser or purchasers shall pay all costs associated with the 106411
purchase, closing, and conveyance of the real estate, including 106412

surveys, appraisals, title evidence, title insurance, transfer 106413
costs and fees, recording costs and fees, taxes, and any other 106414
fees, assessments, and costs that may be imposed. 106415

(F) The proceeds of the conveyance of facilities and interest 106416
in real estate sale or sales shall be deposited into the state 106417
treasury to the credit of the Adult and Juvenile Correctional 106418
Facilities Bond Retirement Fund in accordance with section 106419
5120.092 of the Revised Code. 106420

(G) Upon payment of the purchase price, the Auditor of State, 106421
with the assistance of the Attorney General, shall prepare a deed 106422
or deeds to the real estate described in division (A) of this 106423
section. The deed or deeds shall state the consideration and shall 106424
be executed by the Governor in the name of the state, 106425
countersigned by the Secretary of State, sealed with the Great 106426
Seal of the State, presented in the Office of the Auditor of State 106427
for recording, and delivered to the purchaser or purchasers. The 106428
purchaser or purchasers shall present the deed or deeds for 106429
recording in the Office of the Warren County Recorder. 106430

(H) This section expires three years after its effective 106431
date. 106432

Section 757.10. (A) As used in this section, "net additional 106433
tax" means, in the case of a wholesale dealer, the net additional 106434
amount of tax resulting from the amendment by this act of section 106435
5743.02 of the Revised Code, less the discount allowed under 106436
section 5743.05 of the Revised Code as a commission for affixing 106437
stamps, that is due on all packages of Ohio stamped cigarettes and 106438
on all unaffixed Ohio cigarette tax stamps that the wholesale 106439
dealer has on hand as of the beginning of business on July 1, 106440
2017, and, in the case of a retail dealer, means the net 106441
additional amount of tax resulting from the amendment by this act 106442
of section 5743.02 of the Revised Code that is due on all packages 106443

of Ohio stamped cigarettes that the retail dealer has on hand as 106444
of the beginning of business on July 1, 2017. 106445

(B) In addition to the return required under section 5743.03 106446
of the Revised Code, each wholesale dealer and each retail dealer 106447
shall make and file a return on forms prescribed by the Tax 106448
Commissioner showing the net additional tax due and any other 106449
information that the commissioner considers necessary to apply 106450
sections 5743.01 to 5743.20 of the Revised Code in the 106451
administration of the net additional tax. On or before September 106452
30, 2017, each wholesale dealer and each retail dealer shall 106453
deliver the return to the Commissioner, together with remittance 106454
of the net additional tax. 106455

(C) Any wholesale or retail dealer who fails to file a return 106456
or remit net additional tax as required under this section shall 106457
forfeit and pay into the state treasury a late charge equal to 106458
fifty dollars or ten per cent of the net additional tax due, 106459
whichever is greater. 106460

(D) Unpaid or unreported net additional taxes and late 106461
charges may be collected by assessment in the manner prescribed 106462
under sections 5743.081 and 5743.082 of the Revised Code. 106463

(E) All amounts collected under this section shall be 106464
considered revenue arising from the tax imposed by section 5743.02 106465
of the Revised Code. 106466

Section 757.20. (A) Notwithstanding the requirements of 106467
division (B) of section 5747.50 of the Revised Code, the Tax 106468
Commissioner shall reduce the amount available for distribution to 106469
counties under that section by one million dollars in each month 106470
of the period beginning with July 2017, and ending with December 106471
2017, before calculating the amount to be distributed to each 106472
county. 106473

(B) On or before the tenth day of each month in the period 106474
beginning with July 2017 and ending with December 2017, the tax 106475
commissioner shall provide for payment to each county undivided 106476
local government fund of a supplement for townships. The 106477
commissioner shall determine the amounts paid to each fund as 106478
follows: 106479

(1) Four hundred sixteen thousand six hundred sixty-six 106480
dollars and sixty-seven cents shall be divided among every county 106481
fund so that each township in the state receives an equal amount. 106482

(2) Four hundred sixteen thousand six hundred sixty-six 106483
dollars and sixty-six cents shall be divided among every county 106484
fund so that each township receives a proportionate share based on 106485
the proportion that the total township road miles in the township 106486
is of the total township road miles in all townships in the state. 106487

(C)(1) As used in this division, "qualifying village" means a 106488
village with a population of less than one thousand according to 106489
the most recent federal decennial census. 106490

(2) On or before the tenth day of each month in the period 106491
beginning with July 2017, and ending with December 2017, the tax 106492
commissioner shall provide for payment to each county undivided 106493
local government fund of a supplement for qualifying villages. The 106494
commissioner shall determine the amounts paid to each fund as 106495
follows: 106496

(a) Eighty-three thousand three hundred thirty-three dollars 106497
and thirty-four cents shall be divided among every county fund so 106498
that each qualifying village in the state receives an equal 106499
amount. 106500

(b) Eighty-three thousand three hundred thirty-three dollars 106501
and thirty-three cents shall be divided among every county fund so 106502
that each qualifying village receives a proportionate share based 106503
on the proportion that the total village road miles in the 106504

qualifying village is of the total village road miles in all 106505
qualifying villages in the state. 106506

(D) The tax commissioner shall separately identify to the 106507
county treasurer the amounts to be allocated to each township 106508
under divisions (B)(1) and (2) of this section and to each 106509
qualifying village under divisions (C)(2)(a) and (b) of this 106510
section. The treasurer shall transfer those amounts to townships 106511
and qualifying villages from the undivided local government fund. 106512

Section 757.21. (A) Notwithstanding division (C)(2) of 106513
section 5747.50 of the Revised Code, each municipal corporation 106514
shall receive in each month of the period beginning with July 106515
2017, and ending with December 2017, an amount equal to the amount 106516
it received under that section in that same month during the 106517
period beginning with July 2016, and ending with December 2016. 106518

(B) Notwithstanding division (C)(1) of section 5747.50 of the 106519
Revised Code, for the purpose of calculating the distributions to 106520
be made to counties under division (B) of that section, for each 106521
month during the period beginning with July 2017, and ending with 106522
December 2017, the "total amount available for distribution to 106523
municipal corporations during the current month" means the total 106524
amount to be distributed to municipal corporations in that month 106525
under this section. 106526

Section 757.22. (A) As used in this section, "municipal tax 106527
liability" has the same meaning as in division (B)(2)(a) of 106528
section 5747.504 of the Revised Code as enacted by this act. 106529

(B) For the purpose of assisting the Tax Commissioner in 106530
estimating the amounts required under section 5747.504 of the 106531
Revised Code, on or before November 15, 2017, each municipal 106532
corporation shall certify to the Commissioner the municipal 106533
corporation's municipal tax liability for taxable years 2012, 106534

2013, 2014, 2015, and 2016. If the municipal corporation did not
levy an income tax for one or more of those taxable years, the
municipal corporation shall certify the years in which no tax was
levied and, if applicable, the municipal tax liability for the
years in which a tax was levied.

(C) A municipal corporation that levied an income tax for any
one of the taxable years specified in division (B) of this section
and that fails to certify the amounts required under that division
for the years in which a tax was levied shall not receive any
direct distribution under section 5747.504 of the Revised Code
during the 2018 distribution year.

Section 757.23. (A) The Tax Commissioner shall compute the
estimates required to be certified on or before July 25, 2017,
under section 5747.501 of the Revised Code as if section 5747.50
of the Revised Code, as amended by this act, was already in
effect. If the Commissioner computes the estimates that may be
completed in December of 2017, under section 5747.501 of the
Revised Code, such estimates shall be computed as if sections
5747.50 and 5747.504 of the Revised Code, as amended or enacted by
this act, were already in effect.

(B) Notwithstanding any provision of section 5747.504 of the
Revised Code to the contrary, the Tax Commissioner shall perform
any computations necessary to make the payments required under
that section for the 2018 calendar year on or before January 10,
2018.

Section 757.30. (A) As used in this section, "vapor
distributor" and "vapor products" have the same meanings as in
section 5743.01 of the Revised Code.

(B) Notwithstanding division (B) of section 5743.61 of the
Revised Code, a vapor distributor shall apply for the license

described in division (A)(1)(b) of that section on or before 106565
December 31, 2017, or on the day preceding the first day the vapor 106566
distributor engages in the business of distributing vapor products 106567
within this state, whichever is later. The initial vapor products 106568
license issued under this section shall be valid until January 31, 106569
2019, or, if it is issued after that date, the last day of January 106570
of the ensuing calendar year. 106571

(C) Vapor products licenses issued under this section are 106572
subject to the same rules and procedures as vapor products 106573
licenses issued under section 5743.61 of the Revised Code, and may 106574
be suspended by the Tax Commissioner under division (D) of that 106575
section. 106576

Section 757.40. In order to facilitate an understanding of 106577
business incentive tax credits, as defined in section 107.036 of 106578
the Revised Code, the following table provides an estimate of the 106579
amount of credits that may be authorized in each fiscal year of 106580
the 2018-2019 biennium, an estimate of the credits expected to be 106581
claimed in each fiscal year of that biennium, and an estimate of 106582
the amount of credits authorized that will remain outstanding at 106583
the end of that biennium. In totality, this table provides an 106584
estimate of the state revenue forgone due to business incentive 106585
tax credits in the 2018-2019 biennium and future biennia. 106586

Biennial Business Incentive Tax Credit Estimates 106587

106588

Estimate of total value	Estimate of tax	Expected	106589
of tax credits	credits issued/claimed	Outstanding	
authorized		credits	

(All figures in 106590
thousands of dollars)

106591

Tax	FY 2018	FY 2019	FY 2018	FY 2019	End of	106592

Credit					Biennium	
						106593
Job	\$100,000	\$100,000	\$105,000	\$100,000	\$885,000	106594
Retention						
Tax						
Credit*						106595
Job	\$ 0	\$ 0	\$55,000	\$55,000	\$290,000	106596
Creation						
Tax						
Credit						106597
Historic	\$60,000	\$60,000	\$120,000	\$90,000	\$190,000	106598
Preservation						
Tax						
Credit						106599
Motion	\$40,000	\$40,000	\$50,000	\$50,000	\$35,000	106600
Picture						
Tax						
Credit						106601
New	\$10,000	\$10,000	\$9,795	\$10,000	\$38,205	106602
Markets						
Tax						
Credit						106603
R&D Loan	\$4,500	\$4,500	\$4,500	\$4,000	\$30,000	106604
Tax						
Credit						106605
InvestOhio	\$12,500	\$12,500	\$18,000	\$15,000	\$42,000	106606
Tax						

Credit

106607

Estimate	\$227,000	\$227,000	\$362,295	\$324,000	\$1,510,205	106608

Total

*The Job Creation Tax Credit (JCTC) estimate of credits 106609
outstanding is not just for tax credit certificates already 106610
issued, but also for the estimated potential value of certificates 106611
to be issued under the program through 2035 when looking at the 106612
existing portfolio of approved and active incentives. The estimate 106613
assumes that the companies receiving credits will continue to meet 106614
the performance objectives required to continue receiving the 106615
credit. 106616

Section 761.10. It is the intent of the General Assembly that 106617
the amendment of section 6111.03 and enactment of section 6111.561 106618
of the Revised Code by this act do all of the following: 106619

(A) Supersede the effect of the holding of the Ohio Supreme 106620
Court in *Fairfield County Board of Commissioners v. Nally*, 106621
2015-Ohio 991, 2015; 106622

(B) Exclude from rulemaking under Chapter 119. of the Revised 106623
Code total maximum daily load (TMDL) drafts, established TMDLs, 106624
and the submission of a TMDL to the United States Environmental 106625
Protection Agency; 106626

(C) Make the establishment of a final TMDL appealable to the 106627
Environmental Review Appeals Commission; 106628

(D) Retain, in full force and effect, TMDLs submitted and 106629
approved by the United States Environmental Protection Agency 106630
prior to March 24, 2015. 106631

Section 763.10. Not later than June 30, 2019, the governor's 106632
office of workforce transformation, in conjunction with the Ohio 106633
library council or its successor organization, may develop a brand 106634

for public libraries as "continuous learning centers" that serve 106635
as hubs for information about local in-demand jobs and relevant 106636
education and job training resources. 106637

Not later than June 30, 2019, the state library of Ohio shall 106638
strengthen the online education resources of the Ohio digital 106639
library to provide more accessible job training materials to adult 106640
learners. 106641

Section 803.10. (A) The member of the Ohio Facilities 106642
Construction Commission appointed by the Governor under division 106643
(B) of section 123.20 of the Revised Code as it existed prior to 106644
the amendments to that section made by this act shall serve the 106645
remainder of the member's term. Upon the expiration of the term, 106646
the Governor shall appoint a member to the Commission in the 106647
manner provided by section 123.20 of the Revised Code as amended 106648
by this act. 106649

(B) If the member serving the unexpired term under division 106650
(A) of this section is unable to fulfill the term, the Governor 106651
shall appoint a member to fill the vacancy in the manner provided 106652
by section 123.20 of the Revised Code as amended by this act. 106653

Section 803.20. EXCHANGE OF CERTAIN INFORMATION BETWEEN 106654
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 106655

Until the amendments to sections 191.04 and 191.06 of the 106656
Revised Code made by this act take effect in accordance with 106657
section 101.01 of this act, and notwithstanding any provision of 106658
the Revised Code to the contrary, the provisions in sections 106659
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 106660
through 2019. 106661

A portion of the foregoing appropriation items 651425, 106662
Medicaid Program Support-State, 651525, Medicaid/Health Care 106663

Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 106664
Services-Payment Withholding, 651624, Medicaid Program 106665
Support-Federal, 651680, Health Care Grants-Federal, 651655, 106666
Medicaid Interagency Pass-Through, 651605, Resident Protection 106667
Fund, 651631, Money Follows the Person, 651656, Medicaid 106668
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 106669
Medicaid Services-Long Term Care, 651654, Medicaid Program 106670
Support, and 651649, Medicaid Services-HCAP, may be used to pay 106671
for services and costs associated with operating protocols adopted 106672
under sections 191.04 and 191.06 of the Revised Code. 106673

Section 803.30. Notwithstanding section 1123.01 of the 106674
Revised Code, as amended by this act, both of the following apply: 106675

(A) The appointed members who are serving on the Banking 106676
Commission as of the effective date of this section shall serve 106677
until the end of the term for which the member was appointed. The 106678
terms of office set forth in division (B) of that section and the 106679
qualifications for membership set forth in division (D) of that 106680
section shall first apply to the members appointed on or after the 106681
effective date of this section. 106682

(B) The Banking Commission shall, on the effective date of 106683
this section, additionally consist of the six members appointed to 106684
the Savings and Loan Associations and Savings Banks Board under 106685
section 1181.16 of the Revised Code. Each such member shall serve 106686
until the end of the term for which the member was appointed. 106687

Section 803.40. A certificate to practice medicine and 106688
surgery, osteopathic medicine and surgery, or podiatric medicine 106689
and surgery issued under Chapter 4731. of the Revised Code, as 106690
that chapter existed immediately prior to the effective date of 106691
this section, satisfies the requirements for licensure created by 106692
this act until the certificate is required to be renewed. Any 106693

renewal shall be in the form of a license issued under Chapter 106694
4731. of the Revised Code. 106695

Section 803.50. The amendment by this act of section 3517.17 106696
of the Revised Code applies to the first distribution to be made 106697
under that section after designations under section 5747.081 of 106698
the Revised Code for taxable years beginning in 2017 are available 106699
to the Tax Commissioner, and to every distribution thereafter. 106700

Section 803.60. The amendment by this act of section 4301.42 106701
striking "and are entitled to the privileges" and of section 106702
4303.33 of the Revised Code applies to tax reporting periods 106703
prescribed under section 4303.33 of the Revised Code beginning on 106704
or after July 1, 2017. 106705

Section 803.70. The amendment by this act of sections 106706
4303.332 and 4303.333 of the Revised Code applies on and after 106707
January 1, 2018. 106708

Section 803.80. The amendment by this act of section 4301.42 106709
changing the rates of taxation and of sections 4301.43 and 4305.01 106710
of the Revised Code applies on and after July 1, 2017. 106711

Section 803.90. The amendments by this act of sections 106712
1514.11, 5703.052, 5703.19, and 5749.02 of the Revised Code apply 106713
on and after October 1, 2017. 106714

Section 803.100. The amendment, enactment, or repeal by this 106715
act of sections 113.061, 709.023, 715.691, 715.70, 715.71, 715.72, 106716
718.01, 718.02, 718.04, 718.05, 718.051, 718.06, 718.08, 718.27, 106717
718.41, 5701.11, 5703.052, 5703.053, 5703.19, 5703.21, 5703.50, 106718
5703.57, 5703.70, 5703.90, 5718.01, 5718.02, 5718.04, 5718.041, 106719
5718.05, 5718.051, 5718.06, 5718.07, 5718.08, 5718.10, 5718.12, 106720

5718.13, 5718.15, 5718.19, 5718.23, 5718.24, 5718.27, 5718.35,
5718.41, 5718.97, and 5718.99 of the Revised Code applies to
taxable years beginning on or after January 1, 2018.

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Section 803.110. The amendment by this act of sections
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies
to all settlements required under section 5731.46 of the Revised
Code on and after the effective date of this section.

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Section 803.120. The amendment by this act of sections
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code
applies on and after January 1, 2018.

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Section 803.140. The amendment by this act of sections
5739.01, 5739.02, 5739.10, and 5741.02 of the Revised Code applies
on and after October 1, 2017.

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Section 803.150. The amendment by this act of section 5739.30
of the Revised Code applies on and after January 1, 2018.

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Section 803.160. The amendment by this act of division (J) of
section 5743.01 and the amendment of sections 5743.51, 5743.62,
and 5743.63 of the Revised Code concerning specialty cigars apply
to invoices dated on or after October 1, 2017.

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Section 803.170. The amendment by this act of sections
5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51,
5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61,
5743.62, and 5743.63 of the Revised Code concerning vapor products
only applies on and after January 1, 2018.

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Section 803.180. The amendment by this act of sections
5743.02, 5743.03, 5743.081, and 5743.32 of the Revised Code

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applies on and after July 1, 2017. 106747

Section 803.190. The amendment by this act of division (A) of 106748
section 5743.52 and division (C) of section 5743.62 of the Revised 106749
Code concerning discounts applies to reporting periods beginning 106750
on or after July 1, 2017. 106751

Section 803.200. The repeal by this act of section 5747.29 of 106752
the Revised Code applies to taxable years beginning on or after 106753
January 1, 2017. 106754

Section 803.210. The amendment or enactment by this act of 106755
sections 131.44, 131.51, 5747.50, 5747.501, 5747.502, 5747.503, 106756
and 5747.504 of the Revised Code applies to distributions made 106757
from the Local Government Fund on or after January 1, 2018. 106758

The amendment by this act of section 5747.51 of the Revised 106759
Code shall apply beginning October 1, 2017. 106760

Section 803.220. The amendment or repeal by this act of 106761
sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50, 1513.08, 106762
1513.182, 5749.01, 5749.03, 5749.04, 5749.06, 5749.07, 5749.08, 106763
5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, and 5749.17 106764
shall apply on and after October 1, 2017. 106765

Section 803.230. The amendment by this act of division 106766
(F)(2)(a) of section 5751.01 of the Revised Code applies to tax 106767
periods beginning on or after July 1, 2017. 106768

The amendment by this act of division (F)(2)(z) of section 106769
5751.01 of the Revised Code applies to qualifying certificates 106770
issued for qualifying year 2017 and thereafter. 106771

Section 806.10. The items of law contained in this act, and 106772

their applications, are severable. If any item of law contained in 106773
this act, or if any application of any item of law contained in 106774
this act, is held invalid, the invalidity does not affect other 106775
items of law contained in this act and their applications that can 106776
be given effect without the invalid item of law or application. 106777

Section 809.10. An item of law, other than an amending, 106778
enacting, or repealing clause, that composes the whole or part of 106779
an uncodified section contained in this act has no effect after 106780
June 30, 2019, unless its context clearly indicates otherwise. 106781

Section 812.10. Except as otherwise provided in this act, the 106782
amendment, enactment, or repeal by this act of a section is 106783
subject to the referendum under Ohio Constitution, Article II, 106784
section 1c and therefore takes effect on the ninety-first day 106785
after this act is filed with the Secretary of State or, if a later 106786
effective date is specified below, on that date. 106787

Section 5743.05 of the Revised Code takes effect July 1, 106788
2017. 106789

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 106790
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 106791
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 106792
3710.99 of the Revised Code take effect January 1, 2018. 106793

Sections 119.06, 125.22, 125.92, 1923.02, 2135.01, 2305.113, 106794
3313.608, 3781.06, 4505.181, 4709.01, 4709.02, 4709.04, 4709.05, 106795
4709.06, 4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 106796
4709.14, 4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 106797
4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 106798
4713.082, 4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 106799
4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 106800
4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 106801
4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 106802

4713.59, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65,	106803
4713.66, 4713.68, 4713.69, 4723.05, 4725.01, 4725.02, 4725.03,	106804
4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091,	106805
4725.092, 4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15,	106806
4725.16, 4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21,	106807
4725.22, 4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29,	106808
4725.31, 4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.42,	106809
4725.43, 4725.44, 4725.45, 4725.46, 4725.47, 4725.48, 4725.49,	106810
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54,	106811
4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 4731.071,	106812
4731.24, 4731.25, 4732.01, 4732.02, 4732.021, 4732.03, 4732.05,	106813
4732.06, 4732.07, 4732.08, 4732.09, 4732.091, 4732.10, 4732.11,	106814
4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 4732.151, 4732.16,	106815
4732.17, 4732.171, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22,	106816
4732.221, 4732.24, 4732.25, 4732.26, 4732.27, 4732.28, 4732.31,	106817
4732.32, 4732.33, 4743.05, 4745.02, 4745.021, 4747.03, 4747.04,	106818
4747.05, 4747.051, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11,	106819
4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03,	106820
4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12,	106821
4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20,	106822
4752.22, 4752.24, 4753.03, 4753.04, 4753.05, 4753.06, 4753.061,	106823
4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091,	106824
4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4755.01,	106825
4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 4755.08,	106826
4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 4755.411,	106827
4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 4755.441,	106828
4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 4755.51,	106829
4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 4755.64,	106830
4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4757.03, 4757.04,	106831
4757.05, 4757.06, 4757.07, 4757.10, 4757.101, 4757.11, 4757.13,	106832
4757.15, 4757.16, 4757.17, 4757.18, 4757.19, 4757.22, 4757.23,	106833
4757.27, 4757.28, 4757.29, 4757.30, 4757.301, 4757.31, 4757.32,	106834
4757.321, 4757.33, 4757.34, 4757.36, 4757.361, 4757.37, 4757.38,	106835

4757.39, 4757.40, 4757.41, 4757.44, 4757.45, 4758.10, 4758.11, 106836
4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 4758.18, 4758.20, 106837
4758.21, 4758.22, 4758.221, 4758.23, 4758.24, 4758.241, 4758.242, 106838
4758.25, 4758.26, 4758.27, 4758.28, 4758.29, 4758.30, 4758.31, 106839
4758.32, 4758.35, 4758.36, 4758.47, 4758.51, 4758.52, 4758.72, 106840
4759.011, 4759.02, 4759.03, 4759.04, 4759.05, 4759.051, 4759.06, 106841
4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 106842
4761.011, 4761.02, 4761.03, 4761.031, 4761.032, 4761.04, 4761.05, 106843
4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 106844
4761.12, 4761.13, 4761.14, 4761.18, 4779.02, 4779.05, 4779.06, 106845
4779.07, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 106846
4779.13, 4779.15, 4779.16, 4779.17, 4779.18, 4779.20, 4779.21, 106847
4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.30, 106848
4779.32, 4779.33, 4779.34, 4781.04, 4781.06, 4781.07, 4781.08, 106849
4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 106850
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 106851
4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 106852
4781.34, 4781.35, 4781.37, 4781.38, 4781.39, 4781.45, 4781.54, 106853
4783.03, 4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12, 106854
4783.13, 5119.94, 5120.55, 5122.01, and 5123.46 of the Revised 106855
Code and Sections 515.20, 515.21, 515.30, 515.31, 515.32, 515.33, 106856
515.34, 515.35, and 515.40 of this act take effect on January 21, 106857
2018. 106858

Section 5124.01 of the Revised Code takes effect July 1, 106859
2018. 106860

Section 812.20. The amendment, enactment, or repeal by this 106861
act of the sections listed below is exempt from the referendum 106862
under Ohio Constitution, Article II, section 1d and therefore 106863
takes effect immediately when this act becomes law or, if a later 106864
effective date is specified below, on that date. 106865

Sections 1509.01, 1509.02, 1509.11, 1509.34, 1509.50, 106866

1513.08, 1513.182, 4301.42, 4301.43, 4303.33, 4305.01, 5168.75, 106867
5168.76, 5168.77, 5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 106868
5168.83, 5168.84, 5168.85, 5168.86, 5703.052, 5703.19, 5739.01, 106869
5739.02, 5739.10, 5741.02, 5743.02, 5743.03, 5743.081, 5743.32, 106870
5743.51, 5743.62, 5743.63, 5749.01, 5749.02, 5749.03, 5749.04, 106871
5749.06, 5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 106872
5749.14, 5749.15, 5749.17, 5751.01, and 5751.02 of the Revised 106873
Code. 106874

The amendment by this act of divisions (B)(3), (B)(13), and 106875
(D)(5) of section 5739.02 of the Revised Code. 106876

The amendment by this act of division (P) of section 5743.01 106877
of the Revised Code. 106878

The amendment by this act of divisions (A)(1) and (2) of 106879
section 5743.51 of the Revised Code. 106880

The amendment by this act of division (A) of section 5743.52 106881
of the Revised Code. 106882

The amendment by this act of divisions (A)(1) and (2) of 106883
section 5743.63 of the Revised Code. 106884

The amendment by this act of division (F)(2)(a) of section 106885
5751.01 of the Revised Code. 106886

Sections of this act prefixed with section numbers in the 106887
200s, 300s, and 400s. 106888

Sections 610.20, 610.21, 610.30, 610.31, 610.50, and 610.51 106889
of this act. 106890

Sections 757.10, 757.20, 757.21, 757.22, and 757.23 of this 106891
act. 106892

Sections 803.60, 803.80, 803.90, 803.140, 803.160, 803.180, 106893
803.190, 803.210, 803.220, and 803.230 of this act. 106894

Sections or parts of sections that state that referenced 106895
sections in whole or in part are exempt from the referendum. 106896

Section 812.30. The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to the referendum	Amendments exempt from the referendum	
1514.11	All amendments in the first paragraph	All amendments except as described in the middle column	
5703.052	The amendments in division (A) except for " <u>former</u> " and " <u>as that section existed before its repeal by ...B... of the 131st general assembly</u> "	All amendments except as described in the middle column	
5703.19	All amendments to division (B)	All amendments except as described in the middle column	

5743.62	All amendments except for those described in the right-hand column	The amendment in divisions (A)(1) and (2);	106917
		The following amendment in division (C): " ~~If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five tenths per cent of the amount shown on the return to be due.~~ "	106918
5749.02	All amendments in division (B) except for the amendments to divisions (B)(4) and (6);	All amendments except as described in the middle column	106919
	The amendments in divisions (B)(5) and (7) substituting the Mining Regulation and Safety Fund;		106920
	The amendment in division (C) striking through ", plus estimated transfers to it from the coal		106921

mining administration
and reclamation
reserve fund under
section 1513.181 of
the Revised Code"

Section 812.40. (A) The repeal of sections 5115.01, 5115.02, 106922
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 106923
5115.23 and the amendment of sections 126.35, 131.23, 323.01, 106924
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 106925
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 106926
5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 106927
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 106928
5747.122 of the Revised Code take effect on December 31, 2017. 106929

(B) Notwithstanding the provisions of Chapter 5115. of the 106930
Revised Code, on and after the effective date of this section and 106931
until December 31, 2017, all of the following apply to the 106932
Disability Financial Assistance Program: 106933

(1) Beginning July 1, 2017, the Department of Job and Family 106934
Services shall not accept any new application for disability 106935
financial assistance. 106936

(2) Before July 31, 2017, the Department shall notify the 106937
following individuals that benefits shall terminate on July 31, 106938
2017: 106939

(a) Recipients who have applications for Supplemental 106940
Security Income or Social Security Disability Insurance benefits 106941
pending before the federal Social Security Administration and who 106942
have received a denial of reconsideration from the Administration 106943
on or before July 1, 2017; 106944

(b) Recipients who do not have applications for Supplemental 106945
Security Income or Social Security Disability Insurance benefits 106946
pending before the Social Security Administration and who have 106947

received from the Administration on or before July 1, 2017, an 106948
initial denial of benefits or denial of reconsideration. 106949

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 106950
the Department shall provide disability financial assistance 106951
benefits only to recipients who have not received a denial of 106952
reconsideration from the Social Security Administration. 106953

(4) After October 1, 2017, the Department shall provide 106954
disability financial assistance benefits only to recipients who 106955
have applications for Supplemental Security Income or Social 106956
Security Disability Insurance benefits pending before the Social 106957
Security Administration and have not received a denial of 106958
reconsideration from the Administration. 106959

(C) Until July 1, 2019, the Department, or the county 106960
department of job and family services at the request of the 106961
Department, may take any action described in former section 106962
5115.23 of the Revised Code to recover erroneous payments, 106963
including instituting a civil action. 106964

(D) Beginning December 31, 2017, the Executive Director of 106965
the Governor's Office of Health Transformation, in cooperation 106966
with the Directors of the Departments of Job and Family Services 106967
and Mental Health and Addiction Services, the Medicaid Director, 106968
and the Executive Director of the Opportunities for Ohioans with 106969
Disabilities Agency, shall ensure the establishment of a program 106970
to do both of the following: 106971

(1) Refer adult Medicaid recipients who have been assessed to 106972
have health conditions to employment readiness or vocational 106973
rehabilitation services; 106974

(2) Assist adult Medicaid recipients who have been assessed 106975
to have disabling health conditions to expedite applications for 106976
Supplemental Security Income or Social Security Disability 106977
Insurance benefits. 106978

Section 812.50. (A) The following are subject to the	106979
referendum and take effect on the ninety-first day after this act	106980
is filed with the Secretary of State:	106981
 The amendment to division (D) of section 5124.15 of the	106982
Revised Code.	106983
 The amendment to division (A) of section 5124.21 of the	106984
Revised Code.	106985
 (B) The following are subject to the referendum and take	106986
effect on July 1, 2018:	106987
 The amendment to sections 5124.01, 5124.101, 5124.151,	106988
5124.155, 5124.19, 5124.191, 5124.30, and 5124.39 of the Revised	106989
Code.	106990
 The amendment to section 5124.15 of the Revised Code, except	106991
for division (D) of the section.	106992
 The amendment to section 5124.21 of the Revised Code, except	106993
for division (A) of the section.	106994
 Section 815.10. The General Assembly, applying the principle	106995
stated in division (B) of section 1.52 of the Revised Code that	106996
amendments are to be harmonized if reasonably capable of	106997
simultaneous operation, finds that the following sections,	106998
presented in this act as composites of the sections as amended by	106999
the acts indicated, are the resulting versions of the sections in	107000
effect prior to the effective date of the sections as presented in	107001
this act:	107002
 Section 105.41 of the Revised Code as amended by both Am.	107003
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.	107004
 Section 109.572 of the Revised Code as amended by both Sub.	107005
H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.	107006
 Section 121.22 of the Revised Code as amended by both Sub.	107007

H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.	107008
Section 124.26 of the Revised Code as amended by both Am.	107009
Sub. H.B. 487 and Am. Sub. H.B. 490 of the 129th General Assembly.	107010
Section 2329.66 of the Revised Code as amended by both H.B.	107011
155 and Sub. S.B. 11 of the 131st General Assembly.	107012
Section 3302.03 of the Revised Code as amended by both Am.	107013
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.	107014
Section 3313.372 of the Revised Code as amended by both Am.	107015
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	107016
Section 3314.03 of the Revised Code as amended by Am. Sub.	107017
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	107018
General Assembly.	107019
Section 3318.37 of the Revised Code as amended by both Am.	107020
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	107021
Section 3326.11 of the Revised Code as amended by Am. Sub.	107022
H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st	107023
General Assembly.	107024
Section 3742.01 of the Revised Code as amended by both Am.	107025
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	107026
Section 4725.09 of the Revised Code as amended by both Am.	107027
Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	107028
Section 4729.01 of the Revised Code as amended by Sub. H.B.	107029
216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the	107030
131st General Assembly.	107031
Section 4729.51 of the Revised Code as amended by both Sub.	107032
H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.	107033
Section 4731.07 of the Revised Code as amended by both Am.	107034
Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	107035
Section 4731.22 of the Revised Code as amended by Sub. H.B.	107036

290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.	107037 107038
Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.	107039 107040 107041
Section 4732.14 of the Revised Code as amended by both Sub. H.B. 83 and Am. Sub. H.B. 98 of the 130th General Assembly.	107042 107043
Section 4757.41 of the Revised Code as amended by both Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.	107044 107045
Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	107046 107047
Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	107048 107049
Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.	107050 107051
Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.	107052 107053
Section 5739.02 of the Revised Code as amended by Am. Sub. H.B. 64, Sub. H.B. 390, and Sub. S.B. 172, all of the 131st General Assembly.	107054 107055 107056
Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.	107057 107058
Section 5747.51 of the Revised Code as amended by both Sub. H.B. 166 and Sub. H.B. 390 of the 131st General Assembly.	107059 107060